

## **Nondiscrimination and Affirmative Action**

### **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 veterans 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 West Valley School District Board of Directors will designate a staff member to serve as affirmative action/Title IX Compliance Officer.

### **AFFIRMATIVE ACTION**

The District, as a recipient of public funds, is committed to undertake affirmative action which will make effective, equal 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 procedure to increase the rate of aged, persons with disabilities, ethnic minorities, women, and Vietnam veterans, who are under-represented in the job classifications in relation to the availability of such persons having requisite qualifications. Affirmation action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity, or national origin, such affirmative action swill also include recruitment, selection, training, education and other programs.

The Superintendent or designee will develop an affirmative action plan that 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 non-discrimination to those persons with disabilities, the following conditions will prevail:

- A. No qualified person with disability 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 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, as appropriate, 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, and acquisition or modifications 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.

The District will not use any employment tests or criteria that screens 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.

- C. 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.
- D. 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 in 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:**

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|-------------------|--------------------------------|
| Board Policy 2030 | Service Animals in Schools     |
| Board Policy 5270 | Resolution of Staff Complaints |
| Board Policy 5407 | Military Leave                 |

**Legal References:**

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|-----------------|--|
| 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 |

5010  
Personnel

Chapter 28A.642	RCW Discrimination prohibition
Laws of 2018, ch 116	Wages and Advancement Opportunities - Gender
Chapter 49.60	RCW 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
Chapter 73.16	RCW Employment and reemployment
Chapter 392-190	WAC 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	Immigration Reform and Control Act of 1986
38 USC §§ 4301-4333	Uniformed Services Employment and Reemployment Rights Act
29 U.S.C. § 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

Management Resources:

Policy and Legal News	May 2018
Policy and Legal News	April 2017
Policy and Legal News	December 2014
Policy and Legal News	June 2013
Policy News	June 2011
	Adding Legal Reference to Policy 5010
	Laws Against Discrimination Address Equal Education Opportunities
Policy News	February 2011
Policy News	Nondiscrimination
Policy News	August 2007
	Washington's Law Against Discrimination
	June 2001
	State Updates Military Leave Rights

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