

1 **Nondiscrimination and Affirmative Action**

2 **Nondiscrimination**

3 To ensure fairness and consistency, the following grievance procedure is to be used in the dis-
 4 trict’s relationship with its staff with regard to employment problems covered by state and fed-
 5 eral equal employment opportunity laws and/or this affirmative action program. No staff mem-
 6 ber’s status with the district will be adversely affected in any way because the staff member uti-
 7 lized these procedures. As used in this procedure, “grievance” will mean a complaint which has
 8 been filed by a complainant relating to alleged violations of any state or federal anti-discrimina-
 9 tion laws. A “complaint” will mean a charge alleging specific acts, conditions or circumstances
 10 which are in violation of the anti-discrimination laws. A “respondent” will mean the person al-
 11 leged to be responsible or who may be responsible for the violation alleged in the complaint.

12 The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint
 13 to this and the following steps will be taken:

14 **Affirmative Action Plan**

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

- 16 A. Make efforts to modify the composition of the future work force in order to work toward a
 17 full utilization of aged persons, persons with disabilities, racial and ethnic minorities, and
 18 women, in the various job categories.
- 19 B. Ensure that all applicants and staff are considered on the basis of bona fide job-related quali-
 20 fications. The purpose of the affirmative action plan is to actively include persons of under-
 21 utilized classes in the employment process, not to exclude others from it. The district will
 22 continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in
 23 the district’s personnel procedures.
- 24 C. Be responsible for reviewing all employment procedures and programs to assure that there is
 25 no indication of discriminatory practices. The district will continue to use aged persons, per-
 26 sons with disabilities, racial and ethnic minorities, and women, in the recruitment and em-
 27 ployment process. Job descriptions for classified staff will be sent to the Washington Em-
 28 ployment Service and other organizations which are recruiting sources for groups that may
 29 be under-utilized in the district’s work force. Recruitment from colleges and universities will
 30 include institutions with high percentages of students of various ethnic minorities.
- 31 D. Contract and purchase all goods and services from persons, agencies, vendors, contractors
 32 and organizations who comply with the appropriate laws and executive orders regarding dis-
 33 crimination.
- 34 E. Take appropriate action to attract and retain aged persons, persons with disabilities, racial
 35 and ethnic minorities, and women at all levels and in all segments of the district’s work force.
 36 Criteria for selecting staff will be reviewed regularly to assure that such statements relate di-
 37 rectly to the requirements for specific positions. However, pursuant to state law, there will be
 38 no preferential employment practices based on race or gender.
- 39 F. Upgrade present staff by providing management development training to assure that individ-
 40 uals of under-utilized groups are prepared for positions of new and increased responsibility.

41 Implementation of the affirmative action plan will be the responsibility of the superintendent.
 42 Administrators will assist in the attainment of the established goals and purposes of this affirma-
 43 tive action plan.

1 **Dissemination**

2 The district will disseminate information concerning employment and developments under the
3 affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan.

4 Affirmative action information will be disseminated by:

5 A. Printing and distributing such information to staff, school libraries and offices;

6 B. Publicizing such information in district newsletters;

7 C. Conducting meetings with administrative staff to explain the intent and advantages of the
8 policy and plan;

9 D. Conducting faculty meetings and meetings with classified staff;

10 E. Informing appropriate and interested recruiting and hiring sources; and

11 F. Informing all representative staff groups in the district.

12 **Male/Female Balance and Staff Goals**

13 The profile of the district’s current utilization of women is set forth in the district’s Affirmative
14 Action Plan 2019-2023. The district will strive to maintain a rate of employment in regard to sex
15 at least equivalent to the current level set forth in the district’s Affirmative Action Plan 2019-
16 2023. The district will see that measurable efforts are made in the utilization of women for
17 higher levels of responsibility in both certificated and classified positions. The district will make
18 good faith effort to recruit, interview and employ individuals consistent with the district commit-
19 ment to nondiscrimination and affirmative action for all positions and in every department,
20 school and level of operation. Preferential or adverse employment practices, including demotions
21 or termination will not be used to meet stated goals or time lines.

