



# ADMINISTRATIVE POLICY

<b>SECTION:</b>	<b>POLICY#:</b> 212
<b>TITLE:</b> Fair Treatment, Equal Protection, and Nondiscrimination Policy	<b>R &amp; O #:</b> 23-43
	<b>IMPLEMENTED BY PROCEDURE #:</b> 212A Fair Treatment, Equal Protection, and Nondiscrimination Procedure; 211A Washington County ADA Grievance Procedure; 207-A Limited English Assistance
<b>SPONSORING DEPT/DIV:</b>	
<b>ADOPTED:</b> 6/27/2023	<b>REVIEWED:</b>

**PURPOSE:** The purpose of this policy is to establish standards for the fair treatment and equal protection of all people in accessing Washington County programs, activities, benefits and services.

**AUTHORITY:** Title VI of the Civil Rights Act of 1964 as amended, and the Civil Right Restoration Act of 1987 (P.L. 100.259), Title VIII of the Fair Housing Act of 1968, Sections 503 and 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Section 1557 of the Patient Protection and Affordable Care Act, other related Federal and state Civil Rights laws, Oregon Revised Statute 659A.103 and 659A.403, Oregon Administrative Rules 407-030-0010, Oregon Administrative Rule 943-005-0010 and Washington County Resolution and Order 20-30.

## GENERAL POLICY:

Washington County strives to treat all people equally. It is our policy to prevent and remediate discrimination on the basis of an identity protected by federal, state, or local civil rights law. We want all people to receive quality services and benefits and have opportunities for meaningful engagement in Washington County programs and activities.

This policy is intended to affirm our commitment to equal protection and fair treatment for all people who live, work, learn, play and pray in Washington County, as well as to require taking affirmative action to address past and present discrimination. All Washington County programs, departments and contractors are implicated by this policy. It serves as the foundation by which we ensure Civil Rights compliance and build toward greater equity and inclusion for everyone in our community.

Federal Civil Rights laws to which Washington County are subject, and the ways in which Washington County shall ensure compliance, include the following:

- A. **Title VI of the Civil Rights Act of 1964** (Title VI) states: "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the

benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Washington County strives to assure that no person shall, on the grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity that is a recipient of Federal financial assistance.

Washington County shall comply with all applicable Federal agency regulations prohibiting disparate impact in County programs or activities, and do so whether or not those programs and activities are federally funded, consistent with the Civil Rights Restoration Act of 1988.

In the event Washington County distributes federal aid funds to another governmental entity or other subrecipient, Washington County will include Title VI language in all written agreements and will monitor their compliance.

Washington County's Office of Equity, Inclusion and Community Engagement is responsible for initiating and monitoring Title VI activities, preparing required reports and updates, coordinating a complaint process, and other responsibilities as required by 23 CFR Part 200, 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964), and 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

**B. Title II of the Americans with Disabilities Act of 1990** (Title II of ADA) states: "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."

Washington County is committed to preventing discrimination against qualified individuals on the basis of disability in its service, programs, or activities. Washington County will make all reasonable modifications to policies and programs so that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Washington County will generally, upon request, provide reasonable accommodation and appropriate auxiliary assistance to support accessibility and effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities. Washington County may refuse to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Washington County's Office of Equity, Inclusion and Community Engagement is responsible for supporting and monitoring ADA compliance activities, preparing required reports and updates, coordinating a complaint process, and other responsibilities as required by 28 CFR Part 35.

## DEFINITIONS:

The following definitions shall apply for the purpose of this part:

- (a) **Affirmative action.** A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.
- (b) **Beneficiary.** Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, *i.e.*, relocatees, impacted citizens, communities, etc.
- (c) **Compliance.** That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
- (d) **Discrimination.** That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity.
- (e) **Facility.** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and *the provision of facilities* includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities.
- (f) **Familial status.** The relationship between one or more individuals who have not attained 18 years of age and who are domiciled with:
- (1) A parent or another person having legal custody of the individual; or
  - (2) The designee of the parent or other person having such custody, with the written permission of the parent or other person.
  - (3) Familial status includes any individual, regardless of age or domicile, who is pregnant or is in the process of securing legal custody of an individual who has not attained 18 years of age.
- (g) **Federal assistance.** Includes:
- (1) Grants and loans of Federal funds,
  - (2) The grant or donation of Federal property and interests in property,
  - (3) The detail of Federal personnel,
  - (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
  - (5) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.
- (h) **National origin.** includes ancestry.

(i) **Noncompliance.** The unsatisfactory condition that arises when recipient has failed to meet the prescribed requirements and has shown an apparent lack of good faith effort in implementing all policy provision requirements.

(j) **Persons.** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

(k) **Program.** Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

(l) **Protected class.** A group of persons distinguished by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income or disability.

(m) **Protective hairstyle.** means a hairstyle, hair color or manner of wearing hair that includes, but is not limited to, braids, regardless of whether the braids are created with extensions or styled with adornments, locs and twists.

(n) **Race.** Physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles.

(o) **Recipient.** Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term *recipient* does not include any ultimate beneficiary under any such program.

(p) **Title VI Program.** The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

(1) Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-d4](#) ([49 CFR part 21](#)); the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; [28 CFR 50.3](#));

(2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ([42 U.S.C. 4601-4655](#)) ([49 CFR part 25](#)); Pub. L. 91-646);

(3) Title VIII of the Civil Rights Act of 1968, amended 1974 ([42 U.S.C. 3601-3619](#));

(4) [23 U.S.C. 109\(h\)](#);

(5) [23 U.S.C. 324](#);

## **POLICY GUIDELINES:**

### **1. Responsibilities:**

All County Departments and Offices, in collaboration with the Office of Equity, Inclusion and Community Engagement and consistent with any and all guidance materials, shall take all steps necessary to ensure compliance consistent with legal and administrative obligations, to sufficiently administer programs, services and activities in a nondiscriminatory manner, and to review and resolve any complaints pursuant to this policy.

### **2. Implementation:**

Elected officials and department directors are expected to be knowledgeable of, and shall be responsible for, implementing this policy within their respective departments. Observance of this policy is mandatory for all County employees and violation may result in disciplinary action (up to and including termination).

Contractors, service providers and grantees shall be in compliance with all provisions of the policy. Any violation of this provision may be considered a material defect and may be grounds for cancellation, termination or suspension in whole or in part by the County.

### **3. Periodic Review:**

This policy shall be reviewed by the Office of Equity, Inclusion and Community Engagement at least every three years, or more often if needed, and updated as necessary.