

Nondiscrimination and Affirmative Action **Discrimination-Free Workplace**

Nondiscrimination

To ensure fairness and consistency, the district has established procedures for receiving and investigating complaints of discrimination by employees consistent with Chapter 392-190 WAC and federal and state laws. Employees will utilize the following procedures:

- Procedure 3210P: Complaints of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal.
- Procedure 5011P: Complaints of sexual harassment, defined as unwelcome conduct or communication of a sexual nature between two or more individuals.

Employees with questions about how to utilize these procedures will promptly contact the compliance officer designated by the superintendent to monitor and coordinate the district's compliance with Chapter 392-190 WAC. No employee's status with the district will be adversely affected as a result of using these procedures.

Affirmative Action Plan

The district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of underutilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding

~~discrimination.~~

- ~~E. Take appropriate action to attract and retain aged, persons with disabilities, ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.~~
- ~~F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.~~

~~Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.~~

~~Dissemination~~

~~The district will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:~~

- ~~A. Printing and distributing such information to staff, school libraries and offices;~~
- ~~B. Publicizing such information in district newsletters;~~
- ~~C. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;~~
- ~~D. Conducting faculty meetings and meetings with classified staff;~~
- ~~E. Informing appropriate and interested recruiting and hiring sources; and~~
- ~~F. Informing all representative staff groups in the district.~~

~~Male/Female Balance and Staff Goals~~

~~The profile of the district's current utilization of women is set forth in the Affirmative Action Data Sheet. By the commencement of the 2023 school year, the district will strive to achieve a rate of employment in regard to sex at least equivalent to the goals set forth in the minority population of Cowlitz County. The district will see that measurable efforts are made in the utilization of women for higher levels of responsibility in both certificated and classified positions. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school and level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.~~

A. ~~Administrators~~

~~**Goal:** To place females in administrative positions.~~

~~**Objectives:** To place females in administrative positions as they become available which falls within a range of 50% men and/or women, without using preferential employment practices.~~

~~To identify qualified potential candidates from outside the district for consideration for future openings.~~

B. ~~Principals and Assistant Principals~~

~~**Goal:** To place females in principal positions.~~

~~**Objective:** To place females in principal and assistant principal positions as they occur and trained women are available, without using preferential employment practices.~~

C. ~~Teachers, Elementary or grades K-8~~

~~**Goal:** To provide each student with the opportunity to experience both male and female homeroom teachers during the primary as well as the intermediate grades.~~

~~**Objective:** To achieve a staff which falls within a range of 50% men and/or women in the primary as well as the intermediate grades at each school, without using preferential employment practices.~~

D. ~~Teachers, Secondary or grades 9-12~~

~~**Goal:** To provide students with the opportunity to work with male and female staff in both curricular and extracurricular activities.~~

~~**Objective:** To maintain a staff which falls within a range of 50% men and/or women for classroom teachers and activity supervisors, without using preferential employment practices.~~

E. ~~Support Staff — Certificated and Classified~~

~~**Objective:** To achieve a staff which falls within a range of 50% men and/or women, without using preferential employment practices.~~

Ethnic Minority Balance and Staff Goals

The profiles of the district's current student ethnic minority population and the district's current ethnic minorities (American Indian/ Native American, Asian, Black, and Hispanic) are set forth in the Affirmative Action Data Sheet. By the commencement of the 2023 school year the district will strive to achieve a rate of employment for ethnic minorities in both certificated and classified areas as indicated in this plan, without using preferential employment practices. These goals are a utilization level for certificated staff, at least equal to the percentage of ethnic minority student enrollment within the district; for classified staff a utilization level of at least 8%, a figure based upon relevant availability figures in the Cowlitz County statistical area. Final and interim goals are set out in the Affirmative Action Plan. The district will see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions, without using preferential employment practices. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

A. ~~Administrators~~

~~**Goal:** To place ethnic minorities in administrative positions, without using preferential employment practices.~~

~~**Objectives:** To place ethnic minorities in administrative positions as they become available to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.~~

~~To identify qualified potential candidates from outside the district for consideration for future openings.~~

