



November 2023

Nondiscrimination Notices: Community Colleges

Introduction

Each community college is required to publish both annual and continuous notices of nondiscrimination for career and technical education (CTE) programs and employment. (Please see sample notices in the blue boxes below.) Notifications must include a statement of nondiscrimination pertaining to protected classes established under federal and state civil rights statutes. (Please see Tables 1 and 2.) Annual and continuous notices may include protected classes for both programs and employment, or the college may locally choose to have separate notices for programs and employment. This document explains requirements for community colleges that receive federal funds to issue notices of nondiscrimination, details the information they should include in such notices and provides sample language for nondiscrimination notices.

Overview of Review Process

The U.S. Department of Education's Office for Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries participating in programs or activities that receive financial assistance from the federal government. As a recipient of federal funds and an entity created by Iowa statute, each community college must comply with federal and state civil rights laws. Federal law requires community colleges to issue notices of nondiscrimination in two formats – continuous and annual – which the state accrediting agency for community colleges – Iowa Department of Education, Bureau of Community Colleges and Postsecondary Readiness – leverages to ensure compliance with state civil rights laws.

Compliance will be reviewed as part of:

- the equity review process required by OCR. Any instances of noncompliance with federal requirements will be noted in the final equity report completed by the bureau's review team for submission to OCR.
- the state community college accreditation review process. Any instances of noncompliance with state requirements will be noted in the special needs section in the final accreditation review report completed by the bureau's review team for submission to the Iowa State Board of Education.

Federal and State Protected Classes

Regulatory authority for these requirements resides in the following locations:

- Title II of the Americans with Disabilities Act (ADA) – 28 CFR Part 35
- Title VI of the Civil Rights Act of 1964 – 34 CFR Part 100
- Title IX of the Education Amendments of 1972 – 34 CFR Part 106
- Section 504 of the Rehabilitation Act of 1973 – 34 CFR Part 104
- OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979 – 34 CFR Part 100 Appendix B
- Age Discrimination Act of 1975 – 34 CFR Part 110

Table 1 lists federally protected classes required in continuous and annual notices of nondiscrimination for programs and/or employment. If the notifications for nondiscrimination in programs and employment are combined, the notice is required to contain all protected classes.



Table 2 lists protected classes under Iowa statute. Authority for continuous and annual notice is contained in federal law. Iowa protected classes included in Iowa Code shall also be included in your organization’s continuous and annual notice.

Table 1: Federal Protected Classes

Authority	Protected Class
Continuous Notice	Continuous Notice
Title VI (Programs and Employment)	Race Color
Title IX (Programs and Employment)	Sex
Section 504 (Programs and Employment)	Disability
Title II of the ADA (Programs and Employment)	Disability
Age Discrimination Act of 1975 (Employment)	Age
Annual Notice	Annual Notice
OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979	Race Color National origin Sex Disability

Table 2: Iowa Protected Classes

Authority	Protected Class
Iowa Code 216.9 – (Programs and Employment)	Race Color National origin Sex Disability Sexual orientation Gender identity Creed Religion
Iowa Code 216.9(d) – (Programs)	Includes protected classes covered under Iowa Code 216.9 and adds to those classes: Marital status
Iowa Code 216.6 – (Employment)	Includes protected classes covered under Iowa Code 216.9 and adds to those classes: Age

Two Notice Requirements

There are two legal obligations for providing notice of nondiscrimination: annual and continuous:

- Annual Notice: Section IV-O of OCR “Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979” requires an annual notice prior to the beginning of each school year.
- Continuous Notice: Title IX, Section 504 and Title II regulations require that notices of nondiscrimination be made on a continuing basis.

Annual Notice of Nondiscrimination

Section IV-O of the OCR Guidelines for Eliminating Discrimination in Vocational Education Programs of 1979 requires recipients of federal funding that operate CTE programs to provide an annual notice of nondiscrimination prior to the beginning of each school year, to students, parents, employees and members of the general public. The annual notice must include the following:

- Statement of nondiscrimination in programs and employment with the list of protected classes: race, color, national origin, sex, disability, age, sexual orientation, gender identity, creed, religion and actual or potential family, parental or marital status;
- Names, titles, addresses, telephone numbers and email addresses of the person(s) designated to coordinate Title IX and Section 504 compliance;
- OPTIONAL, but recommended: U.S. Department of Education, Office for Civil Rights contact information;
- Brief summary of CTE program offerings and admission criteria; and



- If a service area contains a community of national origin minority persons with limited English language skills, the notice must also state the college will take steps to assure lack of English language skills will not be a barrier to admission and participation. Furthermore, the notice must be disseminated to that community in its native language.

For CTE programs with entrance requirements different from the general community college admissions criteria, the college must detail such requirements, as listed in the approved program of study (“Program Curriculum Report” or “AS-28”). These details include, but are not limited to: prerequisite coursework, assessments or specific experiences. It is recommended community colleges specifically identify programs with additional entry requirements, and provide links to separate information pages detailing each program’s requirements. (Please see a sample notice below.)

