

HUMAN RESOURCES

Affirmative Action and Nondiscrimination

In correlation with [Board Policy 0010](#), Diversity, Equity, Inclusion, and Belonging, Everett Public Schools is committed to an educational working environment free from discrimination and harassment as described in this policy. This policy and accompanying [procedure](#) prohibit discrimination and harassment of any staff member, volunteers, and contractors who work on behalf of the district.

Equal Employment Opportunity

The district shall provide equal employment opportunity and treatment for all applicants and employees and will not tolerate unlawful discriminatory practices 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 include the following: race, color, national origin, creed, religion, sex, sexual orientation including gender expression or identity, marital status, age, honorably discharged veteran or military 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 email, 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.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for all employees and applicants for employment. Such affirmative action shall 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 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 or designee will develop an affirmative action plan which specifies the personnel procedures to be followed by staff of the district and will ensure that no such procedures discriminate against any individual. Reasonable steps will be taken to promote employee opportunities of those classes that are recognized as protected groups—aged, persons with disabilities, ethnic minorities and women and veterans, although under state law, racial minorities, and women may not be treated preferentially in public employment.

Employment of Persons with Disabilities

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

1. 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 their 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.
2. 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.

3. 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.
4. While the district may not make a preemployment 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.

5. 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:	Board Policy 0010 Procedure 5010P Board Policy 5161 Board Policy 5320.6	Diversity, Equity, Inclusion, and Belonging Affirmative Action and Nondiscrimination Civility in the Workplace Military Leave
Legal references:	RCW 28A.400.310 RCW 28A.640.020 Chapter 28A.642 RCW Chapter 49.60 RCW RCW 49.60.030 RCW 49.60.180 RCW 49.60.400 Chapter 73.16 RCW WAC 162-22-025 Chapter 392-190 WAC WAC 392-190-0592 WAC 392-190-060 WAC 392-190-065 WAC 392-190-070 WAC 392-190-075 WAC 392-190-076 WAC 392-190-077 WAC 392-190-079	Law against discrimination applicable to districts' employment practices Regulations, guidelines to eliminate discrimination— Scope—Sexual harassment policies Discrimination prohibition Discrimination—Human rights commission Freedom from discrimination—Declaration of civil rights Unfair practices of employers Discrimination, preferential treatment prohibited Employment and reemployment Unfair practice Equal educational opportunity—Unlawful discrimination prohibited Public school employment—Affirmative action program Compliance—School district or public charter school— Designation of responsible employee—Notification Compliance—Complaint procedure—School district or public charter school Compliance—Appeal procedure—School district or public charter school Compliance—Complaint procedure—Office of superintendent of public instruction Monitoring—Duty of the superintendent of public instruction Monitoring procedures—Results Monitoring—Appeal procedure

[WAC 392-190-080](#)
[WAC 392-190-081](#)
[WAC 392-190-082](#)
[8 U.S.C. § 1324](#)

[20 U.S.C. § 1681-1688](#)
[29 U.S.C. § 794](#)
[34 CFR § 104](#)

[38 U.S.C. § 4212](#)

[38 U.S.C. § 4301-4333](#)

[42 U.S.C. § 2000e](#)
[42 U.S.C. § 12101-12213](#)

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