



## WHITE RIVER SCHOOL DISTRICT #416 BOARD POLICY

No. 5010

5000 PERSONNEL

### **5010 – Nondiscrimination and Affirmative Action**

#### **Nondiscrimination**

The district is committed to providing a working environment that is inclusive, respectful and free from discrimination and harassment based on a person's protected class. The district will provide equal employment opportunity and treatment for all employees without discrimination of age, sex, race, ethnicity, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, homelessness, immigration or citizenship status, marital status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability.

The district will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training.

The district will make all employment decisions in a non-discriminatory manner and will not limit, segregate, or classify any person in a way that could adversely affect their employment opportunities or status based on their protected status.

The district will not enter into any contractual or other relationship that directly or indirectly results in the discrimination of any person in connection with employment based on their protected status.

#### **Discriminatory Harassment**

The district prohibits discriminatory harassment in the workplace. Discriminatory harassment is unwelcome or offensive conduct directed toward a person based on their protected status that is sufficiently severe or pervasive to create an environment that a reasonable person would consider intimidating, hostile, or offensive. Petty slights, annoyances, or isolated incidents, unless extremely serious, will not rise to the level of discriminatory harassment.

Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, offensive objects or pictures, and interference with work performance.

When the district becomes aware of potential discriminatory harassment, it will promptly investigate the conduct and, as appropriate, take reasonable steps to prevent and promptly correct the harassing conduct.



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### 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 accommodation 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. Reasonable accommodation may include:
  - 1. Making facilities used by staff readily accessible and usable by persons with disabilities; and
  - 2. 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.

An undue hardship means an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of the district. In determining whether an accommodation would impose an undue hardship on the district, the district may consider, among other things, the cost of the accommodation, the district's size, the district's financial resources, and the nature and structure of its operations.

- C. The district will not use any employment test or criteria that screens out persons with disabilities unless:
  - 1. The test or criteria is clearly and specifically job-related; and
  - 2. Alternative tests or criteria that do not screen out persons with disabilities are available.
- D. 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.



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- E. 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 in 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.

#### **Affirmative Action Program**

The district will develop an affirmative action employment plan or program that includes appropriate provisions designed to eliminate discrimination based on protected status.

Regarding sex discrimination, the district's affirmative action employment plan or program must include the requirements to maintain credential requirements for all personnel without regard to sex; make no differentiation in pay scale based on sex; make no differentiation in the assignment of school duties based on sex except where an assignment would involve duty areas or situations such as, but not limited to, a shower room, where persons might be disrobed; provide the same opportunities for advancement for males and females; and make no differentiation in conditions of employment based on sex, including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of or payment for instructional or noninstructional duties.

#### **Complaint Procedure**

The district will adopt a complaint procedure in accordance with chapter 392-190 WAC.

Annually, the district will publish a notice of the complaint procedure in a way that is reasonably calculated to inform all employees of it. The district will provide the notice in a language each employee can understand, which may require language assistance in accordance with Title VI of the Civil Rights Act of 1964 for those with limited English proficiency. The district will not adopt any policy, procedure, or practice that would limit a person's right to file a complaint under the complaint procedure.

#### **Compliance Officer**

The superintendent will designate an employee who is responsible for monitoring and coordinating the district's compliance with chapter 392-190 WAC and the guidelines the Office of the Superintendent of Public Instruction has adopted under WAC 392-190-005.



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The compliance officer is responsible for ensuring that all complaints filed under the complaint procedure are promptly investigated and resolved.

#### **Retaliation Prohibited**

The district will not intimidate, threaten, coerce, or discriminate against any individual who seeks to secure their rights under this policy or chapter 392-190 WAC or because the individual has filed a complaint under the complaint procedure. Further, the district will not tolerate someone else retaliating against another because they sought to secure their rights under this policy or chapter 392-190 WAC or because they have filed a complaint under the complaint procedure. Any person who retaliates will be subject to appropriate discipline.

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Cross References:	Board Policy 2030 Board Policy 5270 Board Policy 5407	Service Animals in Schools Resolution of Staff Complaints Military Leave
Legal References:	RCW 28A.400.310  RCW 28A.640.020  RCW 28A.642 RCW 49.60 RCW 49.60.030  RCW 49.60.180 RCW 49.60.400  RCW 73.16 WAC 392-190  WAC 392-190-0592  42 USC 2000e1 – 2000e10 20 USC § 1681-1688 USC 12101 – 12213 8 USC 132  38 USC §§ 4301-4333  45 29 USC 794 34 CFR § 104	Law against discrimination applicable to district's 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 Re-employment Equal Education Opportunity – Unlawful Discrimination Prohibited Public school employment — Affirmative action program Title VII of the Civil Rights Act of 1964 Title IX Educational Amendments of 1972 42 Americans with Disabilities Act (IRCA) Immigration Reform and Control Act of 1986 Uniformed Services Employment and Reemployment Rights Act Vocational Rehabilitation Act of 1973 Nondiscrimination on the basis of handicap



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Management Resources:

Policy News, June 2011  
Policy News, February 2011  
Policy News, August 2007  
Policy News, June 2001

in Programs or activities receiving federal financial assistance.

Laws Against discrimination Address Equal Education Opportunities  
Nondiscrimination  
Washington's Law Against Discrimination  
State Updates Military Leave Rights

*Original Adoption: March 10, 2004  
Revised: 2007, 2011, 2013, November 2025*