

Nondiscrimination**Staff**

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 Board of Directors will designate a staff member to serve as the compliance officer.

Employment of Persons with Disabilities

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

1. 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.
2. The District will make reasonable accommodation to the known physical or mental (cognitive or mental health) 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.

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.

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.

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.

#### **Students**

The District will provide equal educational opportunity and treatment for all students in all aspects of the academic, extra-curricular and activities program without discrimination based on race, religion, creed, color, national origin, age, military status, sex, sexual orientation, 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 District will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment. Auxiliary aids and services will be provided to those who qualify upon request.

Conduct against any student that is based on one of the categories listed above that is sufficiently severe, persistent or pervasive as to limit or deny the student's ability to participate in or benefit from the district's course offerings; educational programming or any activity will not be tolerated. When a District employee knows, or reasonably should know, that such discriminatory harassment is occurring or has occurred, the district will take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence and remedy its effects.

The District's nondiscrimination statement will be included in all written announcements, notices, recruitment materials, employment applications, and other publications made available to all students, parents, or employees. The statement will include: 1) notice that the District will not discriminate in any programs or activities on the basis of any of the above-listed categories; 2) the name and contact information of the District's compliance officer designated to ensure compliance with this policy; and 3) the names and contact information of the district's Section 504 and Title IX compliance officers.

The District will annually publish notice reasonably calculated to inform students, students' parents/guardians (in a language that they can understand, which may require language assistance), and employees of the District's discrimination complaint procedure.

The Superintendent will designate a staff member to serve as the compliance officer for this policy. The compliance officer will be responsible for investigating any discrimination complaints communicated to the District.

The District will evaluate the effectiveness of the non-discrimination policy and report its status to the Board semiannually. The overall responsibility for monitoring and auditing this policy is assigned to the District office. The duties include:

1. Analysis of the categories of employment in relation to affirmative action goals;
2. Analysis of work force data and applicant flow;
3. Maintaining records relative to affirmative action information;
4. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
5. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
6. Keeping the Superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

The District will provide training to administrators and certificated and classroom personnel regarding their responsibilities under this policy and to raise awareness of and eliminate bias and discrimination based on the protected classes identified in this policy.

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
	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)

Formerly Policies      3210 – Non-Discrimination of Students  
                                 5010 – Recruitment, Selection and Assignment: Non-Discrimination

Adoption Date:        June 11, 2019