



AP 3420 Equal Employment Opportunity

References:

Title VII of the Civil Rights Act of 1964 (Title VII) and 42 U.S. Code Section 2000e;
Title VI: 34 CFR 100.3(b)
Title IX: 34 CFR 106.38
The Age Discrimination in Employment Act of 1967(ADEA) and 29 Code of Federal Regulations Parts 1625 et seq.;;
Americans with Disabilities Act of 1990 (ADA) and 29 Code of Federal Regulations Parts 1630 et seq.;;
ADA Amendments Act of 2008 (ADAAA);
Section 504: 34 CFR 104.46(b)
The Equal Pay Act of 1963 and Fair Pay Act of 2009
Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) and 29 Code of Federal Regulations Parts 1635.1 et seq.;;
29 Code of Federal Regulations Parts 1601.1 et seq. – Discrimination based on National Origin;
29 Code of Federal Regulations Parts 1606 et seq. – Religious Discrimination;
Pregnancy Discrimination Act of 1978 (PDA) and 29 Code of Federal Regulations Part 1604.10
ORS 659A and 654
AP 3410 – Nondiscrimination
AP 3430 – Protected Class Discrimination Reporting and Resolution

1. Equal Employment Opportunity Overview

A. General Policy

Rogue Community College is committed to providing equality of opportunity and treatment of all employees and applicants for employment. Employment decisions shall not be influenced by an individual's association with a protected status, including but not limited to the following requirements:

1. All aspects of employment, including but not limited to: recruiting, hiring, compensation, classification, benefits administration, training, and promotion shall be conducted without regard to association with a protected status, injured worker status, non-supervisory family relationship, military status, or other areas protected by state or federal civil rights, except when sex or age is a bona fide occupational qualification.



2. Pay practices shall ensure equitable compensation for individuals who perform substantially equal work, regardless of an individual's association with a protected status.
3. Reasonable accommodation shall be made for the religious beliefs of an employee or prospective employee.
4. Genetic information including but not limited to information about an individual's genetic tests, information about the genetic tests of a family member, family medical history, or requests for, and receipt of, genetic services by an individual or a family member shall not be used in employment decisions.
5. Employees who are victims of domestic violence, sexual assault, or stalking shall not be discriminated against in any aspect of employment.

2. ADA and Reasonable Accommodation in Employment

A. General Policy

In accordance with the requirements of Title I and Title V of the Americans with Disabilities Act of 1990, as amended, Rogue Community College prohibits discrimination against qualified individuals with disabilities in its employment, services, programs, or activities. The College shall provide reasonable accommodation for the known physical or mental impairments of otherwise qualified individuals, unless doing so would impose an undue hardship. Individuals who experience disability may request accommodation in accordance with the applicable procedures below.

B. Definitions

1. "Individual" means an employee or volunteer of RCC, or an applicant for college employment.
2. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual."
3. "Qualified Individual with a Disability" means an individual with a disability who satisfies the required skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
4. "Essential functions" are those that are fundamental to accomplishing the job. An individual must be able to perform the essential functions of a job with or without reasonable accommodation.
5. "Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working as well as major bodily functions.

6. “Interactive Process” is an informal, interactive process consisting of discussions between the College and the employee for the purpose of identifying the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.
7. “Reasonable Accommodation” is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job without a direct threat to their safety or the safety of another. A reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modifying work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. A reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the same benefits and privileges of employment that are enjoyed by individuals without disabilities.
8. “Undue Hardship” means an action that would cause significant difficulty or expense to the College when considered in relation to factors such as the size, nature, structure, and financial resources of the College. Undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the College’s business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

C. Reasonable Accommodations

Generally, it is the employee’s responsibility to inform the College that an accommodation is needed to enable them to perform their essential job functions. Qualified individuals with disabilities may request a reasonable accommodation at any time, by providing notice to either their supervisor, interviewer, or the HR Department. The qualified individual need not specifically request a “reasonable accommodation,” but need only let the supervisor, interviewer, or HR Department know that some adjustment or change is needed to perform a job because of the limitations caused by the disability. In the event the response from the supervisor or interviewer is not satisfactory to that individual, they should contact the HR Department for additional assistance. If an employee with a known disability is having difficulty in performing a job, and it appears to be due to the disability, the employee’s supervisor should contact HR for guidance. The supervisor may inquire at any time whether the employee needs an accommodation, if they believe accommodation may be needed. If an individual requests an accommodation, and the need for the accommodation is not obvious, or if the supervisor or HR do not believe that the specific accommodation requested is needed, then HR may request documentation of the individual’s functional limitations to support the request. All employees and applicants are



expected to fully cooperate with efforts to confirm work-related limitations and provide input regarding possible accommodations. The College shall provide reasonable accommodation on a case-by-case basis, depending on the nature and extent of the disability and the requirements of the job. The level of accommodation needed, and ability for the College to provide such an accommodation, shall be determined by entering into an interactive process with the employee in order to determine the nature of the employee's specific restrictions and to explore all possible accommodations.

