



AFFIRMATIVE ACTION Policy and Program 2018-2023

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Successful Learners Strengthening Our Community

AFFIRMATIVE ACTION POLICY AND PROGRAM 2018-2023

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AFFIRMATIVE ACTION Policy and Program

Introduction

The Mount Vernon School District has established a firm commitment to providing equal employment opportunity to its staff and applicants for positions within the District. The Affirmative Action/Non-Discrimination Policy will be reaffirmed concurrent with the adoption of this five-year plan. The plan presented here is designed for the years 2018-2023. Although this plan covers a five-year period, it is essential that this plan be reviewed regularly and modified, if necessary, in accordance with applicable law.

The basis for the analysis in the current plan involves a comparison of the District's minority staff in various job categories to the percentage of minorities in the available labor force. Similarly, the basis for the analysis relative to gender balance in this plan is the proportion of men to women in the available labor force for various job categories. Additionally, the District's commitment to avoidance of discrimination in the hiring and promotion on the basis of age, sex, race, creed, religion, color, marital status, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability is reaffirmed. The purpose of these Affirmative Action commitments remains the same as that of earlier plans—to ensure the absence of discrimination in employment practices. The Affirmative Action Plan presented in this document represents the Mount Vernon School District's commitment to equal employment opportunity. Each employee of the District who is involved in a hiring or promotion recommendation must be committed to ensuring that the recommendation is made without discrimination. It is the responsibility of each employee to promote a strong commitment to equal employment opportunity at his/her work site and throughout the school district.

In addition, the Mount Vernon School District is committed to the goal that 100% of our students will graduate with the knowledge and skills necessary to be successful in post-secondary education, careers and life with a vision that we will graduate inspired and critical thinkers who embrace diversity and are committed to the betterment of their own lives and the lives of others. This can be accomplished through early learning, powerful teaching and learning, parent and community engagement as well as individual determination and creativity. The district remains dedicated and diligent to hire and retain qualified education leaders, teachers and support staff who embrace this commitment and vision.

Authority

School districts in the State of Washington are required by WAC 296-05-411 to establish and implement affirmative action plans that are designed to “provide equal employment opportunities and treatment without discrimination for all applicants and employees with respect to age, sex, race, creed, religion, color, marital status, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.” (School Board Policy 5010 Nondiscrimination and Affirmative Action)

Purpose

It is the purpose of the Mount Vernon School District’s Affirmation Action Plan to ensure equal employment opportunity for all personnel:

1. To ensure the absence of discrimination in employment practices because of: age, sex, race, creed, religion, color, marital status, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability in its program, services and activities.
2. To identify at all levels of the District’s work force areas of underutilization of minorities and women.
3. To recognize identified underutilization when planning and implementing recruitment efforts.

Section A. Policy and Review

1. 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. Modify the composition of the future work force in order to work toward a full utilization of persons age forty and above, people with disabilities, Vietnam Era veterans and disabled veterans, women and ethnic minorities in the various job categories.
- b. Ensure that all applicants and staff are considered on the basis of bonafide 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 non-discrimination 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 persons age forty and above, people with disabilities, Vietnam Era veterans and disabled veterans, women and ethnic minorities in the recruitment and employment process. Recruitment from colleges and universities shall 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 persons age forty and above, people with disabilities, Vietnam Era veterans and disabled veterans, women and ethnic minorities 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.

2. Dissemination of Policy – Internal and External

It is the responsibility of the Superintendent of the Mount Vernon School District, or designee, to inform all applicants for employment, all current employees, all persons responsible for hiring within the District, all employee associations, and all District contractors and subcontractors of its commitment to equal opportunity employment. Communication of Mount Vernon School District's Affirmative Action Plan will be accomplished as follows:

- a. Copies of the 2018-2023 Affirmative Action Plan will be distributed to all pertinent organizations, agencies, and people within the District and outside the District as follows:
 - Board of Directors
 - All Administrators (Certificated and Classified)
 - All District Work Site
 - All Employee Associations
 - Any Employee, upon request
 - The Office of the State Superintendent of Public Instruction
- b. A statement of the District's non-discrimination policy will be placed on pertinent District recruitment and application materials.
- c. The name, address and telephone number of the District's Affirmative Action Officer will be published, at least annually, in regular District publications to staff and the community.
- d. An equal employment opportunity statement will be included on all District job postings and newspaper advertisements as well as vendor contracts.
- e. An equal employment opportunity statement and the Affirmative Action Plan will be posted on the school district official website (www.mountvernonschools.org). In addition complaint procedures and forms will be posted on the district website.
- f. Department administrators and supervisors shall inform all staff of the District's Affirmative Action Plan at least annually. All employees are responsible for the success of the District's Affirmative Action Plan.