22 **1. Administrators**

23 **Goal:** To support females in administrative positions.

24 **Objectives:** To support females in administrative positions as they become available
25 which falls within a range of 50% men and/or women, without using preferential employ-
26 ment practices.

27
28 To identify qualified potential candidates from outside the district for consideration for
29 future openings.
30

31 **2. Principals and Assistant Principals**

32 **Goal:** To support females in principal positions.

33 **Objective:** To support females in principal and assistant principal positions as they occur
34 and trained women are available, without using preferential employment practices.
35

36 **3. Teachers, Elementary or grades K-8**

37 **Goal:** To provide each student with the opportunity to experience both male and female
38 homeroom teachers during the primary as well as the intermediate grades.

39 **Objective:** To achieve a staff which falls within a range of 50% men and/or women in
40 the primary as well as the intermediate grades at each school, without using preferential
41 employment practices.
42

43 **4. Teachers, Secondary or grades 9-12**

Goal: To provide students with the opportunity to work with male and female staff in both curricular and extracurricular activities.

Objective: To maintain a staff which falls within a range of 50% men and/or women for classroom teachers and activity supervisors, without using preferential employment practices.

5. Support Staff — Certificated and Classified

Objective: To achieve a staff which falls within a range of 50% men and/or women, without using preferential employment practices.

Racial and Ethnic Minority Balance and Staff Goals

The profiles of the district’s current student ethnic minority population and the district’s current ethnic minorities (American Indian/ Native American, Asian, Black, and Hispanic) are set forth in School District Report Card. By the commencement of the current school year the district will strive to achieve a rate of employment for ethnic minorities in both certificated and classified areas as indicated in this plan without using preferential employment practices. The district will see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions without using preferential employment practices. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

1. Administrators

Goal: To place ethnic minorities in administrative positions, without using preferential employment practices.

Objectives: To place ethnic minorities in administrative positions as they become available to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.

To identify qualified potential candidates from outside the district for consideration for future openings.

2. Principals and Assistant Principals

Goal: To place ethnic minorities in principal positions.

Objective: To place ethnic minorities in principal and assistant principal positions as they occur and trained applicants are available, without using preferential employment practices.

3. Teachers: Elementary or grades K-8

Goal: To provide each student with the opportunity to experience ethnic minority home-room teachers during the primary as well as the intermediate grades, without using preferential employment practices.

Objective: To achieve a staff of primary and intermediate teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment.

4. Teachers: Secondary or grades 9-12

Goal: To provide students with the opportunity to work with ethnic minority staff in both curricular and extracurricular activities.

Objective: To maintain a staff of classroom teachers and activity supervisors in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

5. Support Staff - Certificated and Classified

Objective: To achieve a staff of certificated and classified support staff in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.

Internal Audit And Monitoring System

The superintendent’s office, 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 groups. 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 board semiannually. 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:

- A. Analysis of the categories of employment in relation to affirmative action goals;
- B. Analysis of work force data and applicant flow;
- C. Maintaining records relative to affirmative action information;
- D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- E. 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
- F. 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.

- A. Grievance means a complaint which has been filed by an employee relating to alleged violations of any state or federal anti-discrimination laws.
- B. Complaint means a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints

1 may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the
 2 district compliance officer responsible for investigating discrimination complaints. Any
 3 district employee who receives a complaint that meets these criteria will promptly notify
 4 the compliance officer.
 5

6 C. Respondent means the person alleged to be responsible or who may be responsible for the
 7 violation alleged in the complaint.

