

ARTICLE 21 - NONDISCRIMINATION

Portland Community College does not tolerate unlawful discrimination based on race, color, religion, ethnicity, use of native language, national origin, sex, marital status, height/weight ratio, disability, veteran status, age, or sexual orientation in any area, activity or operation of the District. In addition, the college complies with the Civil Rights Act of 1964 (as amended), related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, USERRA – Uniformed Services Employment and Reemployment Rights Act, and all civil rights laws of the City of Portland and the State of Oregon. Accordingly, equal opportunity for employment, admission, and participation in the college’s benefit and services shall be extended to all persons, and the college shall promote equal opportunity and treatment through a positive and continuing affirmative action plan.

The Board and Federation agree that the provisions of this Agreement shall be applied equally to all employees without unlawful discrimination in accordance with the College’s Nondiscrimination statement. Unlawful discrimination as defined in this Article includes harassment which is prohibited by State or Federal employment discrimination laws (e.g. national origin, race or sex).

21.1 Complaints by any employee who believes he/she has been subjected to discrimination or harassment on the basis of any protected class as described above shall be processed under 21.2 of this Agreement.

21.2 Discrimination/Harassment Complaints

21.21 Informal Step. The complaint(s) shall be filed first with the College Affirmative Action Office and processed at the informal step of the College's discrimination complaint procedure.

21.22 If the issue is not resolved at the informal level, the employee shall have the option of filing a formal complaint through the College's discrimination complaint procedure or filing a formal grievance beginning at Step 2 (Article 25.22 or 25.32, as appropriate).

21.23 If the employee files a complaint with any external public agency or with a State or Federal Court, the discrimination complaint procedure or the grievance shall automatically terminate.

21.24 The grievance will proceed to binding arbitration under the provision of Article 25.4 (grievance procedure) only if the employee signs a waiver of her/his right to file a complaint with a State or Federal agency or court and agrees to accept the arbitrator's decision as final and binding.