

## **Nondiscrimination and Affirmative Action**

### **Nondiscrimination**

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 (a student, an employee, a parent or guardian) relating to alleged violations of any antidiscrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190, Section 504 of the Rehabilitation Act of 1973, 42 USC 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 end, the following steps shall be taken:

### **Affirmative Action Plan**

The needs of all persons in a pluralistic society must be understood in order to continue to create an employment atmosphere compatible with and receptive to all persons. The following goals shall assure that a meaningful educational experience may continue to exist for students and staff alike. The district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district shall continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district's personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district shall continue to use aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Job descriptions for classified staff shall be sent to the Washington Employment Service and other organizations, which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities shall include institutions with high percentages of students of various ethnic minorities.

5010P

Personnel

- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
- E. Take appropriate action to attract and retain aged persons, persons with disabilities, racial and ethnic minorities, women and Vietnam veterans at all levels and in all segments of the district's work force. Criteria for selecting staff shall be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there shall be no preferential employment practices based on race or gender.
- F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan shall be the responsibility of the Superintendent. Administrators shall assist in the attainment of the established goals and purposes of this affirmative action plan.

**Dissemination**

The District shall disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set for in this plan. Affirmative action information shall be disseminated by:

- A. Printing and distributing such information to staff, school libraries and offices;
- B. Publicizing such information in District newsletters;
- C. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
- D. Conducting faculty meetings and meetings with classified staff;
- E. Informing appropriate and interested recruiting and hiring sources; and
- F. Informing all representative staff groups in the District.

**Internal Audit and Monitoring System**

The Superintendent's office, in compliance with WAC 162-12, "Pre-employment Inquiry Guide," shall record applicant flow, new hires, promotions, transfer requests, transfers, administrative internships, and terminations by age, race, sex and other protected status. An analysis shall be made of the internal and external work force availability of, racial and ethnic minorities and women.

The District shall evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the Board semiannually. Such reports may include recommendations for changes in the affirmative action program goals. The overall

## 5010P

### Personnel

responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

- A. Analysis of the categories of employment in relation to affirmative action goals;
- B. Analysis of work force data and applicant flow; 5010P Personnel 3
- C. Maintaining records relative to affirmative action information;
- D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- E. Identifying in a written report to the Superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
- F. Keeping the Superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

### **Grievance Procedure**

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 shall be adversely affected in any way because the staff member utilized these procedures.

- A. **GRIEVANCE** means a complaint which has been filled by an employee relating to alleged violations of any state or federal anti-discrimination laws.
- B. **COMPLAINT** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the District was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any District, school or the District compliance officer responsible for investigating discrimination complaints. Any District employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
- C. **RESPONDENT** means 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 justifiable complaint. To this end, specific steps will be taken. The District is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of

interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

**A. 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, 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 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 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. During the course of the informal process, the District shall notify complainant of their right to file a formal complaint.

**B. Formal Review**

**Level One: Complaint to District**

The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer shall provide the complainant a copy of this procedure. The compliance officer shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The District and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee 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, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District shall notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the District responds to the complainant, the District shall send a copy of the response to the Office of Superintendent of Public Instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the District has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the District deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language that complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any 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 unless otherwise agreed to by the complainant.

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

If a complainant disagrees with the Superintendent or designee's written decision, the complainant may file a written notice of appeal with the Secretary of the Board by 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 twentieth (20) 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 shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board shall render a written decision thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The Decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Office of Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The District will send a copy of the appeal decision to the Office of Superintendent of Public Instruction.

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

If a complainant disagrees with the decision of the Board of Directors, or if the District fails to comply with this procedure, the complainant may file a complaint to the Office of Superintendent of Public Instruction.

- A. A complaint must be received by the Office of Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the Board of Directors' decision, unless the Office of Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, email or hand-delivery.
- B. A complaint must be in writing and include:
  - a. A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws;
  - b. The Name and contact information, including address, of the complainant;

- c. The name and address of the District subject to the complaint;
  - d. A copy of the District's complaint and appeal decision, if any; and
  - e. A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of homeless child or youth, contact information.
- C. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the Superintendent or Board. Following the investigation, OSPI will make an independent determination as to whether the District has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the District that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the District must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the District to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the District voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a 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, shall be retained in the office of the District Compliance Officer for a period of six (6) years.

#### **RESOURCES**

Civil Rights Compliance Coordinator:  
Randy Souers  
8902 Zier Road, Yakima, WA 98908  
(509) 972-6016  
[souersr@wvsd208.org](mailto:souersr@wvsd208.org)

Section 504/ADA Coordinator:  
Lucas Jaeger  
8902 Zier Road, Yakima, WA 98908  
(509) 972-5560  
[jaegerl@wvsd208.org](mailto:jaegerl@wvsd208.org)

Title IX Coordinator:

5010P

Personnel

Randy Souers

8902 Zier Road, Yakima, WA 98908

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Date: 12.29.00, 7.22.13, 8.30.2018