

Nondiscrimination and Affirmative Action

Nondiscrimination

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 complainant's status with the district will be adversely affected in any way because the complainant utilized these procedures. As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws. A "respondent" will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

Affirmative Action Plan

In order to secure an equitable solution to a justifiable complaint the district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of the aged, persons with disabilities, 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 will 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 will continue to use the aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.
- 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 the aged, persons with disabilities, ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law there will be no preferential employment practices based on race or gender.
- F. Provide staff 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 will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.

Dissemination

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

- A. 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.

Staff Goals

The district will make a good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school and level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

Internal Audit and Monitoring System

The superintendent’s office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board. Such reports may include recommendations for changes in the affirmative action program goals. The overall 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;
- C. Maintaining records relative to affirmative action information;
- D. Preparation of 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

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 complainant’s status with the district will be adversely affected in any way because the complainant utilized these procedures. As used in this procedure, “grievance” will mean a complaint which has been filed by an employee or volunteer (complainant) relating to alleged violations of any state or federal anti-discrimination laws.

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 will be taken:

A. Informal Process for Resolution

When a complainant has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The complainant may also ask the compliance officer to participate in the

informal review procedure. It is intended that the informal discussion will resolve the issue. If the complainant feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the complainant 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 complainant may proceed to the formal review procedures.

B. Level One

The complaint must be written, signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent will 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 response of the superintendent will include notice of the complainant's right to appeal to the school board and will identify where and to whom the appeal must be filed.

The superintendent's written response will state that the district either:

1. Denies the allegations contained in the written complaint received by the district; or
2. Will implement reasonable corrective measures to eliminate any such act, conditions or circumstance within the school district.

Such corrective measures deemed necessary will 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.

C. Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's written decision or if the superintendent fails to respond, the complainant may file a written notice of appeal with the secretary of the board by the 10th calendar day following:

1. The date upon which the complainant received the superintendent's response; or
2. The expiration of the 30-calendar day response period stated in Level One, or whichever occurs first.

The board will 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 will be allowed to present such witnesses and testimony as the board deems relevant and material. The board will render a written decision by the 10th calendar day following the termination of the hearing and will provide a copy to all parties involved, unless otherwise agreed to by the complainant and the superintendent or for good cause. The response of the board will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed.

D. Level Three - Appeal to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, the complainant may appeal the board's decision to the superintendent of public instruction.

1. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20) day following the date upon which the complainant received written notice of the board of directors' decision.
2. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
 - a. A concise statement of the original complaint and the portions of the board of directors' decision which is appealed.
 - b. The relief requested by the complainant.

If a complainant remains aggrieved, they may seek resolution with federal or state agencies empowered with the authority to resolve such complaints.

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, will be retained in the office of the district compliance officer for a period of 6 years.

Resources

1. District Contact
Jeffrey Thomas, Ed.D.
Executive Director
Human Resources
thomasj@bsd405.org
425.456.4074
2. State Contacts
Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770

Office of Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600