Section B. Workforce Utilization Analysis by Race, Ethnicity, and Sex

1. Work Force Analysis and Statistical Review

Table I: Total staff analysis of male/female job categories and salary ranges as of Winter 2018. Includes the number, percent and salary range by all certificated and classified job categories.

Table II: Analysis of minority staff by job categories and salary ranges as of Winter 2018. Includes the number, percent, and salary range of minority staff in relationship to total staff by each job and minority category. Minority includes Black, Asian/Pacific Islander, American Indian/Native Alaskan and Hispanic.

Table III: Analysis of relevant labor market by job category. Includes the percent of minorities (Black, Asian/Pacific Islander, American Indian/Native Alaskan and Hispanic) and females in each job category with comparisons of Mount Vernon to the relevant labor market with expected utilization rates. Skagit County statistics were derived from the Census 2010 data/American Fact Finder Report EEO-ALL01W.

Table IV: Analysis of Certificated and Classified Applicants, Fall 2017 Vacancies. This analysis reflects the number of female and total minority who applied for certificated and classified vacancies. Applicant information is voluntary.

The Standard Occupational Classification System (SOC) was utilized to identify job categories as follows:

SOC Label	Mount Vernon SD Job Category
Education Administrators	Administration
Support Services	Counselors, Special Education Teachers, Other Teachers, Librarians, Occupational Therapists, Physical Therapists, Speech-Language Pathologists and Registered Nurses
Elementary/Middle School Teachers	Kindergarten, Elementary Teachers (except Special Education) and Middle School Teachers (except Special Education)
Secondary Teachers	Secondary Teachers (except Special Education)
Clerical & Prof/Tech	Clerical and unrepresented professional/technical staff; Technology
Instructional Assistants	Paraeducators, Volunteer Coordinator, SLP-A, ELL School/Home Liaison, Home Visitor

SOC Label	Mount Vernon SD Job Category
Custodian/Maintenance	Custodians, Carpenter, Grounds, Mechanical/Heating, Painter/Roofer, Athletic Program Support, Maintenance/Utility, Warehouse Inventory; Warehouse/Food Service Driver; Security Officer
Bus Drivers	Bus Drivers
Mechanics & Other Transportation Personnel	Shop Foreman, Technician, Technician's Assistant
Food Services	Kitchen Manager, Head Cook, Assistant Head Cook, Food Service Worker, Caterer

TABLE I

WORK FORCE ANALYSIS AND STATISTICAL REVIEW

Total Staff Analysis of Male/Female Categories and Salary Range as of Winter 2018
Mount Vernon School District No. 320

JOB CATEGORIES	SALARY RANGE	TOTAL NUMBER OF DISTRICT EMPLOYEES	Male		Female	
			No.	Percent	No.	Percent
Education Administrators	\$104,095 - \$180,693	32	18	56.2%	14	43.7%
Support Service Personnel (Spec Ed, Counselors, etc)	\$48,281* - \$94,443*	145	33	22.7%	112	77.2%
Elementary/Middle School Teachers	\$48,281* - \$94,443*	148	13	8.7%	135	91.2%
Secondary Teachers	\$48,281* - \$94,443*	190	88	46.3%	102	53.6%
TOTAL Certified Employees		515	152	29.5%	363	70.4%
Classified Administrators, Supervisors & Coordinators	\$46,616 - \$102,990	10	5	50.0%	5	50.0%
Clerical Personnel & Prof/Technical	\$15.98 - \$41.94	78	14	17.9%	64	82.0%
Paraeducators	\$16.20 - \$25.50	248	19	7.6%	229	92.3%
Custodians & Maintenance Personnel	\$19.42 - \$30.70	56	42	75.0%	14	25.0%
Bus Drivers	\$20.48 - \$23.34	38	13	34.2%	25	65.7%
Mechanics & other Transportation Personnel	\$21.47 - 29.13	3	3	100%		
Food Services	\$15.22 - \$22.10	37			37	100%
TOTAL Classified Employees		470	96	20.4%	374	79.5%
TOTAL Certificated & Classified Employees		985	248	25.1%	737	74.8%

*includes TRI (Teacher Responsibility Incentive)

TABLE II
WORK FORCE ANALYSIS AND STATISTICAL REVIEW
Analysis of Minority Staff by Job Categories and Salary Range as of Winter 2018
Mount Vernon School District No. 320

