

AFFIRMATIVE ACTION PLAN

KLICKITAT SCHOOL DISTRICT #402

FEBRUARY 2018 – JANUARY 2023

Development and affirmation of policy

The needs of all persons in a pluralistic society must be understood in order to continue to create an employment atmosphere compatible with and receptive to all persons. The following goals will assure that a meaningful educational experience may continue to exist for students and staff alike. 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 under-utilized 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.

This Affirmative Action Plan sets forth the procedure by which the district will ensure implementation of Policy 5010, *NONDISCRIMINATION AND AFFIRMATIVE ACTION*, revised February 2018.

Staff responsibilities for implementation and evaluation

Implementation and evaluation of the affirmative action plan shall be the responsibility of the superintendent. The superintendent shall annually report to the school board about progress toward implementation of this plan. All employees are expected to 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.

Numerical review analysis

Data in the *Table 1* below displays student enrollment and school district employees in comparison to Washington State and Klickitat County. The Klickitat community is an unincorporated area so community census data are not available. It is likely that the community data closely follows the county patterns.

Table 1

Fact	Washington	Klickitat County	School District Enrollment	School District Employees
Population	7,310,300	21,660	71	31
Females	50.1%	49.3%	29.5%	67.8%
Males	49.9%	50.7%	70.5%	32.2%
Persons 40+	N/A	N/A	0	67.7%
Handicapped Persons	15%	19%	0	0
White Persons	80.0%	92.8%	88.8%	96.8%
Black Persons	4.1%	.6%	1.4%	0
Native American Persons	1.9%	2.7%	2.8%	3.2%
Asian Persons	8.6%	.9%	1.4%	0
Pacific Islander Persons	.8%	.2%	0	0
Hispanic or Latino Persons	12.4%	12.5%	5.6%	0
Disabled Veterans	N/A	N/A	0	0
Vietnam era & recent action Veteran	N/A	N/A	0	0

Data in *Table 2* below displays facts about 2017-2018 Klickitat School District employees.

Table 2

Fact	Certified Female	Certified Male	Classified Female	Classified Male
District Employees	67.7%	33.3%	68.8%	39.9%
Supervisor	0	100%	100%	0
Elementary	83.3%	16.7%	100%	0
Secondary	62.5%	37.5%	50.0%	50.0%
Persons 40+ (% of all persons)	50.0%	25.0%	47.4%	15.8%
Handicapped Persons	0	0	0	0
White Persons	100%	100%	100%	97%
Black Persons	0	0	0	0
Native American Persons	0	0	0	5.3%
Asian Persons	0	0	0	0
Pacific Islander Persons	0	0	0	0
Hispanic or Latino Persons	0	0	0	0
Disabled Veterans	0	0	0	0
Vietnam era & recent action Veteran	0	0	0	0

Problem areas identification

Analysis of Table 1 and Table 2 data on the basis of gender, age, ethnicity, disability, disabled veteran and Vietnam and recent action veteran status identifies the following areas in which persons may be underutilized and thus in which *affirmative action without preferential treatment* goals will be developed:

1. Gender balance across certified and support positions.

In general it appears to be a gender imbalance when viewing all employees. In addition, when looking at smaller groupings of employees and job categories, a desirable balance reflecting the near balance across the general population appears to be lacking. However, the district is committed to its policy of nondiscrimination on the basis of gender.

2. Non-white persons in certified and support positions.

Persons who are non-white may be underutilized across all job categories. This may to some extent be aligned with the area general population. However, the district is committed to its policy of nondiscrimination on the basis of race and/or color.

3. Handicapped persons in certified and support positions.

Persons with disabilities are underutilized across all job categories. The district relies on its affirmative action data collection process which is a voluntary contribution of data. Thus, employees may be more reluctant to self-report this information due to a desire for privacy. However, the district is committed to its policy of nondiscrimination on the basis of disability.

4. Disabled and Vietnam and more recent veterans in certified and support positions.

Disabled and Vietnam and more recent action veterans may be underutilized across all job categories and groupings. With the passage of time, the district expects that the number of Vietnam era veterans in the workforce has declined substantially. The district expects the number of “recent action” veterans in the workforce to increase. The district is committed to its policy of nondiscrimination on the basis of disabled veteran, Vietnam era or recent action veteran status.

