Multnomah County, Oregon
Administrative Procedure: DEI-1

Subject: Establishes standards for the fair treatment and equal protection of all people in accessing programs, activities, benefits and services.

Purpose: To ensure all individuals are treated with fairness, dignity and respect in providing access to programs, activities, benefits and services without regard to any protected class status, in accordance with federal, state and local laws.

Organization Responsible: Office of Diversity and Equity

Chair Kafoury: 

Date: 2/23/17

Organizations Affected: All Departments

Legal References: Title VI of the Civil Rights Act of 1964, 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, and other related Federal and state Civil Rights laws.

Establishes standards for the fair treatment and equal protection of all people accessing programs, activities, benefits and services in Multnomah County, without regard to race, color, national origin, disability, religion, age, sex/gender, sexual orientation, gender identity and expression, marital status, veteran status, source of income, or any other basis prohibited by federal, state, or local law. This policy does not affect Multnomah County's existing personnel rules and policies prohibiting employment discrimination under federal (Title VII), state or local law.

I. Introduction

Multnomah County strives to treat all people equally. It is our policy not to discriminate on the basis of an identity protected by federal, state, or local law. We want all people to receive quality services and benefits and have opportunities for meaningful engagement in 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 Multnomah County.

All Multnomah County programs and departments are implicated by this policy, and it serves as the foundation by which we can ensure Civil Rights compliance and build toward greater equity and inclusion for everyone in our community.

II. Standards

All County Departments, in collaboration with the Office of Diversity and Equity and consistent with any and all guidance materials, shall develop and implement policies and strategies to:

A. Ensure ongoing data collection and monitoring of programs and activities sufficient to conduct comprehensive analysis and reporting consistent with legal and administrative obligations;

B. Conduct periodic comprehensive analysis and reporting to ensure compliance consistent with legal and administrative obligations; and

C. Ensure managers and relevant program staff are trained and supported to sufficiently administer programs, services and activities in a nondiscriminatory manner; and

D. Cooperate with the Civil Rights Administrator in coordinating review and resolution of any complaint processes pursuant to this policy.

III. Compliance and Enforcement

The federal Civil Rights laws to which Multnomah County are subject, and the ways in which Multnomah County shall ensure compliance, include the following:

A. Title VI of the Civil Rights Act of 1964

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."

Multnomah County assures 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 receiving Federal financial assistance. Multnomah 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 Multnomah County distributes federal aid funds to another governmental entity or other subrecipient, Multnomah County ·will include Title VI language in all written agreements and will monitor their compliance.

Multnomah County's Office of Diversity and Equity Civil Rights Administrator is responsible for initiating and monitoring Title VI activities, preparing required reports and updates, coordinating a complaint process (see Section E, below), and other responsibilities as required by 23 CFR Part 200, 28 CFR Part 42, and 49 CFR Part 21.

B. Title VI 11 of the Civil Rights Act of 1968

Title VI 11 of the Civil Rights Act of 1968, or the Fair Housing Act (FHA), as amended by the Fair Housing Amendments Act, states:

It shall be unlawful to refuse to sell or rent, or to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, because of race, color, national origin, religion, sex, disability,· or family status.

Oregon Revised Statute 659A.421 also prohibits housing discrimination· based on sexual orientation, marital status or source of income. In addition, Section 808(e)(5) of the Fair Housing Act requires that programs and activities of jurisdictions receiving Federal HUD funding and assistance be administered in a mann_er Affirmatively Furthering Fair Housing (AFFH). Both HUD regulations and ORS 659A.425 prohibit facially neutral housing policies that otherwise·result in a disparate impact for protected classes.

Multnomah County is committed to affirmatively furthering fair housing, and ensuring equal housing opportunity and basic shelter and housing supportive services, regardless of HUD funding or federal policy. In addition, Multnomah County shall include fair housing compliance obligations in all contracts and written agreements for housing services, and will monitor compliance on a regular basis.

Multnomah County's Office of Diversity and Equity Civil Rights Administrator shall support departments and programs engaged in housing services as appropriate to monitor and report on Fair Housing compliance activities and coordinate a complaint process (see Section E, below), along with any other responsibilities required by 24 CFR Parts 1 through 10, 100, 115, and 121.

C. Title II of the Americans with Disabilities Act of 1990

Title II of the Americans with Disabilities Act (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."

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

Multnomah County's Office of Diversity and Equity Civil Rights Administrator is responsible for initiating and monitoring ADA compliance activities, preparing required reports and updates, coordinating a complaint process (see Section E, below), and other responsibilities as required by 28 CFR Part 35.

D. Section 1557 of the Affordable Care Act of 2010

Section 1557 of the Patient Protection and Affordable Care Act (ACA) builds on longstanding civil rights laws in prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability in certain federally-funded health programs and activities. Section 1557 specifically prohibits discrimination in the provision of health services on the basis of sex, which is and shall be interpreted as inclusive of gender, gender identity and sexual stereotyping. Section 1557 further states that the enforcement mechanisms provided for and available under Title VI and other applicable Civil Rights laws shall apply for purposes of addressing violations of this section.

Multnomah County's Office of Diversity and Equity Civil Rights Administrator is responsible for initiating and monitoring compliance activities pursuant to Section 1557 of the ACA, preparing required reports and updates, coordinating a complaint process (see Section E, below), and other responsibilities as required by 45 CFR Part 92.

E. Complaint and Resolution Process

Multnomah County's Office of Diversity and Equity Civil Rights Administrator is authorized to coordinate, review and address all complaints pursuant to this policy, except for as provided below. Any individual may make a complaint if they believe that Multnomah County has discriminated against them in the provision of any service or benefit or exclusion from any program or activity because of their race, color, national origin, disability, religion, age, sex/gender, sexual orientation, gender identity and expression, marital status, veteran status, source of income, or any other basis prohibited by federal, state, or local law. Multnomah County also prohibits retaliation against any person who complains or participates in any investigation of discrimination.

Complaints arising out of County employment or based on allegations of employment discrimination will be handled by Human Resources in accordance with county personnel rules. All other allegations of Civil Rights violations or discrimination in accessing County services will be handled by the Civil Rights Administrator, pursuant to collaborative agreements with the respective County department or program team.

Complaints should be made as soon after the alleged discrimination as is practicable, and within six months (180 days) after the alleged discrimination, unless good cause exists to warrant any delay. Complaints can be made in person, by email or by written mail to the Office of Diversity and Equity Civil Rights Administrator. Free interpretation and translation services, as well as disability accommodations, including alternate complaint request format, are available upon request.

In most cases, after a complaint is filed, the Civil Rights Administrator or designee will make every effort to meet with the complainant within fifteen (15) days of receipt to discuss the details of the complaint and explore options for resolution.

If the complainant is open to informal resolution, the Civil Rights Administrator will facilitate a resolution process as appropriate. If the complainant wishes to proceed with a formal complaint, Multnomah County may conduct an investigation on the basis of the complaint. Multnomah County will make every effort to investigate all such complaints within a reasonable time, subject to the availability of staff and technical analysis required. Upon such investigation, the Civil Rights Administrator will respond to the complainant in writing to explain the findings and the County's position, along with any appropriate options for resolution, if any.

If the complainant is not satisfied with the proposed resolution, they may appeal this decision by notifying the Civil Rights Administrator within fifteen (15) calendar days of receiving this response. Any appeal will be heard directly by Multnomah County's Chief Operations Officer or designee within a reasonable time after receiving the request for appeal. The appeals process will include a de novo review of any and all investigatory findings and will conclude with a final resolution of the complaint. Complaints can also be filed with the relevant state or federal agencies as appropriate.