JOB CATEGORIES	SALARY RANGE	TOTAL	Black		Asian/Pacific Islander		Am Indian/ Native Alaskan		Hispanic		Total	
			No.	%	No.	%	No.	%	No.	%	No.	%
Education Administrators	\$104,095 - \$180,693	32							2	6.2%	2	6.2%
Support Service Personnel (Spec Ed, Counselors, etc)	\$48,281* - \$94,443*	145	1	0.6%	3	2.0%	1	0.6%	9	6.2%	14	9.6%
Elementary/Middle School Teachers	\$48,281* - \$94,443*	148	2	1.3%	4	2.7%			9	6.0%	15	10.1%
Secondary Teachers	\$48,281* - \$94,443*	190			4	2.1%			11	5.7%	15	7.8%
TOTAL Certificated Employees		515	3	0.5%	11	2.1%	1	0.1%	31	6.0%	46	8.9%
Classified Administrators, Supervisors & Coordinators	\$46,616 - \$102,990	10							2	20.0%	2	20%
Clerical Personnel & Prof/Technical	\$15.98 - \$41.94	78	1	1.20%					21	26.9%	22	28.2%
Paraeducators	\$16.20 - \$25.50	248	1	0.4%	3	1.2%	1	0.4%	47	18.9%	52	20.9%
Custodians & Maintenance Personnel	\$19.42 - \$30.70	56							21	37.5%	21	37.5%
Bus Drivers	\$20.48 - \$23.34	38	1	2.6%					1	2.6%	2	5.2%
Mechanics & other Transportation Personnel	\$21.47 - \$29.13	3										
Food Services	\$15.22 - \$22.10	37				1	2.7%		6	16.2%	7	18.9%
TOTAL Classified Employees		470	3	0.6%	4	0.8%	1	0.2%	98	20.8%	106	22.5%
TOTAL Certificated & Classified Employees		985	6	0.6%	15	1.5%	2	0.2%	129	13%	152	15.4%

*includes TRI (Teacher Responsibility Incentive)

TABLE III
RELEVANT LABOR MARKET BY JOB CATEGORY ANALYSIS */**
Utilization Analysis Winter 2018

Job Categories	MVSD - Female %	Expected Utilization (80%)	B%	H%	A%	AI/NA%	Total Minority %	Expected Utilization (80%)
Education Administrators (SOC 11-9030)								
Washington State	62.9%	50.3%	3%	4%	4.6%	1.6%	13.2%	10.6%
MVSD Certificated	43.7%	-6.6%		6.2%			6.2%	-4.4%
MVSD Classified	50.0%	-0.3%		20.0%			20.0%	9.4%
Support Services (SOC 21-1010; 25-2040, 3000, 4021; 29-1111, 1122, 1123, 1127)								
Washington State	78%	62%	2%	2.9%	4.9%	0.9%	10.7%	8.6%
MVSD Certificated	77.2%	15.5%	0.6%	6.2%	2.0%	0.6%	9.6%	1.0%
Elementary/Middle Teachers (SOC 25-2010, 2020)								
Washington State	86.1%	68.9%	2.3%	5.1%	3.3%	0.8%	11.5%	9.2%
MVSD Certificated	91.2%	22.3%	1.3%	6.0%	2.7%		10.1%	0.9%
Secondary Teachers (SOC 25-2030)								
Washington State	51.1%	40.9%	0.3%	1.5%	2.6%	0.1%	4.5%	3.6%
MVSD Certificated	53.6%	12.7%		5.7%	2.1%		7.8%	4.2%
Clerical & Prof/Tech (SOC 15-1200, 43-6010)								
Skagit/San Juan	94%	75%	0	8.2%	0.0%	1.7%	9.9%	7.9%
MVSD Classified	82.0%	7.0%	1.2%	26.9%			28.2%	20.3%
Paraeducators (SOC 25-9041)								
Skagit/San Juan	98.3%	78.6%	0	11.9%	0.0%	0	11.9%	9.5%
MVSD Classified	92.3%	13.7%	0.4%	18.9%	1.2%	0.4%	20.9%	11.5%
Custodian/Maintenance (SOC 37-201X; 47-2031, 2111, 2121, 2141)								
Skagit/San Juan	8.34	6.7%	0	8.3%	0.4%	0.4%	9.1%	7.3%
MVSD Classified	25.0%	18.3%		37.5%			37.5%	30.2%
Bus Drivers (SOC 53-3020)								
Skagit/San Juan	88.9%	71.1%	0	1.5%	0	0	1.5%	1.2%
MVSD Classified	65.7%	-5.4	2.6	2.6			5.2%	4.0%
Mechanics (SOC 49-3031)								
Skagit/San Juan	0	0	0	17.6%	0	0	17.6%	14.1%
MVSD Classified	0.0%						0.0%	-14.1%
Food Services (SOC 35-2010)								
Skagit/San Juan	49.2%	39.4%	0.0%	15.4%	0.6%	0.6%	16.6%	13.3%
MVSD	100.0%	60.6%		16.2%	2.7%		18.9%	5.6%

