

## **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 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 has fewer than 49 full-time-equivalent employees and is not required to develop an Affirmative Action Plan. During any year that the district employs 50 full-time-equivalent employees, a plan will be developed and submitted to OSPI's Equity and Civil Rights Office. Plans expire five years from the date of the plan's adoption.

The superintendent will develop 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, will be posted on the district's website and made available to staff in all classifications and to all interested patrons and organizations.

### **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. 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; and
- 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.

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
	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

Management Resources:

*Policy News*, June 2011

*Policy News*, February 2011

*Policy News*, August 2007

*Policy News*, June 2001

Laws Against Discrimination Address  
Equal Education Opportunities

Nondiscrimination

Washington's Law Against  
Discrimination

State Updates Military Leave Rights

**Selkirk School District Board of Directors  
Adopted: 7/29/13**