

NONDISCRIMINATION AND AFFIRMATIVE ACTION

1. 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.
~~or qualified individuals with disabilities.~~

The ~~Board shall designate a staff member to Superintendent shall~~ serve as ~~Affirmative Action/ Title IX~~the Compliance compliance Officer~~officer.~~

2. 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, handicapped, 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~~handicapped~~, 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.

3. 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. 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 shall 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.
- 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 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.

Cross References:	Board Policy 2030	Service Animals in Schools
	Board Policy 5270	Resolution of Staff Complaints
	Board Policy 5407	Military Leave
Legal References:	RCW 28A.400.310	Law against discrimination applicable to district's 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 employer defined
	RCW 49.60.40	Discrimination, Preferential-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 162-22-050	Unfair practice
	392-200	Employment Discrimination
	392-200-015	Public school employment—Affirmative action program
	42 USC 2000e1 – 2000e10	Title VII of the Civil Rights Act of 1964
	42 USC §2000e-2000e-9	Title VII of the Civil Rights Act of 1964
	20 USC § 1681 - 1688	Title IX Educational Amendments of 1972
	42 USC § 2000h-2000h-6	Title IX Educational Amendments of 1972
	42 USC	Title IX Education Amendments of 1974
	42 U.S.C. §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
	29 U.S.C. § 706	

~~8 USC 1324a and 1324b. (IRCA) Immigration Reform and Control Act of 1986~~

~~45 C.F.R. 84 Sec 504 Vocational Rehabilitation Act of 1973~~

~~Exec. Order 11246 Amended by Executive Order 11375~~

Management Resources: *Policy News*, June 2011 Laws Against Discrimination Address
Policy News, February 2011 Equal Education Opportunities
Policy News, August 2007 Nondiscrimination
Policy News, June 2001 Washington's Law Against
Discrimination
State Updates Military Leave Rights

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