*Census 2010 Data - American Fact Finder EEO-ALL01W (Washington State; Skagit County)

**MVSD Statistics based on December, 2017

SOC: Standard Occupational Classified

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Table IV
 WORK FORCE ANALYSIS AND STATISTICAL REVIEW
 Analysis of Certificated and Classified Applicants for 2017-2018 Vacancies*
 Mount Vernon School District No. 320

	Total No./Applicants**	Total No./Applicants - Female	Total % of Applicants -
Certificated Positions	65	43	66.0%
Classified Positions	212	191	90.0%

	Total No./Applicants**	Total No./Applicants - Minority*	Total % of Applicants - Minority
Certificated Positions	65	10	15.0%
Classified Positions	212	64	30.1%

*Voluntary: information is dependent upon response by applicant on MVSD FastTrack online application process or *Applicant Supplement Form*

**September 2017-January 2018

Section C. Goals and Action Steps for Recruitment

Identification of Problem Areas

Because the local labor force has a limited number of the ethnic minorities seeking employment, it is necessary for the District to assess its own affected class employees in terms of promotion and progression and to attract females and minorities through recruitment and hiring practices. It is also important to measure the District's profile against the labor force in Washington State for certificated positions and Skagit County for classified positions to determine discrepancies in employment of affected classes. The number of minority employees is low due to a variety of factors such as fewer minority candidates, limited success in recruitment efforts and low turnover in some job categories. In general, the number of applicants/employees for any given category is also affected by wages.

The collective bargaining process may include salary adjustments—the comparisons used to improve salary schedules is based upon school districts (similar size, proximity, etc) and does not include city/county/private 'look-alike' positions. In some cases, similar positions outside of the school district setting have a significantly higher salary and as a result, the school district is unable to be competitive in all job categories. An example of this exists within Support Services: individuals within this category (specifically, physical therapists, speech language pathologist, counselors, etc.) can earn a significantly higher wage outside of the school district setting.

An analysis of the "Skagit County Profile" prepared by the Washington State Employment Security Department identified the percentage of females in the Skagit County workforce has stabilized at 50.4% since 2005 and the percentage of minorities in the Skagit County workforce has grown to 23.9% (up from 21.8% in 2008). In Skagit County, the total percentage of Hispanic workers in all categories is 17.8% compared to 13.0% in the District. The percentage of female workers in the Mount Vernon School District has fallen 2.2% from 76.6% to 74.8%, although still remains well above the percentage of female workers in Skagit County. The total percentage of minority workers in the District has grown from 4.2% to 15.4% in 2018.

The District continues to partner with universities across the state to recruit minority candidates for certificated instructional positions. In addition, Western Washington University/Woodring College of Education is offering a "Pathways to Teaching" certification program designed to train bilingual paraeducators working in the district who have experience and a commitment to working with students and families who speak English as a second language. In summer 2018, four (4) paraeducators will enroll in the two-year program. Successful candidates will earn a BA in Education, with a major in Language, Literacy & Cultural Studies while also earning teaching endorsements in Elementary Education, and Bilingual and/or ELL endorsements.

Within the classified ranks, ESEA No Child Left Behind requirements for paraeducators was extended to all paraeducator positions in the district and as a result, has reduced the number of applicants, specifically, minority applicants. Paraeducators must be able to meet the minimum requirement of an AA degree or higher, 72.0 quarter credits, or pass the parapro assessment to be eligible for regular, contracted employment in the district. To assist interested individuals who may not meet the education criteria, the District offers an online assessment instrument (ETS ParaPro). Applicants who pass the ETS ParaPro Assessment are eligible for employment as paraeducators in the district.

A review of the data (Table III) for affected classes generates the following observations:

1. There is a discrepancy between the overall percent of ethnic minorities in the relevant labor market and District staffing in the following categories:
 - ♦ Education Administrators (Certificated and Classified)
 - ♦ Mechanics
2. There is a discrepancy between the percent of females in the relevant labor market and the District staff in the following categories:
 - ♦ Education Administrators (Certificated and Classified)
 - ♦ Bus Drivers
3. Since the District's last affirmative action report in 2013, improvements have been made in the following areas:
 - ♦ **Increased minorities** in the following classifications:
 - ♦ Certificated Education Administrator roles from 4.8% to 6.2%
 - ♦ Classified Education Administrator roles from 0% to 20%
 - ♦ Support Service roles from 6.3% to 9.6%
 - ♦ Elementary and Middle School Teacher roles from 6.5% to 10.1%
 - ♦ Secondary Teacher roles from 4.1% to 7.8%
 - ♦ Clerical & Prof/Tech roles from 20.5% to 28.2%
 - ♦ Paraeducator roles from 15.0% to 20.9%
 - ♦ Custodial/Maintenance roles from 31.9% to 37.5%
 - ♦ Bus Drivers roles from 2.9% to 5.2%
 - ♦ **Increased the percent of females** in the following classifications:
 - ♦ Certificated Education Administrators from 42.9% to 43.7%
 - ♦ Classified Education Administrators from 33.3% to 50.0%
 - ♦ Elementary/Middle School Teachers from 83.2% to 91.2%
 - ♦ Paraeducators from 87.7% to 92.3%
 - ♦ Custodial/Maintenance from 23.4% to 25.0%

