



IOWA DEPARTMENT OF EDUCATION

Community College Accreditation Guidance – Nondiscrimination Statements

September, 2016

Introduction

Each community college is required by federal statute to have nondiscrimination statements covering access to programs and employment. This document contains guidance regarding the requirements of the nondiscrimination statements for Iowa’s community college state accreditation purposes.

Federal and State Protected Classes

There are two obligations required when providing notice of nondiscrimination: annual and continuous. These may be two separate statements, or a college may choose to combine the statements. However, if the statements are combined into one nondiscrimination statement, the college must ensure that the requirements of each individual statement are satisfied. These requirements are outlined below.

The authority for these requirements resides in the federal statutes and regulations provided in Table 1. The classes protected under each statute or regulation are also provided and must be contained in the annual and continuous nondiscrimination statements as indicated in the table. A combined nondiscrimination statement must contain all of these protected classes.

Table 1. Federal Protected Classes

Federal Continuous Notice	
Authority	Protected Class
Title VI Regulation - 34 CFR Part 100	Race Color National Origin
Title IX Regulation – 34 CFR Part 106	Sex
Section 504 Regulation – 34 CFR Part 104	Disability
Title II Regulation – 28 CFR Part 35	Disability
Age Discrimination Act of 1975 – 34 CFR Part 110	Age
Federal Annual Notice	
1979 Guidelines for Eliminating Discrimination in Vocational Education Programs – 34 CFR Part 100 Appendix B	Race Color National Origin Sex Disability

Table 2 lists the classes protected under Iowa statute. Though authority for annual and continuous nondiscrimination statements is contained in federal law, Iowa’s state community college accreditation process requires that additional classes protected by Iowa statute be included in the college’s continuous and annual statements or a combined statement.

Table 2. Iowa Protected Classes

Iowa Code Authority	Protected Class
§216.9 - Programs	Race
	Color
	National Origin
	Sex
	Disability
§216.9(d)	Sexual Orientation* Gender Identity* Creed* Religion*
§216.6 – Employment	Actual or potential parental, family, or marital status* Age

* Protected classes not covered by federal statute.

Annual Notice Requirements

Section IV of the *1979 Guidelines for Eliminating Discrimination in Vocational Education Programs* requires recipients of federal funding (in this case, each community college) that operate career and technical education (CTE) programs to provide an **annual** notice of nondiscrimination prior to the beginning of each school year to:

- Students
- Parents
- Employees
- General public

The key difference between the annual and continuous notice of nondiscrimination is that the annual notice must include a list of the college's CTE program offerings and admission criteria, if in addition to or different from regular college admission criteria. It must also include the position title, address, and telephone number of the person(s) designated as equity coordinator(s) under Title IX and Section 504, as well as contact information for the Office for Civil Rights (OCR). A sample annual notice of nondiscrimination can be found in Appendix A. The notice must be published in forums that will allow the public (i.e., the college's entire service region) to view it, such as:

- College website
- Newsletters
- Local newspapers
- Staff, student, parent, housing, and coaches' handbooks
- Admissions and registration materials (at least for the start of new "traditional" academic years – August/September)

If the college's service area contains a community of national origin minority persons with limited English language skills, the annual notice must be disseminated to the community in its language and assure that the lack of English language skills will not be a barrier to admission and participation in the college's CTE programs.

Continuous Notice Requirements

Title IX, Section 504, and Title II regulations require that notices of nondiscrimination be made on a **continuing** basis. This statement must include the position title, address, and telephone number of the person(s) designated as equity coordinator(s) under Title IX and Section 504, as well as contact information for the Office for Civil Rights (OCR). However, unlike the annual notice, the continuous notice of nondiscrimination is not required to contain a list of the college's CTE program offerings and admissions criteria. All colleges must implement specific and continuing steps to notify the following groups of this policy:

- Students, parents, employees
- Applicants for admission and employment
- Sources of referral of such applicants
- Unions with collective bargaining agreements
- Participants, beneficiaries, and applicants, including persons with impaired vision and/or hearing

A sample continuous notice of nondiscrimination can be found in Appendix B. Continuous notice requirements may be met by prominently publishing the nondiscrimination statement in major publications, such as:

- College catalog, calendar(s), planner
- College website and electronic publications
- Student, Employee, Faculty Handbooks (including Quality Faculty Plan and Senior Year Plus material)
- Newsletters, announcements, bulletins, and notices posted on campus
- Application forms (college, CTE programs, housing, scholarship, etc.)
- Recruitment materials (college, CTE programs, housing, sports, clubs, scholarship, etc.)

Compliance

The Iowa Department of Education (IDOE), Division of Community Colleges and Workforce Preparation will review each college's annual and continuous notice of nondiscrimination as part of (1) the state community college accreditation review process and (2) the equity review process required by the federal Office for Civil Rights (OCR). Instances of noncompliance with state accreditation requirements will be noted in the accreditation report submitted to the Iowa State Board of Education; while noncompliance with federal requirements will be noted in the college's equity report submitted to the OCR.

Resources

Contact Barbara Burrows at barbara.burrows@iowa.gov or 515-281-0319 with comments or questions regarding these nondiscrimination statement requirements. More information on the accreditation process is available on the IDOE [website](#).

Appendix A: Sample Annual Notice

[Name of college] offers career and technical programs in the following areas of study:

[List CTE Programs offered by institution by Career Cluster]

Agriculture, Food, and Natural Resources

Architecture and Construction

Arts, A/V Technology, and Communications

Business Management and Administration

Education and Training

Finance

Government and Public Administration

Health Sciences

Hospitality and Tourism

Human Services

Information Technology

Law, Public Safety, Corrections, and Security

Manufacturing

Marketing

Science, Technology, Engineering, and Mathematics

Transportation, Distribution, and Logistics

It is the policy of [name of college] not to discriminate on the basis of race, color, national origin, sex, disability, age (employment), sexual orientation, gender identity, creed, religion, and actual or potential parental, family, or marital status in its programs, activities, or employment practices as required by the Iowa Code §§216.6 and 216.9, Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and Title II of the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

If you have questions or complaints related to compliance with this policy, please contact [Position Title of Equity Coordinator(s), contact address, contact telephone number, contact email address], or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone number 312/730-1560, fax 312/730-1576.

Appendix B: Sample Continuous Notice

It is the policy of [name of college] not to discriminate on the basis of race, color, national origin, sex, disability, age (employment), sexual orientation, gender identity, creed, religion, and actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code §§ 216.6 and 216.9, Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and Title II of the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

If you have questions or complaints related to compliance with this policy, please contact [Position Title of Equity Coordinator(s), contact address, contact telephone number, contact email address], or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone number 312/730-1560, fax 312/730-1576.