Nondiscrimination and Affirmative Action

Nondiscrimination
The district will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity will be provided without discrimination with respect to race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability.

The superintendent will designate a staff member to serve as the compliance officer.

Affirmative Action
The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action will include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women, and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action will also include recruitment, selection, training, education and other programs.

The superintendent will develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and will ensure that no such procedures discriminate against any individual. Reasonable steps will be taken to promote employment opportunities of those classes that are recognized as protected groups — aged, persons with disabilities, ethnic minorities and women and Vietnam veterans, although under state law, racial minorities, and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy will be reported annually to the board.

Employment of Persons with Disabilities
In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:
A. No qualified person with disabilities will, solely by reason of a disability, be subjected to
discrimination and the district will not limit, segregate or classify any applicants for
employment or any staff member in any way that adversely affects his/her
opportunities or status because of a disability. This prohibition applies to all aspects of
employment from recruitment to promotions, and includes fringe benefits and other
elements of compensation.

B. The district will make reasonable accommodation to the known physical or mental
limitations of an otherwise qualified disabled applicant or staff member unless it is clear
that an accommodation would impose an undue hardship on the operation of the
district program. Such reasonable accommodations may include:

1. Making facilities used by staff readily accessible and usable by persons
with disabilities; and

2. Job restructuring, part-time or modified work schedules, acquisition or
modification of equipment or devices, the provision of readers or
interpreters and other similar actions.

In determining whether or not accommodation would impose an undue hardship on the
district, factors to be considered include the nature and cost of the accommodation.

C. The District will not use any employment tests or criteria that screen out persons with
disabilities unless the test or criteria is clearly and specifically job-related. Also, the
District will not use such tests or criteria if alternative tests or criteria (that do not
screen out persons with disabilities) are available.

D. While the district may not make pre-employment inquiry as to whether an applicant has
a disability or as to the nature and severity of any such disability, it may inquire into an
applicant’s ability to perform job-related functions.

E. Any staff member who believes that there has been a violation of this policy or the
law prohibiting discrimination because of a disability may initiate a grievance
through the procedures for staff complaints.

Nondiscrimination for Military Service
The district will not discriminate against any person who is a member of, applies to be a
member or performs, has performed, applies to perform or has an obligation to perform
service in a uniformed service, on the basis of that participation in a uniformed service. This
includes initial employment, retention in employment, promotion or any benefit of
employment. The district will also not discriminate against any person who has participated in
the enforcement of these rights under state or federal law.
Cross References:

- 5010P – Procedure and Affirmative Action Plan
- 2030 - Service Animals in Schools
- 3210 and 3210P - Nondiscrimination
- 5270 - Resolution of Staff Complaints
- 5407 - Military Leave

Legal References:

- RCW 28A.400.310 Law against discrimination applicable to districts’ employment practices
- RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
- RCW 28A.642 Discrimination prohibition
- RCW 49.60 Discrimination — Human rights commission
- RCW 49.60.030 Freedom from discrimination — Declaration of civil rights
- Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)
- RCW 49.60.180 Unfair practices of employers
- RCW 49.60.400 Discrimination, preferential treatment prohibited
- RCW 73.16 Employment and Reemployment
- WAC 392-190 Equal Education Opportunity – Unlawful Discrimination Prohibited
- WAC 392-190-0592 Public school employment — Affirmative action program
- 42 USC 2000e1 – 2000e10 Title VII of the Civil Rights Act of 1964
- 20 USC 1681 - 1688 Title IX Educational Amendments of 1972
- 42 USC 12101 – 12213 Americans with Disabilities Act
- 8 USC 1324 (IRCA) Immigration Reform and Control Act of 1986
- 38 USC 4301-4333 Uniformed Services Employment and Reemployment Rights Act
- 29 USC 794 Vocational Rehabilitation Act of 1973
- 34 CFR 104 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance
- 38 USC 4212 Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)
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