Goals

Job Recruitment, Selection and Analysis

Given the relevant labor market, the Mount Vernon School District will strive to seek a diverse pool of qualified applicants for certificated and classified positions at all levels so that more members of under-represented groups are available for consideration as District employees. Specifically:

1. **Increase minorities** in the job pool through increased outreach to the available workforce, ensure bias-free screening and hiring processes and provide training to existing staff on cultural sensitivity to increase the percentage of ethnic minorities to reflect **Washington State statistics** within the next five (5) years in the following categories:
 - ♦ Education Administrators (Certificated)
2. **Increase minorities** in the job pool to increase its outreach to the available workforce, ensure bias-free screening and hiring processes and provide training to existing staff on cultural sensitivity to increase the percentage of ethnic minorities to reflect **Skagit County statistics** within the next five (5) years in the following categories:
 - ♦ Transportation Mechanics
3. Increase current utilization in the job pool to **increase the percentage of female employees** to reflect **Washington State statistics** through increased outreach to the available workforce and ensuring bias-free screening and hiring processes within the next five (5) years in the following categories:
 - ♦ Education Administrators (Certificated and Classified)
4. Increase current utilization in the job pool to **increase the percentage of female employees** to reflect **Skagit County statistics** through increased outreach to the available workforce and ensuring bias-free screening and hiring processes within the next five (5) years in the following categories:
 - ♦ Bus Drivers
5. Analyze job descriptions and the hiring process to make sure that qualification requirements and screening criteria are based on specific job function and do not have the effect of screening out protected group applicants.
6. Annually review the District's staffing, paying special attention to Table III statistics, and make necessary revisions.
7. Revise the Affirmative Action Plan every five (5) years.

Education and Training

1. Provide training and professional development at all levels to promote cultural competency.
 - Administrator Training: Leading for Equity Institute, 2017-18 and 2018-19

Preventing Employment Discriminations

1. Maintain credential requirements for relevant personnel.
2. Make no differentiation in pay scale on the basis of any protected status.
3. Make no differentiation in the assignment of duties on the basis of any protected status, except where there is a compelling need for a lawful or bona fide occupational qualification based on the nature of duties.
4. Provide the same opportunities for advancement without regard to a protected status.
5. Make no differentiation in conditions of employment, including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and non-instructional duties on the basis of any protected status.

Section D. Staff Responsibilities for Implementation, Monitoring and Evaluation of Progress

The Superintendent of the District is assigned the duty of developing, implementing, coordinating and monitoring the affirmative action policy and program. He has delegated authority to the Assistant Superintendent of Personnel and Human Resources to represent him as the District's Affirmative Action Officer and to ensure that the District is satisfying its obligations. It is emphasized, however, that every employee is ultimately responsible for the success of the program.

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Mr. Bill Nutting, Assistant Superintendent of Personnel & Human Resources
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Section E. Internal Audit and Reporting

An analysis of all certificated and classified employees, which includes the number and percent of affected class members in each job category, has been made to determine the current utilization of minorities and women in relationship to present employment. The Assistant Superintendent of Personnel & Human Resources shall evaluate the effectiveness of the Affirmative Action Policy and Program with regard to the status of minority and female employees and annually report the findings to the Board.

Supportive Systems

The Mount Vernon School District has outlined strategies to support and facilitate the employment and assignment of members of the affected classes. The following supportive systems prevail in the District:

1. Recruitment of Employees

The District shall ensure that all applicants and employees are considered based on job-related qualifications. Appropriate action shall be taken to attract and retain minorities and female candidates at all levels and in each segment of the District's work force. The District shall select employees as needed based on merit, training, and experience, and there shall be no illegal discrimination against any employee or applicant. A continuing review of hiring criteria will be made to assure that the task to be performed corresponds with the needs and expectations of the position.

In addition, the District shall establish continuing relationships with organizations that are a source for the recruitment of members from the affected classes in the work force. The purpose of the Affirmative Action Plan is to include persons of any underutilized class in the employee process, not to exclude others from it. The District shall emphasize in all recruitment contacts that discrimination is prohibited in the District's recruitment process.

