

**Nondiscrimination**

North Thurston Public Schools is committed to an educational and working environment free from discrimination and harassment as described in this policy. This policy and accompanying procedure prohibit discrimination and harassment of any staff members, volunteers, and contractors who work on behalf of the District.

**Equal Employment Opportunity**

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 a legally protected characteristic, which includes the following: race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, disability, or the use of a trained dog guide or service animal by a person with a disability.

**Discriminatory Harassment**

Discriminatory harassment is unwelcome conduct that is:

1. Directed toward a person based on a protected characteristic,
2. Sufficiently severe or pervasive;
3. Unreasonably interferes with a person's work environment or ability to perform job duties; and
4. The cause of an intimidating, hostile, or offensive environment.

Examples of discriminatory harassment include, but are not limited to:

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to or about a person's legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Physical conduct toward a person due to that person's legally protected characteristic;
- All communications, including those conveyed electronically, such as by e-mail, telephone or voicemail, text messaging, or social media or other internet use, that directly or indirectly implicates a legally protected characteristic; or
- Any other unwelcome conduct that implicated a legally protected characteristic.

Discriminatory harassment does not typically include normal supervisory or evaluative practices. Review of complaints of discriminatory harassment in the course of these duties would consider whether the complainant was subject to discrimination based on a protected characteristic.

The Board will 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 will make 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, ethnic minorities, women, and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such person 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 superintendent 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 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, 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.

### **Employment of Persons with Disabilities**

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

1. No qualified person with disabilities will, solely by reason of disability, be subject 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.
2. 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:

- a. Making facilities used by staff readily accessible and usable by persons with disabilities; and
- b. 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 an accommodation would impose an undue hardship on the District, factors to be considered include the nature and cost of the accommodation.

- 3. The District will not use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, the District will not use such tests or criteria if alternative tests or criteria (that do not screen out persons with disabilities) are available.
- 4. 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.
- 5. 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 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.

<p>Legal References:</p> <p>RCW 28A.400.310</p> <p>RCW 28A.640.020</p> <p>RCW 28A.642</p> <p>RCW 49.60</p> <p>RCW 49.60.030</p>	<p>Law Against Discrimination Applicable to District’s Employment Practices</p> <p>Regulations, guidelines to eliminate discrimination-Scope Discrimination Prohibition</p> <p>Discrimination - Human Rights Commission</p> <p>Freedom from discrimination- Declaration of civil rights</p>
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RCW 49.60.180	Unfair practices of employer defined
49.60.400	Discrimination, preferential treatment prohibited
Chapter 73.16	Employment and Re-employment
42 USC 2000e e1-2000 e10	Title VII of the Civil Rights Act of 1964
42 USC 1681 - 1688	Title IX Educational Amendments of 1972
42 USC 12101-12213	Americans with Disabilities Act (IRCA)
8 USC 1324	Immigration Reform and Control Act of 1986
38 USC §§ 4301-4333	Uniform Services Employment and Reemployment Rights Act
WAC 392-190	Equal Education Opportunity – Unlawful Discrimination Prohibited
WAC 392-190-0592	Public school employment – Affirmative action plan
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 Assistance Act of 1974 (VEVRAA)

Adopted  
Amended:

March 17, 1986  
August 17, 1987  
June 1, 1993  
September 15, 1997  
January 5, 2009  
February 22, 2012  
June 19, 2012  
July 26, 2016  
May 7, 2024

NTSD Board of Directors