

Nondiscrimination and Affirmative Action

Nondiscrimination

The district shall provide equal employment opportunity for all applicants and employees in recruitment, hiring, retention, assignment, transfer, promotion and training. 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. District employees shall be free from harassment based on legally protected attributes or characteristics.

In cases where employees or applicants believe that they have been discriminated against on the basis of their legally protected status or that their disabilities have not been reasonably accommodated, the employee or applicant may file a complaint using the complaint process set forth in this procedure. (Complaints that an employee or volunteer has been harassed on the basis of their legally protected status should be brought using the complaint procedure in Procedure 5160P.) To ensure fairness and consistency, these procedures are to be used to address complaints covered by state and federal equal employment laws, including the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), Titles VII and IX of the Civil Rights Act, the Washington Law Against Discrimination, and/or the district's Affirmative Action Plan. No person shall be adversely affected in any way because of the utilization of these procedures. The Executive Director of Human Resources or designee shall investigate all allegations of noncompliance or discrimination.

Affirmative Action

The board of directors of the Stanwood-Camano School District recognizes that an Affirmative Action Employment Plan is a sound employment practice, as well as a positive approach toward achieving lasting and equitable human resources policies and procedures.

In accordance with state and federal requirements, the district shall develop an Affirmative Action Plan. Such a plan shall include a work force analysis, a projection of possible work force vacancies, an analysis of activities designed to take appropriate affirmative action and a grievance procedure.

The superintendent, or designee, shall be responsible for the development, implementation and annual reporting of the Affirmative Action Plan. The overall responsibility for monitoring and auditing this plan shall be assigned to the human resources department.

Complaint Process LEVEL I: Informal Complaints and Requests for Accommodation

With regard to ADA matters, a distinction is to be made between a request for accommodation and a complaint. A request for accommodation should be submitted to the Executive Director of Human Resources. The parties should cooperate to resolve any issues of accommodation through an interactive process prior to the filing of a formal complaint outlined in Level IIA complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

At the employee's option, attempts will be made to resolve complaints of discrimination informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discrimination of an employee may be reported to his/her supervisor, the affirmative action officer, or the Executive Director of Human Resources. The supervisor will be responsible for investigation and resolution of informal complaints. The supervisor may seek assistance or guidance from the district's affirmative action officer or Executive Director of Human Resources. The supervisor must notify the complainant of his/her right to file a formal complaint under this policy and procedure. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency.

LEVEL II: Formal Complaints

The District's Executive Director of Human Resources or designee shall be responsible for monitoring and coordinating the district's compliance with WAC 392-190 and related procedures and ensuring that all complaints communicated to the District are promptly investigated and resolved.

The Executive Director of Human Resources is:

Christine Del Pozo
Stanwood-Camano School District
26920 Pioneer Highway
Stanwood, WA 98229
cdelpozo@stanwood.wednet.edu
360-629-1200

The Executive Director of Human Resources or designees will receive and investigate (or assign an investigator) formal complaints. School or district administrators who receive a formal complaint of discrimination will promptly notify the Executive Director of Human Resources and forward a copy of the complaint.

- A. The allegations of discrimination shall:
 1. Be in writing.
 2. Be signed by the complainant.
 3. Describe the specific acts, conditions or circumstances alleged to violate the district's policies or obligations in regard to nondiscrimination, accessibility and/or reasonable accommodation.
 4. Be filed with the Executive Director of Human Resources as soon as possible, but no later than thirty (30) days following the alleged discrimination or harassment, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under WAC 392-190 or related guidelines.
- B. Upon receipt of a complaint, the Executive Director of Human Resources or designee will provide the complainant a copy of Procedure 5010P in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency. The district will promptly and thoroughly investigate the complaint. Following the completion of the investigation, the Executive Director of Human Resources will provide the superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a full written report.
- C. The superintendent or designee will respond in writing to the complainant within thirty (30) calendar days after the district received 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. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, the district responds to the complainant. The district will send a copy of the response to the Office of the Superintendent of Public Instruction.

- D. The response by the superintendent or designee will include:
- a. A summary of the results of the investigation;
 - b. Whether the district failed to comply with WAC 329-190 or related guidelines;
 - c. If the district failed to comply with WAC 392-190 or related guidelines, the corrective measures deemed necessary to correct the non-compliance; and
 - d. Notice of the complainant's right to appeal under WAC 392-190, including where and with whom the appeal must be filed.

The District's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency.

- E. Corrective measures necessary to correct any non-compliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days following the superintendent's or designee's written response to the complainant, unless otherwise agreed to by the complainant.

LEVEL III: Appeal to the Board of Directors

- A. In the event a complainant remains aggrieved following a written response from the superintendent or designee, the complainant may appeal to the district's board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth (10th) day following; (1) the date upon which the complainant received the superintendent's or designee's written response, or (2) the expiration of the thirty (30) day response period in Section II.E., above, whichever occurs first.
- B. Upon receipt of the appeal, the board of directors shall schedule a hearing to commence on or before the twentieth (20th) day following the filing of a written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or designee, or for good cause.
1. The complainant and the superintendent or designee shall be allowed to present such witnesses and testimonies, as the board of directors deems relevant and material.
 2. Unless otherwise agreed to by the complainant and the superintendent or designee, or for good cause, the board of directors shall render a written decision on or before the tenth (10th) day following the termination of the hearing and shall provide a copy to all parties involved. The decision must include notice of the complainant's right to appeal to the superintendent of public instruction and identify where and with whom the appeal must be filed.

LEVEL IV: Appeal to the Superintendent of Public Instruction

In the event a complainant disagrees with the appeal decision of the Board of Directors or if the district fails to comply with the procedures in WAC 392-190-065 or WAC 392-190-070, the complainant may file a complaint with the Office of the Superintendent of Public Instruction (OSPI) within twenty (20) calendar days after the complainant received the board's written appeal decision..

Mediation of Complaints

The District may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. If the district does so, the mediation process must comply with WAC 392-190-0751.

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 Title IX/Compliance Officer following the State of Washington's School Districts Records Retention Schedule.

Cross Reference: Board Policy 5010 Nondiscrimination and Affirmative Action

**Adoption Date: 12.89 Stanwood-Camano
School District
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