

# Age Act Discrimination and Complaints

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive federal financial assistance. The U.S. Department of Education gives financial assistance to schools and colleges. The Age Discrimination regulation describes conduct that violates the Act. The Age Discrimination regulation is enforced by the Office for Civil Rights and is in the Code of Federal Regulations at 34 CFR Part 110.

The Age Discrimination Act of 1975 does not cover employment discrimination. Complaints of employment discrimination based on age may be filed with the Equal Employment Opportunity Commission, under the Age Discrimination in Employment Act.

The regulations under the Age Discrimination Act, however, allow you to file a claim in Federal court under that law only after (1) 180 days have passed since you file your complaint with OCR and OCR has made no finding, or (2) OCR issues a finding in favor of the recipient. In the latter case, OCR will promptly notify you and remind you of your right to file in court.

The Age Discrimination Act of 1975 prohibits retaliation for filing a complaint with OCR or for advocating for a right protected by the Act.

If you feel that you have been discriminated against based on age in programs or activities that receive federal financial assistance, please contact one of the College's Age Act Coordinators noted at <https://www.escc.edu/title-ix/>.

The College will request the complainant submit a written complaint which (a) Identifies the parties involved; (b) gives the date of the alleged violation or when the complainant first knew of the alleged violation; and (c) generally describe what happened; and (d) be signed by the complainant. An investigation will be timely conducted. If this does not resolve your complaint, complaints involving HHS recipients and beneficiaries may also be sent to: Office of Program Operations, Office for Civil Rights, Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The Act states that a complainant may file a civil action 180 days from the date the complaint was filed with the Federal agency if the agency has taken no action, or upon the date the agency makes a determination in favor of the recipient, whichever comes first. For purposes of exhaustion of administrative remedies within HHS, the 180 day period will run from the date the complaint is filed with HHS. In cases where HHS has not taken final action on a complaint and 180 days have passed, the complainant retains the option either to file a civil action, or have HHS continue to pursue the complaint through the administrative processes. HHS retains the option to continue its enforcement activities even if a private court suit is filed.