

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.

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

Service Animals in Schools
Resolution of Staff Complaints
Military Leave

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29 Legal References: RCW 28A.400.310

Law against discrimination applicable to
districts' employment practices

30 RCW 28A.640.020

Regulations, guidelines to eliminate
discrimination — Scope — Sexual
harassment policies

31 RCW 28A.642

Discrimination prohibition

32 RCW 49.60

Discrimination — Human rights
commission

33 RCW 49.60.030

Freedom from discrimination — Declaration
of civil rights - Vietnam Era Veterans
Readjustment Act of 1974 (VEVRAA)

34 RCW 49.60.180

Unfair practices of employers

35 RCW 49.60.400

Discrimination, preferential treatment
prohibited

36 RCW 73.16

Employment and Reemployment

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