Goals

Broad Goal 1: Achieve male/female employee balance

The profile of the district's current work force by gender is set forth in *Table 2*. By the commencement of the 2018-19 school year, the district shall strive to achieve a rate of employment in regard to sex at least equivalent to the goals set forth below.

The district shall see that measurable efforts are made to balance the gender of both certificated and classified positions. The district shall make good faith efforts 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 shall not be used to meet stated goals or time lines.

Administrators and Supervisors

Goal: To place females in administrative and/or supervisory positions.

Objectives: To place females in administrative and/or supervisory 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.

Teachers, Elementary or grades K-5

Goal: To provide each student with the opportunity to experience both male and female elementary 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.

Teachers, Secondary or grades 6-12

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.

Support Staff — Certificated and Classified

Goal: To provide students and staff the opportunity to work with both male and female staff in the full range of typical classified and certificated support roles such as cook, custodian, instructional assistant, bus driver, counselor, and specialist.

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

Broad Goal 2: Increase employment of non-white persons

Profiles displaying the current student ethnic minority population and the district employee's (American Indian/ Native American, Asian, Black, and Hispanic) are set forth in *Table 1* and *Table 2*. By commencement of the 2018-19 school year, the district shall 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 16.9%, a figure based upon relevant availability figures as shown in *Table 1* for Klickitat County. The district shall 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 shall make good faith efforts 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 shall not be used to meet stated goals or time lines.

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.

Teachers: Elementary or grades K-5

Goal: To provide each student with the opportunity to experience ethnic minority elementary 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.

Teachers: Secondary or grades 6-12

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.

Support Staff - Certificated and Classified

Objective: To achieve a 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.

Broad Goal 3: Increase employment of handicapped persons

The profile of the district's current distribution of certificated and classified staff with identified handicapping conditions is set forth in *Table 2*. By the commencement of the 2018-19 school year, the district shall strive to achieve a rate of employment for handicapped staff in certificated and classified areas as indicated in *Table 1* for Klickitat County. The district shall make good faith effort to recruit, interview, and employ individuals consistent with the district's commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

The ratio of placement shall strive to be equal to the ratio of employable handicapped as compared to the non-handicapped in Klickitat County.

Administrators

Goal: To identify administrative positions where a handicapping condition is not a barrier to performance.

Objective: To place administrators with handicapping conditions in assignments when it would not deter the district's operations.

Teachers

Goal: To provide opportunities for students to work with teachers who have handicapping conditions in both curricular and extracurricular activities.

Objective: To place teachers with handicapping conditions in assignments when it would not impair the instructional program.

Support Staff - Certificated and Classified

Goal: To identify positions within the district where a handicapping condition does not limit the performance of the prospective staff member.

Objective: To place support staff with handicapping conditions in assignments when it would not deter the district's operations.

Broad Goal 4: Increase employment of persons who are disabled veterans, Vietnam era veterans and veterans of more recent action.

The profile of the district's current distribution of certificated and classified staff identified as disabled veterans, Vietnam era veterans or veterans of more recent action is set forth in *Table 2*. By the commencement of the 2018-19 school year, the district shall strive to increase the rate of employment for veterans as herein described in certified and classified positions to the greatest extent possible without using preferential employment practices. Statistical data from Klickitat County regarding veteran status is not readily available. The district shall make good faith effort to recruit, interview, and employ individuals consistent with the district's commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

Administrators

Goal: To place disabled veterans, Vietnam era veterans, and veterans of more recent action in administrative positions, without using preferential employment practices.

Objectives: To place disabled veterans, Vietnam era veterans, and veterans of more recent action in administrative positions as they become available to the greatest extent possible without using preferential employment practices.

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

Teachers: Elementary or grades K-5

Goal: To provide each student with the opportunity to experience disabled veterans, Vietnam era veterans, and veterans of more recent action as 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 disabled veterans, Vietnam era veterans, and veterans of more recent action is increased to the greatest extent possible without using preferential employment practices.

