

OSBA Model Sample Policy

Code: GBA
Adopted:

Equal Employment Opportunity

{OAR 581-022-2405 requires districts to have personnel policies which address affirmative action and equal employment opportunity.}

Equal employment opportunity and treatment shall be practiced by the district regardless of race¹, color, religion, sex, sexual orientation, gender identity, national origin, marital status, pregnancy, childbirth or a related medical condition², age, veterans' status³, service in a uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁴ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The district administers preference in hiring or promotion decisions in accordance with Oregon law for applicants claiming preference as a veteran, disabled veteran, state servicemember or former state servicemember.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), and Section 504 of the Rehabilitation Act. The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be ~~provided~~ communicated to all students, parents of students and employees through handbooks and will be published on the district website.

The superintendent will develop other specific ~~recruiting~~ recruitment, interviewing and evaluation procedures ~~as are~~ necessary to implement this policy. These procedures will seek to provide an equal employment opportunity and eliminate the effects of past and present discrimination[, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or physical or mental disabilities].

END OF POLICY

Legal Reference(s):

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 ~~(as amended by House Bill 2935 (2021))~~.

² ~~This unlawful employment practice~~ [Certain protections related to pregnancy, childbirth or a related medical condition ~~as described in House Bill 2341 (2019) (added to ORS 659A)~~ applies to employers who employ six or more persons (ORS 659A.106 and ORS 659A.148).] {Remove if district has six or more employees.}

³ ~~The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.~~

⁴ ~~This unlawful employment practice~~ [Certain protections related to disability ~~as described in ORS 659A.112~~ applies only to employers who employ six or more persons (ORS 659A.106).] {Remove if ESD has six or more employees.}

[ORS 174.100](#)
~~ORS 243.317 – 243.323~~05
[ORS 326.051](#)
[ORS 332.505](#)
~~ORS 342.934~~
[ORS 408.225](#) – 408.237
~~ORS 408.230~~
~~ORS 408.235~~
[ORS 652.210](#) - 652.220
[ORS 659.850](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
~~ORS 659A.040~~
[ORS 659A.082](#)
[ORS 659A.109](#)
[ORS 659A.112](#)
[ORS 659A.147](#)
~~ORS 659A.233~~
~~ORS 659A.236~~
~~ORS 659A.309~~
~~ORS 659A.321~~

~~ORS 659A.409~~
[ORS 659A.820](#)

[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
~~OAR 839-003-0000~~
[OAR 839-006-0435](#) - 0480
~~OAR 839-006-0440~~
~~OAR 839-006-0450~~
~~OAR 839-006-0455~~
~~OAR 839-006-0460~~
~~OAR 839-006-0465~~

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2018~~2024).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (~~2018~~2024).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (~~2018~~2024); 29 C.F.R Part 1626 (~~2019~~2025).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (~~2018~~2024).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (~~2018~~2024).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (~~2018~~2024); 34 C.F.R. Part 104 (~~2019~~2025).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, ~~1701, 1703-1705, 1720~~ (~~2018~~2024);

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Americans with Disabilities Act ~~of 1990~~/Americans with Disabilities Act Amendments Act, 42 U.S.C. §§ 12101-12213 (~~2018~~2024); 29 C.F.R. Part 1630 (~~2019~~2025); 28 C.F.R. Part 35 (~~2019~~2025).

~~Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).~~

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (~~2018~~2024).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (~~2018~~2024).

~~Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).~~

~~Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).~~

Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303, 4311 (~~2018~~2024).