

## **Discrimination Free Workplace**

### **Nondiscrimination**

The Lynden School District is committed to an educational and 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 will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training. Such equal employment opportunity will be provided without discrimination with respect to a legally protected class, which include the following: 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.

### **Discriminatory Harassment**

Discriminatory harassment is unwelcome conduct that is:

1. Directed toward a person based on a protected class,
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 class (e.g., racial or ethnic jokes);
- Disparaging remarks to or about a person's legally protected class (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 class;
- Physical conduct toward a person due to that person's legally protected class;
- All communications, including those conveyed electronically, such as by e-mail, telephone or voicemail, text messaging, or social media or other internet use, that directly or indirectly implicates a legally protected class; or
- Any other unwelcome conduct that implicates a legally protected class.

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

The board will designate a staff member to serve as the compliance officer.

**Nondiscrimination Plan (WAC 392-190-0592)**

The superintendent will develop a nondiscrimination plan in accordance with WAC 392-190-0592 which specifies the personnel procedures to be followed by the staff of the district and will ensure that no such procedures discriminate against any individual.

Steps and procedures will ensure practices are not discriminatory to 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.

The nondiscrimination plan and practices will consider recruitment, selection, training, education, and other programs. This nondiscrimination plan will not allow inclusion of hiring or employment preferences based on gender or race, including color, ethnicity, or national origin.

This policy, as well as the nondiscrimination plan, and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward implementation under this policy will be reported annually to the board.

**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 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.
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.

Lynden School District No. 504  
BOARD POLICY

Policy: 5010

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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:                   2030 - Service Animals in Schools  
  5270 - Resolution of Staff Complaints  
  5011 – Sexual Harassment of District Staff Members Prohibited

Legal References:                   RCW 28A.400.310 Law against discrimination applicable to districts' employment practices  
  RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies  
  RCW 28A.642 Discrimination prohibition  
  RCW 49.60 Discrimination — Human rights commission  
  RCW 49.60.030 Freedom from discrimination — Declaration of civil rights  
  RCW 49.60.180 Unfair practices of employers  
  RCW 49.60.400 Discrimination, preferential treatment prohibited  
  RCW 73.16 Employment and Reemployment  
  WAC 392-190 Equal Education Opportunity – Unlawful Discrimination Prohibited  
  WAC 392-190-0592 Public school employment — Affirmative action program  
  42 USC §§2000e1 – 2000e10 Title VII of the Civil Rights Act of 1964

Lynden School District No. 504  
BOARD POLICY

Policy: 5010

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20 USC §§1681 - 1688 Title IX Educational Amendments of 1972

42 USC 12101 – 12213 Americans with Disabilities Act

8 USC §1324 (IRCA) Immigration Reform and Control Act of 1986

38 USC §§ 4301-4333 Uniformed Services Employment and Reemployment Rights Act

29 USC§ 794 Vocational Rehabilitation Act of 1973

34 CFR § 104 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance

38 USC §4212 Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA)

Management Resources:

2023 – July Issue

2018 - May Policy Issue

2018 - May Policy Issue

2017 - April Issue

2014 - December Issue

2013 - June Issue

2011 - June Issue

2011 - February Issue

Policy News, August 2007 Washington’s Law Against Discrimination

Policy News, June 2001 State Updates Military Leave Rights

Classification: **Important**

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