Nondiscrimination of Staff and Affirmative Action

Nondiscrimination of Staff

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 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.

The board will designate a staff member to serve as the compliance officer.

Affirmative Action

The District, as a recipient of public funds, has an important interest in a work force that closely mirrors that of the diverse students and families who are served in our schools and shall make employment opportunities known to attract a diverse candidate pool.

In order to achieve the goal of increasing the representation of diverse and multilingual staff members in the workforce, especially in certificated personnel, to the extent allowed by law, the District will make aggressive efforts to recruit, hire, and retain a qualified diverse and multilingual workforce. The Superintendent is directed to employ a variety of short- and long-term strategies to achieve this goal. These strategies may include, but are not limited to, early recruitment, teacher preparation, targeted recruitment, and relocation incentives.

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 a disability 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 accommodations of 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 and/or is not required by law. 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.

C. 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.

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 of, 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 during initial employment, retention in employment, promotion, or any benefit of employment. The District also will not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

ELIMINATING GENDER DISCRIMINATION

The District is committed to eliminating gender discrimination as it applies to counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students. Counseling and guidance services for students shall be made available to all students equally. Certificated personnel are required to stress access to all career and vocational opportunities to students without regard to gender. Recreational and athletic activities shall be offered to all students without regard to gender. The District may provide separate teams for each gender, as provided in RCW 28A.640.020. However, no disparities may occur relative to equipment and supplies, medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including courts,
gyms, provision of showers, toilets, or training room facilities comparable for both genders or scheduled and used separately by each gender. With respect to course offerings, all classes shall be required to be available to all students without regard to gender. The only authorized separation permitted within any class is during sessions on sex education.

NONDISCRIMINATION BY CONTRACTORS AND VENDORS

The District requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the District to subscribe to applicable federal and state laws, executive orders and rules and regulations regarding nondiscrimination.

Cross References: 5270 – Resolution of Staff Complaints
5407 – Military Leave

Legal References: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964
Title IX, Educational Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
The Civil Rights Act of 1991
The American with Disabilities Act of 1990
Immigration Reform and Control Act of 1986; 38 USC §§ 4301-4333
Uniformed Services Employment and Reemployment Rights Act; 29 USC § 794
34 CFR § 104 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance
29 USC 794 Vocational Rehabilitation Act of 1973
38 USC 4212 Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)

RCW 28A.400.310 Law against discrimination applicable to districts’ employment practices;
28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies;
28A.642 Discrimination prohibition;
49.60 Discrimination — Human rights commission;
49.60.030 Freedom from discrimination — Declaration of civil rights;
49.60.180 Unfair practices of employers;
49.60.400 Discrimination, preferential treatment prohibited;
73.16 Employment and Reemployment
WAC 392-190 Equal Education Opportunity – Unlawful Discrimination Prohibited;
392-190-0592 Public school employment — Affirmative action program

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