Teachers: Secondary or grades 6-12

Goal: To provide students with the opportunity to work with disabled veterans, Vietnam era veterans, and veterans of more recent action in both curricular and extracurricular activities.

Objective: To maintain a staff of classroom teachers and activity supervisors in which the percentage of disabled veterans, Vietnam era veterans, and veterans of more recent is maximized, without using preferential employment practices.

Support Staff - Certificated and Classified

Objective: To achieve a level of certificated and classified support staff in which the percentage of disabled veterans, Vietnam era veterans, and veterans of more recent action is maximized, without using preferential employment practices.

Internal Audit and Review

The superintendent's office, in compliance with WAC 162-12, "Pre-employment Inquiry Guide," shall record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis shall be made of the internal and external work force availability by gender, handicapping condition, minority status, and veteran status.

The district shall 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;
- E. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and

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

Supportive Systems

Administrators making selection recommendations to the Board of Directors consider all applicants on the basis of job related qualifications. The District selects employees as needed on the basis of merit, training and experience with no unlawful discrimination against any employee or applicant. In addition, the District selects employees without preferential treatment. A continuing review of hiring criteria is made to ensure the relevance of job qualifications to the tasks to be performed and the needs of the position.

In addition, the District promotes continued relationships with organizations that are a recruitment source for individuals from protected groups, including those that may be underutilized in the Klickitat School District work force. These organizations include such agencies as the state job service agencies, college and university placement offices and internet based job posting services. Job announcements are posted on employee bulletin boards, distributed via email to staff in the District and also on the District website. Jobs may also be posted on community bulletin boards, emailed to other school districts in the region, advertised in newspapers, college placement offices, and internet job posting services.

Consistent with the District's equal employment policy and in addition to other measures described herein:

1. Publicity for job openings may include, without limitation, informing professional groups and organizations that include both protected and non-protected groups, visiting job fairs to promote a diverse population of qualified applicants, and listing job openings, including minimum qualifications, on the district website.
2. All staff will be encouraged to facilitate recruitment of a diverse pool of qualified applicants, including applicants from underrepresented protected groups.
3. All sub-contractors, vendors, and suppliers will be notified in writing of the District's equal employment policy.
4. All recruiting sources will be notified in writing of the District's equal employment policy.

Reduction in Force

The District's reductions in force ("RIF") procedures for bargaining unit positions are established by collective bargaining agreements. Seniority within the appropriate job classification is the primary factor for determining employee retention in a RIF's environment. Affirmative action is not currently a factor in collective bargaining agreements. RIF procedures for unrepresented and exempt positions are established by the school board and do not explicitly address affirmative action. If a RIF is necessary, the District will make reductions within the scope of its legal and contractual obligations.

Grievance Procedure

Complaints alleging violation(s) of Affirmative Action should be directed to the Affirmative Action Officer:

Superintendent
Klickitat School District
P. O. Box 37 Klickitat, WA 98628
Phone 509-369-4195

Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures.

- A. **Grievance** means a complaint which has been filed by an employee relating to alleged violations of any state or federal anti-discrimination laws.

- B. **Complaint** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

- C. **Respondent** means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

A. **Informal Process for Resolution**

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the staff member may proceed to the formal review procedures. During the course of the informal process, the district will notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution

Level One: Complaint to District

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response. The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

Level Three - Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 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 complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction 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 superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC 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 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.

Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

C. Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

D. Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the district compliance officer for a period of 6 years.

State Contact Resources

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

KLICKITAT SCHOOL DISTRICT
POLICY 5010
NONDISCRIMINATION AND AFFIRMATIVE ACTION
(Revised February 2015)

Nondiscrimination

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, is committed to undertake affirmative action which will make effective 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 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 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 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, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy will be reported annually to the board.

Employment of Persons with Disabilities

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

- A. No qualified person with disabilities will, solely by reason of a disability, be subjected 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.
- B. 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:
 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 will 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: 2030 – Service Animals in Schools
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 Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)
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)

Management Resources: 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

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