Printed and web-based recruitment information and materials will reflect the diversity of the Mount Vernon School District community, students and staff.

A continuing review of hiring criteria for each open position will be conducted and the relevancy of the criteria to the essential job functions of the position will be analyzed. Employee selection procedures will be carefully reviewed to ensure they do not illegally discriminate against any candidate.

2. Utilization of Training and Advancement for Affected Classes

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.

3. Reduction in Force

Reduction in staff will be made in accordance with applicable law and with collective bargaining agreements currently in force. If a reduction in force is necessary, consistent with its legal and contractual obligations, the District will make reductions in force bearing in mind its commitment to equal employment opportunity.

4. Grievance Procedures

To ensure fairness and consistency, grievance procedures related to the District's Equal Employment Opportunity Policy have been established. No individual's status with the District shall be adversely affected in any way because the individual has utilized these procedures in good faith.

In Mount Vernon School District Board Policy 5010P, procedures are described for a complainant as follows:

Affirmative Action: Complaint Procedure

To ensure fairness and consistency, Mount Vernon School District Board Policy 5010/5010P adopted in 2016 outlines the following complaint procedure to be used in the district's relationship with its staff and volunteers 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. In cases where employees or applicants believe that they have been discriminated against on the basis of their legally protected status, that their disabilities have not been reasonably accommodated or that they have been harassed on the basis of their legally protected status, the employee or applicant may file a complaint using the complaint process. 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.

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 assistant superintendent of personnel and human resources. The parties should

cooperate to resolve any issues of accommodation through an interactive process prior to implementing the formal procedure outlined in Level II.

A complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

An employee or volunteer may complain informally to the assistant superintendent of personnel and human resources about any alleged noncompliance with equal employment opportunity or equal access laws. The assistant superintendent will attempt informally to resolve the allegations and shall notify the complainant within thirty (30) days of proposed resolution.

LEVEL II: Formal Complaints

If the employee or volunteer chooses not to follow the informal resolution process or is not satisfied with the proposed resolution, the employee may file a formal complaint.

- A. Formal complaints shall:
 - 1. Be in writing.
 - 2. Be signed by the complainant.
 - 3. Set forth specific acts, conditions or circumstances alleged to be in violation of the district's obligations in regard to nondiscrimination, accessibility, and/or reasonable accommodation.
 - 4. Be filed with the assistant superintendent of personnel and human resources as soon as possible.
- B. Upon receipt of a complaint, the assistant superintendent of personnel and human resources or designee shall investigate the allegations set forth and shall coordinate reasonable procedures to effect a prompt resolution of the complaint. The district and the complainant may agree to resolve the complaint in lieu of an investigation.
- C. If a resolution is reached, the assistant superintendent of personnel and human resources will write a formal memorandum of agreement to be signed by all affected parties.
- D. Upon completion of the investigation, the assistant superintendent of personnel and human resources will provide the superintendent or designee with a full written report of the results of the investigation, unless the matter is resolved to the satisfaction of the complainant prior to the submission of a full written report.
- E. In cases where no mutually agreed upon resolution is reached, the superintendent or designee will respond in writing to the complainant within thirty (30) days following receipt of the written complaint, unless otherwise agreed to by the complainant.
- F. The response by the superintendent or designee shall state either (1) that the district denies the allegations contained in the complaint; or (2) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the district. The superintendent's or designee's response must include notice of the complainant's right to appeal to the school board and identify when and with whom the appeal must be filed.

- G. Corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) days following the superintendent's or designee's mailing of a 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., 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 testimony 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 charging discrimination in violation of RCW 28A.640 or WAC 392-190 disagrees with the decision of the board of directors, the complainant may appeal the board's decision to the superintendent of public instruction (OSPI).

- A. A written notice of appeal must be received by the superintendent of public instruction on or before the twentieth (20th) day following the date upon which the complainant received written notice of the board of directors' decision.
- B. A written notice of appeal must set forth:
1. A concise statement of the portion(s) of the board of directors' decision being appeal.
 2. The relief requested by the complainant.

The complaint procedure outlined above does not prohibit the processing of complaints by an employee pursuant to complaint procedures established in applicable collective bargaining agreements.

Preservation of Records

The administrator or work site supervisor will keep a record of all reported complaints and their resolution and forward that record on at least an annual basis to the District's Title IX/Affirmative Action Officer. The school administrator or work site supervisor will also follow up with the complainant to ensure that the problem has been resolved.

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.

