

# BOARD POLICIES: Nondiscrimination (5010 & 5010P)

## PERSONNEL -

### Nondiscrimination-5010

The district shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training. Such equal employment opportunity shall be provided without discrimination with respect to race, color, national origin, sex, sexual orientation including gender expression or identity, creed, religion, age, veteran or military 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 district shall not discriminate against a person with a disability if the person can perform the essential functions of the job with reasonable accommodations and without an undue hardship.

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 initial employment, retention in employment, promotion, or any benefit of employment. The district will also not discriminate against any person because he or she has opposed any of these practices. The board shall designate a staff member to serve as affirmative action/Title IX Compliance Officer.

## PERSONNEL -

### Nondiscrimination- Grievance Procedure 5010P

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. As used in this procedure:

"Grievance" will mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any state or federal antidiscrimination laws.

A "complaint" shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A "respondent" shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

It is a violation of district policy to knowingly report false allegations of discrimination. Employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline. The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this end, the following steps shall be taken:

#### 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.

#### Level One

The complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, 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 will respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board and will identify where and to whom the appeal must be filed.

The superintendent's written response will state that the district either:

- A. Denies the allegations contained in the written complaint received by the district; or
- B. Shall implement reasonable corrective measures to eliminate any such act, conditions or circumstance within the school district.

Such 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 written decision or if the superintendent fails to respond, the complainant may file a written notice of appeal with the secretary of the board by the tenth (10th) calendar day following:

- A. The date upon which the complainant received the superintendent's response; or
- B. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

The board will schedule a hearing to commence by the twentieth (20th) 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. The board will render a written decision by the tenth (10th) calendar day following the termination of the hearing and will provide a copy to all parties involved, unless otherwise agreed to by the complainant and the superintendent or for good cause. The response of the board 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.

#### Level Three - Appeal to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the board's decision to the superintendent of public instruction.

A. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20th) day following the date upon which the complainant received written notice of the board of directors' decision.

B. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:

1. A concise statement of the original complaint and the portions of the board of directors' decision which is appealed; and
2. The relief requested by the complainant.

If a complainant remains aggrieved, they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

#### 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 six years..

#### Resources

##### **1. District Contact:**

J. Bailey Bertram/Compliance Officer  
Director of Classified Staffing  
Human Resources  
206.393.4114

##### **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 of Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600