

Board Equity and Inclusion Sub-
Committee-Affirmative Action Policy
Review

Due to COVID-19 Board meetings will take
place via Zoom

Wednesday, October 27, 2021 1:00 PM

Agenda

1. Call to order
2. Review Board Policy GBA- Equal Employment Opportunity
3. Review Board Administrative Rule GBA-AR(1)-Affirmative Action Plan

Multnomah Education Service District

Code: **GBA**

Adopted: 11/18/80

Revised/Readopted: 3/17/87; 9/28/92; 6/09/93;
8/20/93; 9/20/94; 3/15/05,
2/19/08; 1/18/11; 4/30/14;
1/19/16; 2/18/20

Orig. Code(s): 3000; 3100; 3210

Equal Employment Opportunity

MESD shall provide equal employment opportunity and treatment to all present and prospective employees regardless of age, national origin, race¹, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or a related medical condition², family relationship, veterans' status, service in uniformed service, genetic information, an individual's juvenile record that has been expunged, or disability³ if disability does not preclude performance of essential functions of the position with or without reasonable accommodations.

As long as MESD employs more than 50 employees and enters into contracts with the federal government, MESD is required to maintain an affirmative action program. The affirmative action program shall encompass all organizational rules and procedures affecting employment recruiting and advertising, hiring, job assignments, transfers, compensations, benefits, training and all other terms and conditions of employment.

The Superintendent shall appoint and make known the names of the individuals to contact on issues concerning the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues. The ESD will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public.

In the event MESD is charged with a discrimination allegation, properly filed with an appropriate state or federal authority, the superintendent or designee shall inform the Board of the employment discrimination allegation and describe the allegation completely for the Board at the first regularly scheduled meeting thereafter.

The Board authorizes the superintendent to respond to any inquiries from state or federal agencies charged with investigating, monitoring or mediating employment discrimination allegations concerning possible pre-investigatory resolutions with individuals alleging discrimination against MESD.

In the event of such an investigation into allegations of employment discrimination against MESD, the Superintendent or designee shall inform the Board at the earliest opportunity of the alternative courses of

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 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.

³ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

action including any that could lead to resolution of the allegation. The Board shall determine any actions to be taken by MESD in response to the allegation.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.006	OAR 581-021-0045
ORS 326.051	ORS 659A.009	OAR 581-024-0245
ORS 334.125(5)	ORS 659A.029	OAR 839-003-0000
ORS 342.934	ORS 659A.030	OAR 839-003-0000
ORS 408.225	ORS 659A.040 to-659A.052	OAR 839-006-0435
ORS 408.230	ORS 659A.082	OAR 839-006-0440
ORS 408.235	ORS 659A.112	OAR 839-006-0445
ORS 659.805	ORS 659A.109	OAR 839-006-0450
ORS 659.850	ORS 659A.233	OAR 839-006-0455
ORS 659.870	ORS 659A.236	OAR 839-006-0460
ORS 659A.003	ORS 659A.309	OAR 839-006-0465
	ORS 659A.321	
	ORS 659A.409	House Bill 2341 (2019)
	ORS 659A.820	House Bill 2935 (2021)
		House Bill 3041(2021)
		Senate Bill 479 (2019)

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

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

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

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

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); 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, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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

Americans with Disabilities Act Amendments Act of 2008. , 42 U.S.C. §§ 12101-12133 (2012)

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

Genetic Information Nondiscrimination Act of 2008. , 42 U.S.C. § 2000ff-1 (2012)

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

MESD Policy Cross Reference(s):

AA - MESD Purpose and Goals

AC - Non Discrimination

ACA - Americans with Disabilities Act

AE - MESD Goal Setting

GA - Personnel Policy Goals

GAB - Position Descriptions

GB - Personnel Policies

GBM - Staff Complaints

GBN/JBA - Sexual Harassment

GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing

GCC - Recruitment of Staff

GCDA/GDDA - Recruitment, Selection, Hiring, Criminal History

GD - Classified Employee/Classified Employee Positions

Multnomah Education Service District

Code: **GBA-AR(1)**
Adopted: 10/12/94
Amended: 9/20/05; 7/01/10
Reviewed: 1/18/11

Affirmative Action Plan

Board Policy GBA - Equal Employment Opportunity
 JB - Equal Educational Opportunities

Affirmative Action

As part of the implementation of its equal employment opportunity policy, MESD will continue to attempt to make its policy known to segments of the population who may be unaware of its existence. As part of MESD's equal educational opportunities for all children, MESD will continue its efforts to make its staff more representative of the community and the state of Oregon.

1. Administrative Responsibility

At least once each year, the Board will review the affirmative action plan and make any necessary changes or amendments. While the Board is ultimately responsible for the development and implementation of affirmative action, specific authority is delegated as follows:

- a. The director of human resource services has the basic responsibility for the implementation of the plan and is the affirmative action officer of MESD.
- b. The director of human resource services is responsible for the periodic review of the plan to insure that it is being implemented throughout MESD and that objectives are being met. He/She shall prepare reports for the Board recommending additional steps or changes needed to achieve the goals of the plan and he/she shall also familiarize himself/herself with the various laws and regulations affecting affirmative action requirements.

2. Dissemination of Plan

The plan will be implemented throughout MESD and communicated to individuals and/or organizations as follows:

- a. The plan is included in the personnel policies of MESD as part of a continuing component of the policies.
- b. The Plan will be publicized on MESD's website.
- c. All persons engaged in the hiring, placement, training and education of employees will have a copy of the plan made available.

The plan will include a Utilization Analysis Chart, Goals and Aspirations, Proposed Objectives and timetables as well as training options for MESD staff.

3. Evaluation of Program

The following records will be maintained for statistical purposes and will be reviewed at least annually by the Superintendent and the Board to evaluate the status and effectiveness of the program.

- a. Utilization Analysis Chart;
- b. New employees' job classification, race and sex;
- c. Turnover by job classification, race, sex, and the reasons for turnover (e.g. dismissal, resignation, job elimination, etc.);
- d. A record of all training provided to MESD staff and a record of employee participation in trainings;
- e. A record of all discrimination complaints filed against MESD and the disposition of these complaints.

4. Complaint Process

Employees who believe they have been discriminated against because of age, national origin, color, race, religion, sex, sexual orientation, disability or marital status shall present their grievance through the procedure adopted by MESD policy.