

Nondiscrimination and Affirmative Action

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the Richland School District's (the "District") relationship with its staff regarding employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures.

Affirmative Action Plan

In order to secure an equitable solution to a justifiable complaint the District will:

1. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged persons, persons with disabilities, racial and ethnic minorities, women, and Vietnam veterans in the various job categories.
2. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The District will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the District's personnel procedures.
3. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The District will continue to use aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the District's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
4. Contract and purchase all goods and services from persons, agencies, vendors, contractors, and organizations who comply with the appropriate laws and executive orders regarding discrimination.
5. Take appropriate action to attract and retain aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the District's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.
6. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.

Dissemination

The District will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

1. Printing and distributing such information to staff, school libraries, and offices;
2. Publicizing such information in district newsletters;
3. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
4. Conducting faculty meetings and meetings with classified staff;
5. Informing appropriate and interested recruiting and hiring sources; and
6. Informing all representative staff groups in the District.

District's Affirmative Action Plan

The specifics of the District's affirmative action plan will be detailed in Exhibit 5010. This exhibit will include the profile of the District's current utilization of those classes that are recognized as protected groups. The Exhibit will also detail the goals the District will strive to achieve regarding employment for the school year. The District will see that measurable efforts are made in the utilization of these classes in the District and at higher levels of responsibility in both certificated and classified positions. The District will make good faith efforts to recruit, interview, and employ individuals consistent with the District's commitment to nondiscrimination and affirmative action for all positions and in every department, school, and level of operation. Preferential or adverse employment practices, including demotions or terminations will not be used to meet stated goals or timelines.

Internal Audit and Monitoring System

The District's Human Resources Department, in compliance with [WAC 162-12, Pre-employment Inquiry Guide](#), will record applicant flow, new hires, promotions, transfer requests, transfers, administrative internships, and terminations by age, race, sex, and other protected status. An analysis will be made of the internal and external work force availability of racial and ethnic minorities and women.

The District will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the Richland School District's Board of Directors (the "Board") annually. Such reports may include recommendations for changes in the affirmative action program goals. 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.

Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the District's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The District is prohibited by law from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

1. Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures. During the course of the informal process, the district will notify complainant of their right to file a formal complaint.

2. Formal Process for Resolution

Level One: Complaint to District

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the

Complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The District and Complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the Complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the Complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District will notify the Complainant in writing of the reason for the extension and the anticipated response date. At the time the District responds to the complainant, the District must send a copy of the response to the Office of Superintendent of Public Instruction (OSPI).

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the District has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the Complainant's right to appeal to the Board and the necessary filing information. The superintendent's or designee's response will be provided in a language the Complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a Complainant disagrees with the superintendent's or designee's written decision, the Complainant may file a written notice of appeal with the secretary of the Board within ten (10) calendar days following the date upon which the Complainant received the response. The Board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the Complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the Complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the Board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the Complainant's right to appeal to the OSPI and will identify where and to whom the appeal must be filed. The District will send a copy of the appeal decision to the OSPI.

Level Three - Complaint to the Superintendent of Public Instruction

If a Complainant disagrees with the decision of the Board, or if the District fails to

comply with this procedure, the complainant may file a complaint with the OSPI.

1. A complaint must be received by the OSPI on or before the twentieth (20) calendar day following the date upon which the Complainant received written notice of the Board's decision, unless the OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A Complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the Complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the District's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the District has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the Complainant and the District that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the District must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by the OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the District voluntarily agrees to resolve the complaint. The OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Level Four - Administrative Hearing

A Complainant or school district that desires to appeal the written decision of the OSPI may file a written notice of appeal with the OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. The OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

3. Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-

065 through 392-190-075, a district may, at its own expense, offer mediation. The Complainant and District may agree to extend the discrimination complaint process deadlines to pursue mediation.

The purpose of mediation is to provide both the Complainant and the District an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the District or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the Complainant, and a district representative who has authority to bind the district.

4. **Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the District and the disposition, including any corrective measures instituted by the District, will be retained in the office of the district compliance officer for a period of 6 years.

Resources

1. District Contact
Galt Pettett
General Counsel
6972 Keene Road
West Richland, WA 99353
509-967-6009

1. State Contacts
Superintendent of Public Instruction (OSPI)
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600