NONDISCRIMINATION AND AFFIRMATIVE ACTION

The district shall provide equal employment opportunity and treatment for all applicants and employees and will not tolerate unlawful discriminatory practices in recruitment, hiring, retention, assignment, transfer, promotion and training; such equal employment opportunity will be provided without discrimination with respect to race, color, national origin, creed, religion, sex, sexual orientation including gender expression or identity, marital status, age, , honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability in its programs and activities. The district also provides equal access to the Boys Scouts and other designated youth groups. The district shall take steps to assure that national origin persons who lack English language skills can participate in all education programs, services and activities, including those specific to career and technical education programming.

District employees shall be free from harassment based on legally protected attributes or characteristics. The district shall implement programs and practices that value diversity, ensure equity, and build understanding, awareness, and appreciation of the diverse array of human characteristics, needs and perspectives that influence the district environment.

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.

The district is committed to undertake affirmative action, which will provide equal employment opportunities for all employees and applicants for employment. Such affirmative action shall include a review of programs, monitoring of the workforce composition, and use of employment procedures that ensure equal opportunities for minority and female employees and applicants.

It shall be the responsibility of the superintendent or designee to develop an Affirmative Action Plan and procedures to be followed by management and supervisory personnel in all schools and departments of the district to carry out the provisions and intent of this

policy. The board shall designate a staff member to serve as Affirmative Action/Title IX Compliance officer.

Cross References: Board Policy 5010P Nondiscrimination and Affirmative
 Action
 Board Policy 5270 Resolution of Staff Complaints

Legal References:

RCW 28A.400.310	Law against discrimination applicable to district's employment practices
RCW 28A.640.020	Regulations, guidelines to eliminate discrimination —
	Scope—Sexual harassment policies
RCW 49.60	Discrimination—human rights commissionRCW 49.60.030
	Freedom from discrimination—Declaration of civil rights
RCW 49.60.180	Unfair practices of employer
RCW 49.60.400	Discrimination, preferential treatment prohibited
WAC 392-190	Equal educational opportunity—unlawful discrimination prohibited
WAC 392-190-0592	Public school employment—Affirmative action program
WAC 392-190-060	Compliance—Local school district—Designation of responsible
employee—Notification	
WAC 392-190-065	Compliance—Complaint procedure—District
WAC 392-190-070	Compliance—Appeal procedure—Local school board
WAC 392-190-075	Compliance—Contested case—Duty of the superintendent of
public instruction	
WAC 392-190-076	Monitoring—Duty of the superintendent of public instruction
WAC 392-190-077	Monitoring results—Compliance
WAC 392-190-078	Monitoring results—Complaints issued by superintendent of
public instruction	
WAC 392-190-079	Complaints issued by superintendent of public instruction—
Appeal procedure	
WAC 392-190-080	Compliance—Violations—Permissible sanctions
WAC 392-190-081	Concurrent remedies—Other remedies
WAC 392-190-082	Informing citizens about complaint procedures
8 USC 1324a and 1324b	(IRCA) Immigration Reform and Control Act of 1986
29 USC §701	Vocational Rehabilitation Act of 1973
38 USC §4212	Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)
42 USC 2000c – 2000c-9	Title VII of the Civil Rights Act of 1964
42 USC 2000h – 2000h-6	Title IX Educational Amendments of 1972
42 USC 12101 – 12213	Americans with Disabilities Act

NONDISCRIMINATION AND AFFIRMATIVE ACTION

Affirmative Action

The board of directors of the Mount Vernon 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.

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, that their disabilities have not been reasonably accommodated, or that they have been harassed on the basis of their legally protected status, the employee or applicant may file a complaint using the complaint process set forth in this procedure. 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 superintendent or designee shall investigate all allegations of noncompliance or discrimination.

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 assistant superintendent of personnel and human resources. The parties should cooperate to resolve any issues of accommodation through an interactive process prior to implementing the formal procedures outlined in Level II.

A complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

An employee or volunteer may complain informally to the assistant superintendent of personnel and human resources about any alleged noncompliance with equal employment opportunity or equal access laws. The assistant superintendent will attempt informally to resolve the allegations and shall notify the complainant within thirty (30) days of a proposed resolution.

LEVEL II: Formal Complaints

If the employee or volunteer chooses not to follow the informal resolution process or is not satisfied with the proposed resolution, the employee may file a formal complaint.

A. Formal complaints shall:

1. Be in writing.
2. Be signed by the complainant.
3. Set forth specific acts, conditions or circumstances alleged to be in violation of the district's obligations in regard to nondiscrimination, accessibility, and/or reasonable accommodation.
4. Be filed with the assistant superintendent of personnel and human resources as soon as possible.

B. Upon receipt of a complaint, the assistant superintendent of personnel and human resources or designee shall investigate the allegations set forth and shall coordinate reasonable procedures to effect a prompt resolution of the complaint. The district and the complainant may agree to resolve the complaint in lieu of an investigation.