8 The primary purpose of this procedure is to secure an equitable solution to a justifiable com-
 9 plaint. To this end, specific steps shall be taken. The district is prohibited by law from intimi-
 10 dating, threatening, coercing or discriminating against any individual for the purpose of interfer-
 11 ing with their right to file a grievance under this procedure and from retaliating against an indi-
 12 vidual for filing such a grievance.
 13

14 **1. Informal Process for Resolution**

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

25 **2. Formal Process for Resolution**

26 **Level One: Complaint to District**

27 The complaint must set forth the specific acts, conditions, or circumstances alleged to be
 28 in violation. Upon receipt of a complaint, the compliance officer will provide the com-
 29 plainant a copy of this procedure. The compliance officer shall investigate the allegations
 30 within 30 calendar days. The school district and complainant may agree to resolve the
 31 complaint in lieu of an investigation. The officer will provide the superintendent with a
 32 full written report of the complaint and the results of the investigation.

33 The superintendent or designee will respond in writing to the complainant with a written
 34 decision as expeditiously as possible, but in no event later than 30 calendar days follow-
 35 ing receipt of the written complaint, unless otherwise agreed to by the complainant or if
 36 exceptional circumstances related to the complaint require an extension of the time limit.
 37 In the event an extension is needed, the district will notify the complainant in writing of
 38 the reason for the extension and the anticipated response date. At the time the district re-
 39 sponds to the complainant, the district must send a copy of the response to the office of
 40 the superintendent of public instruction.

41 The decision of the superintendent or designee will include: 1) a summary of the results
 42 of the investigation; 2) whether the district has failed to comply with anti-discrimination
 43 laws; 3) if non-compliance is found, corrective measures the district deems necessary to
 44 correct it; and 4) notice of the complainant’s right to appeal to the school board and nec-
 45 essary filing information. The superintendent’s or designee’s response will be provided in

1 a language the complainant can understand and may require language assistance for com-
 2 plainants with limited English proficiency in accordance with Title VI of the Civil Rights
 3 Act of 1964.

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

7 **Level Two - Appeal to Board of Directors**

8 If a complainant disagrees with the superintendent’s or designee’s written decision,
 9 the complainant may file a written notice of appeal with the secretary of the board
 10 within ten (10) calendar days following the date upon which the complainant received
 11 the response. The board will schedule a hearing to commence by the twentieth (20)
 12 calendar day following the filing of the written notice of appeal unless otherwise
 13 agreed to by the complainant and the superintendent or for good cause. Both parties
 14 will be allowed to present such witnesses and testimony as the board deems relevant
 15 and material. Unless otherwise agreed to by the complainant, the board will render a
 16 written decision within thirty (30) calendar days following the filing of the notice of
 17 appeal and provide the complainant with a copy of the decision. The decision of the
 18 board will be provided in a language the complainant can understand, which may re-
 19 quire language assistance for complainants with limited English proficiency in ac-
 20 cordance with Title VI of the Civil Rights Act. The decision will include notice of
 21 the complainant’s right to appeal to the Office of the Superintendent of Public In-
 22 struction and will identify where and to whom the appeal must be filed. The district
 23 will send a copy of the appeal decision to the Office of the Superintendent of Public
 24 Instruction.
 25

26 **Level Three - Appeal to the Superintendent of Public Instruction**

27 If a complainant disagrees with the decision of the board of directors, or if the district fails to
 28 comply with this procedure, the complainant may file a complaint with the superintendent of
 29 public instruction.

30 1. A complaint must be received by the Office of the Superintendent of Public Instruc-
 31 tion on or before the twentieth (20) day following the date upon which the complainant
 32 received written notice of the board of directors’ decision, unless the Office of the Super-
 33 intendent of Public Instruction grants an extension for good cause. Complaints may be
 34 submitted by mail, fax, electronic mail, or hand delivery.
 35 2. A complaint must be in writ-
 36 ing and include: 1) A description of the specific acts, conditions or circumstances alleged
 37 to violate applicable anti-discrimination laws; 2) The name and contact information, in-
 38 cluding address, of the complainant; 3) The name and address of the district subject to the
 39 complaint; 4) A copy of the district’s complaint and appeal decision, if any; and 5) A pro-
 40 posed resolution of the complaint or relief requested. If the allegations regard a specific
 41 student, the complaint must also include the name and address of the student, or in the
 42 case of a homeless child or youth, contact information.