D. Pre-Employment

The College shall provide an equal opportunity for individuals with a disability to participate in the job application process and to be considered for employment. RCC may not make any pre-employment inquiries regarding an individual's disability, but may ask questions about the ability to perform essential job functions. The College also reserves its right to conduct post-offer medical inquiries or medical examinations for particular positions in accordance with applicable law. Any test that screens out or tends to screen out individuals on the basis of disability are prohibited, unless the test is job-related and consistent with business necessity.

E. Other Employment Practices

The College shall not discriminate against a qualified individual with a disability because of the disability, in any employment practice, or in any term, condition, or benefit of employment, subject to the employee being fit for duty and meeting the essential qualifications of the job without a direct safety threat. The College shall not deny an employment opportunity because an individual has a relationship or association with an individual who has a disability. The College shall not participate in any contractual or other arrangement that subjects a qualified individual with a disability to discrimination. The College shall not discriminate or retaliate against any individual, whether or not the individual is disabled, because the individual has opposed a discriminatory practice, filed a discrimination charge, or participated in any way in enforcing the ADA. Each job description shall identify essential job functions. The HR Department shall review job descriptions as needed to eliminate any job functions that have become nonessential.

F. Confidentiality

Any information obtained concerning the medical condition or history of an applicant or employee shall be maintained in separate medical files, and shall be treated as confidential information that shall only be disclosed as necessary and in accordance with law.

G. External Reporting Options

Individuals are encouraged to utilize an internal complaint process, but do have a right to file an external complaint of disability discrimination with:

1. U.S. Department of Education's Office for Civil Rights, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099, (206)220-7900 (v), (206)222-7887 (fax)
2. Equal Employment Opportunity, Seattle Field Office, 909 First Avenue, Suite 400, Seattle, WA 98104-1061, 1-800-669-4000 (v), 1-800-669-6820 (TTY), 206-220-6911 (fax)



3. Bureau of Labor and Industries, 3865 Wolverine Ave NE, Building E, Suite 1. Salem, OR 97305-1268, Phone: 503-378-3292, Ore. Relay TTY: 711

H. Equipment Purchasing

Those making purchases for the College shall consider the adaptability of the equipment for use by a qualified individual with a disability as one factor in purchasing equipment. Making the facility as accessible as possible to qualified individuals with disabilities shall be considered as one factor when a college facility is to be remodeled.

3. Genetic Information

A. General Policy

Pursuant to the federal Genetic Information Nondiscrimination Act of 2008 (GINA), RCC respects the privacy of genetic information including information regarding an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e., an individual's family medical history). Discrimination, harassment, or retaliation on the basis of genetic information regarding any aspect of employment shall not be tolerated.

4. Religious Accommodation

A. General Policy

RCC respects the religious beliefs and practices of all employees and shall make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship for the College. An employee whose religious beliefs or practices conflicts with their job, work schedule, or with the College's policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation, must submit a written request for the accommodation to HR. The written request shall include the type of religious conflict that exists and the employee's suggested accommodation. The College shall provide religious accommodation on a case-by-case basis, depending on the nature and extent of the accommodation requested and the requirements of the job.

5. Victims of Domestic Violence, Sexual Assault, or Stalking

A. Leaves of Absence

RCC employees are entitled to take a reasonable amount of paid or unpaid leave to address domestic violence, sexual assault, or stalking in accordance with the provisions of ORS 659A.272. Employees involved in domestic or non-work related situations that may pose a risk to the workplace are encouraged to inform their supervisor or HR as soon as practicable. An authorized use of leave includes seeking legal or law enforcement assistance or remedies; seeking medical treatment for or recovering from injuries; obtaining counseling or services from a victim services



provider; or relocating or taking steps to secure a safe home for the employee or minor child. When applicable, such leave shall also be designated as protected leave per FMLA and/or OFLA.

B. Restraining Orders

Individuals who apply for or obtain a protective or restraining order that lists RCC College campus(es) or other facilities as protected areas, should provide the HR Department with a copy of the related petition and declarations and/or the temporary or permanent protective or restraining order.

C. Requests for Reasonable Safety Accommodation

RCC offers reasonable safety accommodation to employees who are victims of domestic violence, sexual assault, or stalking. When an employee requests a reasonable safety accommodation, the College will engage in discussions with the employee about the nature and scope of a reasonable safety accommodation that will best address the particular safety concern affecting the individual employee. Requests for leave and reasonable safety accommodation may only be limited or denied when the employee's leave would create an undue hardship on college operations. Reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, changed work station, telephone number, workplace facility or work requirement in response to actual or threatened domestic violence, sexual assault or stalking.

D. Records and Confidentiality

In accordance with ORS 659A.280(5), all records and information kept by the College regarding an employee's request for, or use of, leave and/or a reasonable safety accommodation will be kept confidential and may not be released without the express written permission of the individual, unless otherwise required by law. Documents provided to the College regarding the leave shall be maintained in a confidential, locked file separate from employee personnel files.

E. Prohibited Conduct

No person may refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, sexual assault or stalking. No person may discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation, or other terms, conditions or privileges of employment because the employee is a victim of domestic violence, sexual assault, or stalking, or because the employee requests leave or reasonable safety accommodations under the provisions of this procedure.

Rescinds Procedure Number: AP-028

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