B. ~~Principals and Assistant Principals~~

~~**Goal:** To place ethnic minorities in principal positions.~~

~~**Objective:** To place ethnic minorities in principal and assistant principal positions as they occur and trained applicants are available, without using preferential employment practices.~~

C. ~~Teachers: Elementary or grades K-8~~

~~**Goal:** To provide each student with the opportunity to experience ethnic minority homeroom teachers during the primary as well as the intermediate grades, without using preferential employment practices.~~

~~**Objective:** To achieve a staff of primary and intermediate teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment.~~

D. ~~Teachers: Secondary or grades 9-12~~

~~**Goal:** To provide students with the opportunity to work with ethnic minority staff in both curricular and extracurricular activities.~~

~~**Objective:** To maintain a staff of classroom teachers and activity supervisors in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.~~

E. ~~Support Staff – Certificated and Classified~~

~~**Objective:** To achieve a staff of certificated and classified support staff in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment, without using preferential employment practices.~~

Aged Balance and Staff Goals

The profile of the district's current age distribution of certificated and classified staff is set forth in the Affirmative Action Data Sheet. By the commencement of the 2023 school year, the district will strive to achieve a rate of employment for age categories for both certificated and classified staff as indicated in Affirmative Action plan. The district will make good faith effort to recruit, interview and employ individuals consistent with the commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

A. ~~Administrators~~

~~**Goal:** To identify administrative positions where age is not a barrier to performance.~~

~~**Objective:** To create opportunities for older prospective staff to work on a part-time basis when it~~

would not deter the district's operations.

~~B. Teachers~~

~~**Goal:** To provide opportunities for students to work with older staff in both curricular and extracurricular activities.~~

~~**Objective:** To create opportunities for older staff to work on a part-time basis in those situations where the staff member can serve as a role model to the student or can share his/her breadth of experience.~~

~~C. Support Staff – Certificated and Classified~~

~~**Goal:** To identify positions in the district, either full-time or part-time, where age does not limit the performance of the prospective staff member.~~

~~**Objective:** To place prospective staff who desire to work in positions where they are able to meet the expectations and/or needs of the district.~~

Internal Audit and Monitoring System

The superintendent's office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis will be made of the internal and external work force availability of aged, persons without disabilities, ethnic minorities and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

A. Analysis of the categories of employment in relation to affirmative action goals;

B. Analysis of work force data and applicant flow;

C. Maintaining records relative to affirmative action information;

D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;

Identifying in a

This complaint procedure is adopted in accordance with chapter 392-190 WAC.

Complainant

An employee may file a complaint against the district alleging that it has violated anti-discrimination laws. The person filing the complaint is referred to as the "complainant."

Formal Complaint

A formal complaint must be in writing and describe the specific acts, conditions, or circumstances alleged to violate anti-discrimination laws.

A complaint must be filed within one year of the occurrence giving rise to the complaint. The deadline will not be imposed if the complainant was prevented from filing a complaint because (1) the district specifically misrepresented that it had resolved the problem forming the basis of the complaint or (2) the district withheld information it was required to provide under chapter 392-190 WAC.

A complaint may be filed by mail, fax, email, or hand delivery to any district or school administrator or to the compliance officer.

Informal Complaint

A complainant may bring an informal (i.e., oral) complaint to the district. If that occurs, the compliance officer or their designee will schedule a meeting to discuss the informal complaint and how to resolve the complainant's concerns. Using this informal process does not limit the complainant's right to file a formal complaint. Further, as part of this informal process, the district will notify the complainant in writing about their right to file a formal complaint. The notice will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

Receiving a Formal Complaint

Any district or school administrator who receives a formal complaint will promptly notify the compliance officer. Once the compliance officer receives a complaint, they will do the following:

1. Provide the complainant with a copy of Policy 5010 and this procedure in a language they can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.
2. Ensure that the district conducts a prompt and thorough investigation into the allegations in the complaint.

In lieu of investigating, the district and the complainant may agree to resolve the complaint. If the complaint is resolved, no further action is necessary.

Written Response to a Formal Complaint

After completing the investigation, the compliance officer or their designee will give the superintendent a full written report to the of the complaint and the investigation results.