C. If a resolution is reached, the assistant superintendent of personnel and human resources will write a formal memorandum of agreement to be signed by all affected parties.

D. Upon completion of the investigation, the assistant superintendent of personnel and human resources will provide the superintendent or designee with a full written report of the results of the investigation, unless the matter is resolved to the satisfaction of the complainant prior to the submission of a full written report.

- E. In cases where no mutually agreed upon resolution is reached, the superintendent or designee will respond in writing to the complainant within thirty (30) days following receipt of the written complaint, unless otherwise agreed to by the complainant.
- F. The response by the superintendent or designee shall state either: (1) that the district denies the allegations contained in the complaint, or (2) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the district. The superintendent's or designee's response must include notice of the complainant's right to appeal to the school board and identify when and with whom the appeal must be filed.
- G. Corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) days following the superintendent's or designee's mailing of a 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 testimony 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 charging discrimination in violation of RCW 28A.640 or WAC 392-190 disagrees with the decision of the board of directors, the complainant may appeal the board's decision to the superintendent of public instruction (SPI).

A. A written notice of appeal must be received by the SPI on or before the twentieth (20th) day following the date upon which the complainant received written notice of the board of directors' decision.

B. A written notice of appeal must set forth:

1. A concise statement of the portion(s) of the board of directors' decision being appealed.
2. The relief requested by the complainant.

The complaint procedure outlined above does not prohibit the processing of complaints by an employee pursuant to complaint procedures established in applicable collective bargaining agreements.

Cross Reference: Board Policy 5010 Nondiscrimination and Affirmative Action



RESOLUTION OF STAFF COMPLAINTS

The board recognizes the importance of establishing reasonable and effective means for resolving difficulties which may arise among staff, to reduce potential areas of grievances and to establish and maintain recognized two-way channels of communication between supervisory personnel and staff.

The board intends to expedite the process for all concerned parties. Staff are urged to use the administrative procedures whenever they feel that a district action has aggrieved them. The procedures are established to secure a proper and equitable solution to a complaint at the lowest possible supervisory level and to facilitate an orderly procedure within which solutions may be pursued.

A complaint may be a claim by a staff member based upon alleged violation, misinterpretation or a misapplication of existing district policies or administrative procedures.

All documents, communications and records dealing with the processing of a grievance shall be maintained in a separate file and shall not be kept in the personnel file of the aggrieved.

RESOLUTION OF STAFF COMPLAINTS

The following procedure has been established for resolving a complaint filed by a member of the staff:

Step One

The staff member shall present the complaint in writing to his/her immediate supervisor within 15 days of the action or incident. The written statement of the complaint shall contain:

- A. The facts upon which the complaint is based as the staff member who is filing the complaint sees them,
- B. A reference to the policies of the district which have allegedly been violated, and
- C. The remedies sought.

The staff member shall discuss this complaint with his/her immediate supervisor. If the complaint is against an administrator or another staff member, such individual shall be present at the meeting to present the facts as he/she sees them. A sincere effort shall be made to resolve the complaint at this level. If the aggrieved person does not appeal the complaint to the superintendent within 10 days of the aggrieved person's meeting with his/her immediate supervisor, the complaint shall be waived.

Step Two

The superintendent shall, within 10 days of the receipt of the complainant's appeal, meet with that staff member to hear his/her claim. If the complaint is against an administrator or another staff member, such individual shall be present at the hearing to present the facts as he/she sees them.

The superintendent shall render a decision regarding the appeal within 10 days of the appeal hearing, and will notify the complainant of his or her decision in writing.

Alleged Discriminatory Practice **Request for Review**

Instructions:

If you have a complaint regarding an alleged discriminatory practice of the Mount Vernon School District that you believe is in violation of the laws prohibiting discrimination or any provision of the District's Affirmative Action plan, please complete this form and forward it to the Affirmative Action Officer. The complaint must be filed with the Affirmative Action Officer as soon as possible.

Name _____
Home _____
Address _____
Work _____
Location _____

Position _____
Home _____
Phone _____
Department _____

1. Basis for alleged discriminatory practice complaints: *(please circle)*

Race or color

Age

Sex

Sensory/Mental/Physical Disability

Religion or Creed

Veteran/Military Status

Marital Status

Sexual Orientation/Gender

National Origin

Expression/Gender Identity

2. The name and location of the school/office where the alleged discriminatory practice occurred.

3. Describe the alleged discriminatory practice involved in the complaint. If the complaint refers to a specific section of the District's Affirmative Action Plan, please indicate the specific section: *(Use back of form if necessary.)*

4. The date the alleged discriminatory practice took place: _____

5. Corrective action desired:

6. The complaint was discussed with my immediate supervisor. Yes No

7. The result of this discussion was:

Signature _____ Date _____