

NONDISCRIMINATION AND AFFIRMATIVE ACTION

Nondiscrimination

The district shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity shall 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 shall 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 shall make effective equal employment opportunities for staff and applicants for employment. Such affirmative action shall 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 shall also include recruitment, selection, training, education and other programs.

The superintendent shall develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and shall ensure that no such procedures discriminate against any individual. Reasonable steps shall 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, shall be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy shall 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 shall prevail:

A. No qualified person with disabilities shall, solely by reason of a disability, be subjected to discrimination and the district shall 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 shall 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 1. Making facilities used by staff readily accessible and usable by persons with disabilities;
2 and

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

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

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

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

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

17 **Nondiscrimination for Military Service**

18 The district will not discriminate against any person who is a member of, applies to be a member
19 or performs, has performed, applies to perform or has an obligation to perform service in a
20 uniformed service, on the basis of that participation in a uniformed service. This includes initial
21 employment, retention in employment, promotion or any benefit of employment. The district
22 will also not discriminate against any person who has participated in the enforcement of these
23 rights under state or federal law.

25 Cross References: Board Policy 2030
26 Board Policy 5270
27 Board Policy 5407

Service Animals in Schools
Resolution of Staff Complaints
Military Leave

29 Legal References: RCW 28A.400.310
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31 RCW 28A.640.020
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33 Chapter 28A.642 RCW
34 Laws of 2018, ch 116
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36 Chapter 49.60 RCW
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38 RCW 49.60.030
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40 RCW 49.60.180
41 RCW 49.60.400
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43 Chapter 73.16 RCW
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Law against discrimination applicable to
districts' employment practices
Regulations, guidelines to eliminate
discrimination — Scope — Sexual
harassment policies
Discrimination prohibition
Wages and Advancement Opportunities-
Gender
Discrimination — Human rights
commission
Freedom from discrimination — Declaration
of civil rights -
Unfair practices of employers
Discrimination, preferential treatment
prohibited
Employment and Reemployment

1		
2	Chapter 392-190 WAC	Equal Educational Opportunity – Unlawful
3		Discrimination Prohibited
4	WAC 392-190-0592	Public school employment — Affirmative
5		action program
6		
7	42 USC §§ 2000e1 – 2000e10	Title VII of the Civil Rights Act of 1964
8	20 USC § 1681 - 1688	Title IX Educational Amendments of 1972
9	42 USC §§ 12101 – 12213	Americans with Disabilities Act
10	8 USC § 1324	Immigration Reform and Control Act of
11		1986
12	38 USC §§ 4301-4333	Uniformed Services Employment and
13		Reemployment Rights Act
14	29 USC § 794	Vocational Rehabilitation Act of 1973
15	34 CFR § 104	Nondiscrimination on the basis of handicap
16		in Programs or activities receiving
17		federal financial assistance
18	38 USC § 4212	Vietnam Era Veterans Readjustment Act of
19		1974
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21	Management Resources:	2018 – May Issue	
22		2017 – April Issue	
23		2014 – December Issue	
24		2013 - June Issue	
25		<i>Policy News</i> , June 2011	Laws Against Discrimination Address
26			Equal Education Opportunities
27		<i>Policy News</i> , February 2011	Nondiscrimination
28		<i>Policy News</i> , August 2007	Washington’s Law Against
29			Discrimination
30		<i>Policy News</i> , June 2001	State Updates Military Leave Rights
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38 **Adoption Date:** 08/27/98
39 **Revised:** 09/25/08
40 **Revised Date:** 10/20/11
41 **Revised Date:** 11/18/14
42 **Revised:** 02/19/15
43 **Revised:** 05/18/17
44 **Revised:** 10/18/18