The superintendent or their designee will issue a written response to the complainant within thirty calendar days after the district receives the formal complaint. The thirty-day timeline can be extended if agreed to by the complainant or if exceptional circumstances related to the complaint require an extension. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date. The notice will be in a language the complainant can understand, which may

require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

The written response must include a summary of the results of the investigation; a finding as to whether the district failed to comply with anti-discrimination laws; notice to the complainant of their right to appeal, including where and to whom the appeal must be filed; and, if the district failed to comply with anti-discrimination laws, the corrective measure deemed necessary to correct the noncompliance. Any corrective measures must be instituted as expeditiously as possible but no later than thirty calendar days after the written response is issued unless otherwise agreed to by the complainant. The written response will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

The district will send a copy of the written response to the Office of the Superintendent of Public Instruction (OSPI) when it sends the response to the complainant.

Appeal to the Board

If a complainant disagrees with the superintendent's written response, they may appeal to the board. The appeal must be in writing and filed with the superintendent any employment practice or policy that is discriminatory or that does within ten calendar days of receiving the written response.

The board must issue a written appeal decision within thirty calendar days of receiving the appeal unless the complainant agrees otherwise. The board may schedule a meeting to hear from the complainant and district representatives before issuing its decision. If it doesn't schedule a meeting, the board will consider the investigation report, the written response, and any documentation the complainant submits before making its decision.

The appeal decision must include notice of the complainant's right to file a complaint with OSPI under WAC 392-190-075. The district will send a copy of the appeal decision to OSPI.

The appeal decision will be in a language the complainant can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for complainants with limited English proficiency.

Complaint to OSPI

If a complainant disagrees with the board's decision, or if the district fails to comply with this procedure, the complainant may file a complaint with OSPI.

A complaint must be received by OSPI on or before the twentieth calendar day following the date upon which the complainant received the board's decision unless OSPI grants an extension for good cause.

Complaints may be submitted by mail, fax, email, or hand delivery.

A complaint must be in writing and include the following: (1) a description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; (2) the name and contact information, including address, of the complainant; (3) the name and address of the district subject to the complaint; (4) a copy of the district's written response and appeal decision, if any; and (5) a proposed resolution of the complaint or relief requested.

Upon receipt of a complaint, OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the board.

Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with chapter 392-190 WAC or OSPI's guidelines and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and any documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action, including, but not limited to, referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Administrative Hearing

The complainant or the district may appeal OSPI's written decision by filing a written notice of appeal with OSPI within thirty calendar days of receiving the decision. OSPI will conduct a formal administrative hearing in accordance with the Administrative Procedures Act, chapter 34.05 RCW.

Mediation

The district may offer mediation at any time during the complaint procedure. The purpose of mediation is to offer the complainant and the district an opportunity to resolve disputes and reach an acceptable agreement concerning the complaint using an impartial mediator. The parties may agree to extend the complaint procedure deadlines to pursue mediation.

Mediation is voluntary, requires the agreement of both parties, and may be terminated by either party at any time.

E. The mediator must be impartial, may not be an employee of the district, and must not meet the requirements of the affirmative action program; and have a personal or professional conflict of interest. A person is not disqualified as a mediator solely because the district pays them to serve as a mediator.

~~F. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.~~

If the parties resolve a dispute through mediation, they may execute a legally binding agreement that describes the resolution, states that all discussions that occurred during mediation will remain confidential and may not be used as evidence in any subsequent complaint or civil proceeding, and is signed by the complainant and the district's representative.

Recordkeeping

The compliance officer's office will maintain documentation for each complaint received (e.g., the complaint, notices, the investigation report, the written response, the appeal decision, documentation of corrective measures, etc.) for six years.

Resources

1. *Vicky Barnes*
Compliance Officer/Affirmative Action Officer
800 Second St.
Woodland, WA 98674
barnesv@woodlandschools.org,
(360) 841-2702

2. State Contacts

Superintendent of Public Instruction

Equity and Civil Rights Office

P.O. Box 47200

Olympia, WA 98504-7200

360.725.6162

Washington State Human Rights Commission

711 South Capitol Way, Suite 402

P.O. Box 42490

Olympia, WA 98504-2490

360.753.6770

Office for Civil Rights

U.S. Department of Education

915 Second Avenue, Room 3310

Seattle, WA 98174

206.607.1600