

NONDISCRIMINATION AND AFFIRMATIVE ACTION

Nondiscrimination

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

The district shall also make reasonable accommodation to the known sensory, mental or physical limitation of an otherwise qualified disabled applicant or employee unless an accommodation would impose an undue hardship on the operation of the district program.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action will 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, racial and 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 will also include recruitment, selection, training, education and other programs.

The District will develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and will ensure that no such procedures illegally discriminate against any individual. Reasonable steps will 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, will be disseminated widely to staff in all classifications and to all interested patrons and organizations.

The district's current affirmative action plan will be filed with the Office of Superintendent of Public Instruction.

Employment of Persons With Disabilities

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

- A. 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:

- B. The district will 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. 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.
- C. The district will not make use of any employment test or criteria that screens out persons with disabilities unless:
1. The test or criteria is clearly and specifically job-related; and
 2. Alternative tests or criteria that do not screen out persons with disabilities are available;
- D. 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; and
- E. 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 ~~in~~ 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.

Employment of Relatives

The District will not discriminate against a spouse or relative of an employee unless warranted by business necessity as that term is defined in WAC 162-16-250. A spouse shall not be employed for and/or assigned to a position (a) where one spouse would have the authority or practical power to supervise, appoint, remove, or discipline the other; (b) where one spouse would be responsible for auditing the work of the other; or (c) where other circumstances exist which would place the spouses in a situation of actual or reasonably foreseeable conflict between the District's interest and their own.

Cross References: Board Policy 2030
Board Policy 5270
Board Policy 5407

Service Animals in Schools
Resolution of Staff Complaints
Military Leave

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
WAC 162-16-250	Discrimination Because of Marital Status
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)

Management Resources:

<i>Policy and Legal News</i> , June 2013	Adding Legal References to Policy 5010
<i>Policy News</i> , June 2011	Laws Against Discrimination Address Equal Education Opportunities
<i>Policy News</i> , February 2011	Nondiscrimination
<i>Policy News</i> , August 2007	Washington’s Law Against Discrimination
<i>Policy News</i> , June 2001	State Updates Military Leave Rights

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