

Nondiscrimination and Affirmative Action Policy 5010

NONDISCRIMINATION

The Kelso School district is committed to an educational and working environment free from discrimination and harassment as described in this policy. This policy and accompanying procedure prohibits discrimination and harassment of any staff member, volunteers, and contractors who work on behalf of the district.

EQUAL EMPLOYMENT OPPORTUNITY

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 a legally protected characteristic, which includes the following: race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, disability, or the use of a trained dog guide or service animal by a person with a disability.

DISCRIMINATORY HARASSMENT

Discriminatory harassment is unwelcome conduct that is:

1. Directed toward a person based on a protected characteristic,
2. Sufficiently severe or pervasive;
3. Unreasonably interferes with a person's work environment or ability to perform job duties; and
4. The cause of an intimidating, hostile, or offensive environment.

Examples of discriminatory harassment include, but are not limited to:

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to or about a person's legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Physical conduct toward a person due to that person's legally protected characteristic;
- All communications, including those conveyed electronically, such as by e-mail, telephone or voicemail, text messaging, or social media or other internet use, that directly or indirectly implicates a legally protected characteristic; or
- Any other unwelcome conduct that implicated a legally protected characteristic.

In most instances, discriminatory harassment does not include supervisory or evaluative practices.

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:
 - a. Making facilities used by staff readily accessible and usable by persons with disabilities; and
 - b. 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 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 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:	Policy 2030	Service Animals in Schools
	Policy 5011	Sexual Harassment of District Staff Members Prohibited
	Policy 5270	Resolution of Staff Complaints
	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
	RCW 49.60.400	Discrimination, preferential treatment prohibited
	RCW 73.16	Employment and Re-employment
	WAC 392-190	Equal Education Opportunity – Unlawful Discrimination Prohibited
	WAC 392- 190-0592	Public school employment — Affirmative action program
	42 USC2000e1 – 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 Assistance Act of 1974 (VEVRAA)
Management Resources:	<i>Policy & Legal News</i>	
	2023 - Jul	
	2018 - May	
	2017 - Apr	
	2014 - Dec	
	2013 - Jun	

2011 - Feb

2011 - Jun

2007 - Aug

2001 - Jun

Adopted: 05.14.75

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05.22.17 | 02.12.24