

PERSONNEL

Unlawful Discrimination and Harassment Prohibited

I. Discrimination

Individuals who believe there has been a violation of a nondiscrimination law due to race, color, national origin, sex, sexual orientation, gender expression or identity, creed, religion, age, veteran or military status, disability, or the use of a trained dog guide or service animal by a person with a disability, may file a complaint.

If the individual contends discrimination with respect to actions, regarding the identification, evaluation, or educational placement of handicapped persons, a different system of procedural safeguards shall be followed that includes an impartial hearing, as required by Section 504 of the Rehabilitation Act of 1973.

II. Harassment

Harassment is prohibited and may be in the form of a) slurs, or b) other harassment based on race, color, national origin, sex, sexual orientation, gender expression or identity, creed, religion, age, veteran or military status, disability, or the use of a trained dog guide or service animal by a person with a disability.

- A. A slur is a type of harassment and is defined as any derogatory actions such as: remark, word, joke, picture, or gesture referencing or directed to any individual or group(s) which portrays or refers to a racial, ethnic, religious, or physical, mental, or sensory disability in a derogatory manner.
- B. Other harassment is prohibited and is defined as intimidating another person in a way that is related to a person's race, color, national origin, sex, sexual orientation, gender expression or identity, creed, religion, age, veteran or military status, or physical, mental, sensory disability, that causes physical injury or physical damage or destruction of physical property or words or conduct that places that person in reasonable fear of harm to his/her person or property or causes disruptive conduct within the meaning of RCW 9A.36.080.

Complaints pertaining to unlawful discrimination or harassment should be processed through use of Policy No. 5150. This discrimination complaint procedure does not, in any way, prohibit the processing of grievances by any employee bargaining representative.

Policy No. 5150
Unlawful Discrimination and Harassment – Continued

III. Non-Compliance: Non-compliance shall result in corrective education and progressive discipline listed below:

A. Required and progressively increasing levels of educational material reviewed and:

1. Students:

- a) Administrator, Counselor, Teacher, Parent conference and school consequences, as appropriate.
- b) Suspension as per school discipline codes

2. Employee/Adults:

- a) Corrective consultation along with progressive discipline
- b) More stringent progressive discipline to include loss of work and pay as permitted by relative negotiated contract provisions and state laws.

Legal Reference: Title VII, Civil Rights Act of 1994, Section 703
Americans with Disabilities Act, 42 U.S.C 12101-12213 Section 504, the
Rehabilitation Act of 1973, 29 U.S.C 794
Title IX of the Education Amendments of 1972, 20 U.S.C 1681,1682
[WAC 392-168](#) (Hatch Amendment)
[WAC 392-190](#) (Sex discrimination and bias)
[WAC 392-200](#) (Employment discrimination)
[RCW 28A.640](#) (Sexual Equality)
[RCW 49.60.030](#), general prohibitions against discrimination
[RCW 9A.36](#).

Adopted: February 10, 1993

Amended: March 26, 1997

Amended: July 16, 2014

LEGAL REFERENCES TO POLICY 5150

- **Title VII, Civil Rights Act of 1964.** Title VII is one of the most important and comprehensive federal civil rights legislation in the last fifty years. Title VII makes it unlawful for any employer to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex or national origin.
- **The Americans With Disabilities Act.** The ADA is a recent and comprehensive handicapped nondiscrimination law. In most areas, the ADA imposes the same obligations as does Section 504. The ADA, however, imposes these obligations on all entities, private as well as public, and also includes additional requirements.
- **Section 504 of the Rehabilitation Act of 1973.** This law prohibits discrimination on the basis of handicapped condition in programs or activities receiving Federal funds. Section 504 includes requirements that the public agency reasonably accommodate handicapped persons in the area of employment, architectural accessibility, and education.
- **Title IX of the Educational Amendments of 1972.** Title IX prohibits discrimination on the basis of sex under any educational program or activity receiving Federal funds. This law has been used to prohibit segregation or discrimination in academic classes and in requiring equitable treatment for interscholastic and intercollegiate athletics.
- **RCW 49.60** - Comprehensive Washington State law which prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, age, or handicapped condition.
- **RCW 9A.36** - Provides criminal and civil penalties for malicious harassment based on the perception of one's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory handicap.
- **RCW 28A.640** - Washington State law requiring the elimination of sex discrimination in public schools.