



PROPOSED REVISION

5010
Page 1 of 5

HUMAN RESOURCES

Affirmative Action and Nondiscrimination

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~~ **Such** equal employment opportunity will be provided without discrimination ~~on the basis of~~ **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, ~~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.

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.**

PROPOSED REVISION

5010
Page 2 of 5

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

District employees shall be free from harassment based on legally protected attributes or characteristics. The district shall implement programs and practices that value diversity, ensure equity, and build understanding, awareness, and appreciation of the diverse array of human characteristics, needs and perspectives that influence the district environment.

The district shall also make reasonable accommodation to the known sensory, mental or physical limitations of an otherwise qualified disabled applicant or employee unless an accommodation would impose an undue hardship on the operation of the district program.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which will provide 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 monitoring of the workforce composition, and use of 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, which ensure equal employment opportunities for minority and female employees and applicants. 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.

It shall be the responsibility of the ~~The~~ superintendent or designee ~~to~~ will develop an affirmative action plan ~~and procedures 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 Vietnam veterans, although under state law, racial minorities, and women may not be treated preferentially in public employment to be followed by management and supervisory personnel in all schools and departments of the district to carry out the provisions and intent of this policy.~~

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.

PROPOSED REVISION

5010
Page 3 of 5

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 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.

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 2030	Service Animals in Schools
	Board Policy 2152	Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX
	Board Policy 3205	Sexual Harassment of Students
	Procedure 5010P	Affirmative Action and Nondiscrimination
	Board Policy 5161	Civility in the Workplace
	Board Policy 5320.6	Military Leave

PROPOSED REVISION

5010

Page 4 of 5

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](#)
[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](#)

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
Violations—Permissible sanctions
Concurrent claims and remedies
Informing citizens about complaint procedures
Aliens and nationality—Bringing in and harboring certain aliens
Title IX of the Educational Amendments of 1972
Nondiscrimination under Federal grants and programs
Nondiscrimination on the basis of handicap in programs or activities receiving Federal financial assistance
Veterans' employment emphasis under Federal contracts
Veterans' Benefits—Employment and reemployment rights of members of the uniformed services
Title VII of the Civil Rights Act of 1964
Equal Opportunity for Individuals with Disabilities

PROPOSED REVISION

5010
Page 5 of 5

Adopted:	<u>April 22, 1991</u>
Revised:	<u>November 21, 1994</u>
Updated:	<u>August 2000</u>
Updated:	<u>May 2001</u>
Revised:	<u>October 9, 2001</u>
Revised:	<u>March 19, 2002</u>
Revised:	<u>December 10, 2002</u>
Revised:	<u>June 28, 2011</u>
Updated:	<u>February 2012</u>
Updated:	<u>December 2012</u>
Revised:	<u>April 16, 2013</u>
Updated:	<u>August 2013</u>
Updated:	<u>February 2014</u>
Revised:	<u>May 24, 2016</u>
Revised:	<u>June 7, 2016</u>
Updated:	<u>March 2017</u>
Updated:	<u>June 2017</u>
Updated:	<u>February 2018</u>
Updated:	<u>February 2020</u>
	<u>PROPOSED: July 2023</u>