



# **Mukilteo School District**

## **Personnel - Series 5000**

### **Nondiscrimination and Affirmative Action - 5010**

#### **1. Nondiscrimination**

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, creed, color, national origin, age, gender, marital status, sexual orientation including gender identity or expression, genetic information, honorably discharged veteran or military status individuals, mental, physical or sensory disabilities, or the use of a trained dog guide or service animal by a person with a disability. The District may give preference to a United States citizen or national over an authorized alien if two candidates are equally qualified.

The Superintendent shall designate a staff member to serve as affirmative action/ Title IX Compliance officer.

#### **2. Affirmative Action**

The District, as a recipient of public funds, shall make effective equal employment opportunities for staff and applicants for employment. Reasonable steps shall be taken to promote employment opportunities of those classes that are recognized as protected groups -- aged, handicapped, ethnic minorities, women and Vietnam Veterans.

#### **3. Employment of Persons with Disabilities**

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

- a. No qualified person with disabilities shall, solely by reason of a disability be subjected to discrimination, and the District shall 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 shall make reasonable accommodations 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.
- 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.

#### 4. Accessibility

The District recognizes the needs of students, staff, parents and guests with disabilities, as defined by the Americans with Disability Act (ADA) to have access to all school facilities and programs. The District shall comply with state and federal accessibility regulations for its facilities.

The Superintendent shall designate a staff member to serve as the District's ADA Coordinator.

#### Legal References:

RCW 28A.400.310 Law against discrimination applicable to district's employment practices

RCW 49.60 Discrimination — human rights commission

WAC 392-200 Employment Discrimination

RCW 28A.640.020 Regulations, guidelines to eliminate discrimination -- Scope

RCW 28A.642 Discrimination Prohibition

Title VII of the Civil Rights Act of 1964

Title IX of the Educational Amendments of 1972

P.L. 99-603(IRCA) Immigration Reform and Control Act of 1986

42 U.S.C. SS 12101 - 12213 Americans with Disabilities Act

P.L. 110-233 (GINA) Genetic Information Nondiscrimination Act of 2008

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Revised: March 11, 2008

Revised: January 25, 2010

Revised: September 12, 2011



# **Mukilteo School District**

## **Personnel - Series 5000**

### **Nondiscrimination and Affirmative Action - Procedures - 5010-P**

To ensure fairness and consistency, the following grievance procedure is 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 shall be adversely affected in any way because the staff member utilized these procedures. As used in this procedure,

"Grievance" shall mean a complaint which has been filed by a complainant (an employee, a parent or guardian) relating to alleged violations of any anti-discrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190, Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. SS 12101 - 12213 Americans with Disabilities Act (ADA) or Title VII of the Civil Rights Act of 1964. 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.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and, the following steps shall be taken:

#### **Informal Review Procedures**

When a staff member has an employment problem concerning equal employment opportunity, he/she shall discuss the problem with the immediate supervisor or an appropriate Executive Director within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the Title IX officer to participate in the informal review procedure. It is intended that the informal discussion shall 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 Title IX 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 - Formal Review**

The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The Title IX officer shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The officer shall provide the Superintendent with a full written report of the complaint and the results of the investigation. The Superintendent shall 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 Superintendent shall state that the District either:

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

Such corrective measures deemed necessary shall 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.

### **Level Two - Appeal to Board of Directors**

If a complainant remains aggrieved as a result of the action or inaction of the Superintendent he/she may file a written notice of appeal with the secretary of the Board on or before the 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 shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board shall render a written decision by the 10th calendar day following the termination of the hearing and shall provide a copy of the decision to all parties involved and will provide notice to the complainant of his/her right to appeal to the Superintendent of Public Instruction.

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

In the event a complainant charging discrimination remains aggrieved 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.
  - 2. The relief requested by complainant/appellant.

### **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, shall be retained in the office of the District compliance officer for a period of 5 years.

November 9, 1998

Revised: March 18, 2008

Revised: September 12, 2011