43 2. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction
 44 may initiate an investigation, which may include conducting an independent on-site re-
 45 view. OSPI may also investigate additional issues related to the complaint that were not
 46 included in the initial complaint or appeal to the superintendent or board. Following the
 47 investigation, OSPI will make an independent determination as to whether the district has
 48 failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a

1 written decision to the complainant and the district that addresses each allegation in the
 2 complaint and any other noncompliance issues it has identified. The written decision will
 3 include corrective actions deemed necessary to correct noncompliance and documenta-
 4 tion the district must provide to demonstrate that corrective action has been completed.
 5

6 All corrective actions must be completed within the timelines established by OSPI in
 7 the written decision unless OSPI grants an extension. If timely compliance is not
 8 achieved, OSPI may take action including but not limited to referring the district to
 9 appropriate state or federal agencies empowered to order compliance.
 10

11 A complaint may be resolved at any time when, before the completion of the investi-
 12 gation, the district voluntarily agrees to resolve the complaint. OSPI may provide
 13 technical assistance and dispute resolution methods to resolve a complaint.
 14

15 **Level Four - Administrative Hearing**

16 A complainant or school district that desires to appeal the written decision of the Office of the
 17 Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty
 18 (30) calendar days following the date of receipt of that office’s written decision. OSPI will con-
 19 duct a formal administrative hearing in conformance with the Administrative Procedures Act,
 20 Chapter 34.05, RCW.
 21

22 **1. Mediation**

23 At any time during the discrimination complaint procedure set forth in WAC 392-190-
 24 065 through 392-190-075, a district may, at its own expense, offer mediation. The com-
 25 plainant and the district may agree to extend the discrimination complaint process dead-
 26 lines in order to pursue mediation.
 27

28 The purpose of mediation is to provide both the complainant and the district an oppor-
 29 tunity to resolve disputes and reach a mutually acceptable agreement through the use of
 30 an impartial mediator. Mediation must be voluntary and requires the mutual agreement of
 31 both parties. It may be terminated by either party at any time during the mediation pro-
 32 cess. It may not be sued to deny or delay a complainant’s right to utilize the complaint
 33 procedures.
 34

35 Mediation must be conducted by a qualified and impartial mediator who may not:

- 36 1) Be an employee of any school district, public charter school, or other public or private
- 37 agency that is providing education related services to a student who is the subject of the
- 38 complaint being mediated; or
- 39 2) Have a personal or professional conflict of interest. A mediator is not considered an
- 40 employee of the district or charter school or other public or private agency solely because
- 41 he or she serves as a mediator.
 42

43 If the parties reach agreement through mediation, they may execute a legally binding
 44 agreement that sets forth the resolution and states that all discussions that occurred during
 45 the course of mediation will remain confidential and may not be used as evidence in any
 46 subsequent complaint, due process hearing or civil proceeding. The agreement must be
 47 signed by the complainant and a district representative who has authority to bind the dis-
 48 trict.
 49

1 **Preservation of Records**

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

5 **Resources**

- 6 1. District Contact
- 7 Superintendent
- 8 North Mason School District
- 9 71 E Campus Drive
- 10 Belfair, WA 98528
- 11 360.277.2300
- 12 2. State Contacts
- 13 Superintendent of Public Instruction
- 14 Equity and Civil Rights Office
- 15 P.O. Box 47200
- 16 Olympia, WA 98504-7200
- 17 360.725.6162
- 18 Washington State Human Rights Commission
- 19 711 South Capitol Way, Suite 402
- 20 P.O. Box 42490
- 21 Olympia, WA 98504-2490
- 22 360.753.6770
- 23 Office of Civil Rights
- 24 U.S. Department of Education
- 25 915 Second Avenue, Room 3310
- 26 Seattle, WA 98174
- 27 206.607.1600

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