NONDISCRIMINATION AND AFFIRMATIVE ACTION

Definition

"Protected status" is short for the phrase "age, sex, race, ethnicity, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, homelessness, immigration or citizenship status, marital status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability."

Nondiscrimination

The district is committed to an educational and working environment free from discrimination and harassment based on a person's protected status.

The district will not deny any person the benefit of, or subject any person to discrimination in employment, recruitment, promotion, advancement, consideration, or selection in connection with employment based on their protected status.

The district will make all employment decisions in a non-discriminatory manner and will not limit, segregate, or classify any person in a way that could adversely affect their employment opportunities or status based on their protected status.

The district will not enter into any contractual or other relationship that directly or indirectly results in the discrimination of any person in connection with employment based on their protected status.

The district will not grant preferential treatment to applications for employment based on an applicant's enrollment at any education institution or entity that only predominantly admits students based on sex, race, color, or national origin if the giving of such preferences has the effect of discriminating based on sex, race, color, or national origin.

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.

Examples of Employment Discrimination

Employment discrimination may include the following:

1. Unfair treatment based on an employee's protected status, including unfair or separate treatment in pay scale, assignment of duties, opportunities for advancement, conditions of employment, hiring practices, leaves of absence, hours of employment, and assignment of instructional and non-instructional duties.

2. Harassment based on an employee's protected status by supervisors, co-workers, or others in the workplace that is so severe or persistent that it creates a hostile environment.

3. Denial of a reasonable workplace accommodation that an employee needs because of religious beliefs or a disability.

4. Retaliation because an employee complained about employment discrimination or assisted with an employment discrimination investigation or lawsuit.

5. Making employment or placement decisions based on stereotypes or assumptions about one's protected status.

6. Discriminating against individuals married to or otherwise associated with people of a certain group.

7. Prohibiting an employee from using the restroom consistent with his or her gender identity.

These are examples of employment discrimination and are not an exhaustive list.

Discriminatory Harassment
The district prohibits discriminatory harassment in the workplace. Discriminatory harassment is unwelcome or offensive conduct directed toward a person based on their protected status that is sufficiently severe or pervasive to create an environment that a reasonable person would consider intimidating, hostile, or offensive. Petty slights, annoyances, or isolated incidents, unless extremely serious, will not rise to the leave of discriminatory harassment.

Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, offensive objects or pictures, and interference with work performance.

When the district becomes aware of potential discriminatory harassment, it will promptly investigate the conduct and, as appropriate, take reasonable steps to prevent and promptly correct the harassing conduct.

Employment of Persons with Disabilities
To fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

1. The district will not discriminate against a qualified individual based on their disability, nor will the district limit, segregate, or classify any applicants for employment or any staff member in any way that adversely affects their opportunities or status because of their 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 reasonably accommodate 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.

   Reasonable accommodations may include making facilities used by staff readily accessible and usable by persons with disabilities; 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.

   An undue hardship means an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of the district. In determining whether an accommodation would impose an undue hardship on the district, the district may consider, among other things, the cost of the accommodation, the district's size, the district's financial resources, and the nature and structure of its operations.

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, and 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 inquiries 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.

Nondiscrimination for Military Service
The district will not discriminate against any person who is a member of, applies to be a member of, or performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of their 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.

Affirmative Action Program
The district will develop an affirmative action employment plan or program that includes appropriate provisions designed to eliminate discrimination based on protected status.

Regarding sex discrimination, the district's affirmative action employment plan or program must include the requirements to maintain credential requirements for all personnel without regard to sex; make no differentiation in pay scale based on sex; make no differentiation in the assignment of school duties based on sex except where an assignment would involve duty areas or situations such as, but not limited to, a shower room, where persons might be disrobed;

provide the same opportunities for advancement for males and females; and make no differentiation in conditions of employment based on sex, including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of or payment for instructional or noninstructional duties.

Complaint Procedure
The district will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, the district will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all employees of it. The district will provide the notice in a language each employee can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for those with limited English proficiency.

The district will not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

Compliance Officer
The superintendent will designate an employee who is responsible for monitoring and coordinating the district's compliance with chapter 392-190 WAC and the guidelines the Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.

The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

Retaliation Prohibited
The district will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this policy or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, the district will not tolerate someone else retaliating against another because they sought to secure their rights under this policy or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure.

Any person who retaliates will be subject to appropriate discipline.

Cross References:	2030 - Service Animals in Schools
	5011 - Sexual Harassment of District Staff Prohibited
	5270 - Resolution of Staff Complaints
	5407 - 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

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)

WAC 392-190-0591 Public school employment and contract practices—Nondiscrimination

Management Resources: 2018 - May Policy Issue
2017 - April Issue
2014 - December Issue
2013 - June Issue

2011 - June Issue

2011 - February Issue

Policy News, August 2007 Washington's Law Against Discrimination

Policy News, June 2001 State Updates Military Leave Rights

Last Revised: **July 16, 2025**
Classification: **Important**
Prior Revised Dates: **12.00; 06.01; 08.07; 02.11; 06.11; 06.13; 12.14; 04.17; 05/01/2018; 07/24/2023; 12/22/2024**