Announcement of this notice of nondiscrimination must be published in at least one of the following forums that will allow the entire public to view it:

- Local newspapers
- Community college publications
- Community college website and/or other media that reach the general public, including program beneficiaries, minority national origin persons with limited English language skills and persons with disabilities.
- It is generally acceptable to publish the annual notice only on the community college website. However, the notice must appear prominently on the home page or within one click on an obvious link (i.e., “Equity” or “Nondiscrimination” tab.) Additionally, if the community college chooses to publish the annual notice solely on its website, it must be reasonably assured that most community members have Internet access.

Sample Annual Notice of Nondiscrimination

It is the policy of [Name of College] not to discriminate in its programs, activities, or employment on the basis of race, color, national origin, sex, disability, age, sexual orientation, gender identity, creed, religion, and actual or potential family, parental or marital status.¹

If you have questions or complaints related to compliance with this policy, please contact [Name and Title], [contact address], [contact telephone number], [contact email address]² or the Director of the Office for Civil Rights U.S. Department of Education, John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604-7204, Telephone: (312) 730-1560 FAX: (312) 730-1576, TDD 800-877-8339 Email: OCR.Chicago@ed.gov.³

[Name of college] offers the following career and technical education programs.^{4&6} [LEP: Lack of English language proficiency will not be a barrier to admission and participation in career and technical education programs.]⁵:

Architecture and Construction
Business
Nursing*⁶

*These programs have additional admissions requirements. Click the link to go to the program specific page for more information.

1. Statement of nondiscrimination with list of protected classes. 2. Identification of designated coordinator. 3. OPTIONAL, but recommended: U.S. Department of Education, Office for Civil Rights contact information. 4. List of all CTE Programs. 5. LEP= Limited English Proficiency – If the recipient’s service area contains a community of national origin minority persons with limited English language skills, the annual notices must include the bracketed sentence and be disseminated to that community in its language. 6. Indicate programs with entrance requirements which are different than the standard college entrance requirements, and provide a method to access information, such as a link to a program-specific website.



Continuous Notice of Nondiscrimination

Title IX, Section 504 and Title II regulations require recipients of federal funding, such as community colleges, to provide notice of nondiscrimination on a continuous basis. Community colleges must implement specific and continuing steps to notify students, parents, employees, applicants for admission, applicants for employment, sources of referral of such applicants, unions with collective bargaining agreements, program participants and beneficiaries, including persons with impaired vision and/or hearing. (Please see a sample notice below.)

The continuous notice must include the following:

- Statement of nondiscrimination in programs and employment with the list of protected classes: race, color, national origin, sex, disability, age, sexual orientation, gender identity, creed, religion and actual or potential family, parental or marital status; and
- Titles, addresses, telephone numbers and email addresses for the person(s) designated to coordinate Title IX and Section 504 compliance.
- OPTIONAL, but recommended: U.S. Department of Education, Office for Civil Rights contact information.

Community colleges are required to prominently publish the continuous notice in the following places:

- Bulletins,
- Announcements,
- Publications,
- Catalogs,
- Application forms,
- Materials designed for recruitment,
- Agreements or contracts with outside organizations and
- Any other materials made available to the public.

In the continuous notice of nondiscrimination, it is acceptable to include a position title and generic contact information for the office in which the designated Title IX, Section 504 coordinator works, but only if printed materials are not easily or routinely updated. This exception is permitted because more detailed contact information is included in the annual notice. Utilizing it may be useful if the role of Title IX or Equity Coordinator is an established, consistent responsibility of a specific job, or when the continuous statement would become outdated with staff turnover in that position.

An example of acceptable language is, *“If you have questions or complaints related to compliance with this policy, please contact the Vice President of Student Services, 123 College Drive, 123-456-7890, equity@college.edu.”*

Sample Continuous Notice of Nondiscrimination

It is the policy of *[Name of College]* not to discriminate in its programs, activities, or employment on the basis of race, color, national origin, sex, disability, age, sexual orientation, gender identity, creed, religion, and actual or potential family, parental or marital status.¹

If you have questions or complaints related to compliance with this policy, please contact *[Title]*, *[contact address]*, *[contact telephone number]*, *[contact email address]*² or the Director of the Office for Civil Rights U.S. Department of Education, John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604-7204, Telephone: (312) 730-1560 FAX: (312) 730-1576, TDD 800-877-8339 Email: OCR.Chicago@ed.gov³

1. Statement of nondiscrimination with list of protected classes. 2. Identification of designated coordinator. 3. OPTIONAL, but recommended: U.S. Department of Education, Office for Civil Rights contact information.



Contact Information

If you have questions or comments regarding this document, please contact:

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Telephone: (312) 730-1560
FAX: (312) 730-1576
TDD: (800) 877-8339
Email: OCR.Chicago@ed.gov

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sexual orientation, gender identity, national origin, sex, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by federal and state civil rights regulations. If you have questions or complaints related to compliance with this policy, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319-0146, telephone number: 515-281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604, telephone number: 312-730-1560, FAX number: 312-730-1576, TDD number: 800-877-8339, email: OCR.Chicago@ed.gov.