



Summit Public Schools Washington Employee: NonDiscrimination Policy¹

Nondiscrimination:

Summit Public Schools Washington (“Summit”) is committed to providing a work environment free of unlawful discrimination and harassment, including sexual harassment. Summit 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 race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital 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.

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

Employment of Persons with Disabilities:

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

- 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.
- Summit 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 Summit’s program. Such reasonable accommodations may include:
 - Making facilities used by staff readily accessible and usable by persons with disabilities; and
 - 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 accommodations would impose an undue hardship on Summit, factors to be considered include the nature and cost of the accommodation.

- Summit 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, Summit will not use such tests or criteria if alternative tests or criteria (that do not



screen out persons with disabilities) are available.

- While Summit 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.
- 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:

Summit 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. Summit will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

Summit Public Schools Washington ("SPS") - Employee Discrimination Complaint Procedure

The Governing Board recognizes that Summit Public Schools ("SPS") has primary responsibility for ensuring that it complies with the applicable state and federal laws and regulations governing educational programs.

SPS shall follow the Complaint Procedures when addressing:



- **Complaints that SPS has violated anti-discrimination laws.**

Nondiscrimination:

To ensure fairness and consistency, the following grievance procedure is to be used in Summit'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 staff member's status with Summit will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "grievance" will mean a complaint that 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. The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint.

Grievance Procedure:

To ensure fairness and consistency, the following review procedures are to be used in Summit's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws. No staff member's status with Summit will be adversely affected in any way because the staff member utilized these procedures.

Definitions:

As used in this procedure:

A. "**Grievance**" means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.

B. "**Complaint**" means a written, signed charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by SPS that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the Summit was required to provide under WAC 392-190-065 or WAC 392-190-005. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any SPS campus, to the SPS compliance officer at the school responsible for investigating discrimination complaints, or to Summit's home office



compliance officer. Any Summit employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

C. “**Respondent**” means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The Board acknowledges and respects every individual’s rights to privacy. Discrimination, intimidation, harassment, and bullying complaints shall be investigated in a manner that protects [to the greatest extent possible] the confidentiality of the parties and the integrity of the process. SPS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Superintendent of SPS or their designee on a case-by-case basis.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. Summit Public Schools is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

PROCEDURES

The following procedures shall be used to address all complaints that allege a violation of federal or state laws or regulations governing educational programs. The compliance officer shall maintain a record of each complaint and subsequent related actions. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Informal Process for Resolution

When a staff member 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 staff member 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 staff member feels he/she cannot approach the supervisor because of the supervisor’s involvement in the alleged discrimination, the staff member 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 staff member may proceed to the formal review procedures. During the course of the informal process, Summit will notify complainant of their right to file a formal complaint.

Formal Process for Resolution

Level One: Complaint to Summit Public Schools

- A. The complaint must set forth the specific acts, conditions or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. SPS and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the Senior Director of Schools with a full written report of the complaint and the results of the investigation.
- B. The Senior Director of Schools or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of 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. In the event an extension is needed, SPS will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time SPS responds to the complainant, SPS must send a copy of the response to the office of the superintendent of public instruction.
- C. The decision of the Senior Director of Schools or designee will include: 1) a summary of the results of the investigation; 2) whether Summit has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures Summit deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The Senior Director of School's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.
- D. Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the Senior Director of Schools' mailing of a written response to the complaining party unless otherwise agreed to by the complainant.



Level Two: Appeal to the Board of Directors

- A. If a complainant disagrees with the Senior Director of School's or designee's written decision, the complainant may appeal the decision to Summit's board of directors by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.

- B. The board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the Senior Director of Schools or for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.

- C. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

- D. The decision 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. SPS will send a copy of the appeal decision to the office of the superintendent of public instruction.

Level Three: Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if Summit fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

- A. A complaint must be received by the superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

- B. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws;



2) The name and contact information, including address, of the complainant; 3) The name and address of the Summit campus subject to the complaint; 4) A copy of Summit's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

C. Upon receipt of a complaint, the Office of the superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the Senior Director of Schools or board. Following the investigation, OSPI will make an independent determination as to whether SPS has failed to comply with RCW 28A.642.010 or Chapter 392- 190, WAC and will issue a written decision to the complainant and SPS that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring SPS to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, SPS voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Level Four: Administrative Hearing

A complainant or charter school that desires to appeal the written decision of the Office of the superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-



065 through 392- 190-075, SPS may, at its own expense, offer mediation. The complainant and SPS may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and SPS an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not:

- A. Be an employee of Summit Public Schools, any school district, public charter school, or other public or private agency that is providing education-related services to a student who is the subject of the complaint being mediated; or
- B. Have a personal or professional conflict of interest. A mediator is not considered an employee of SPS or a charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and an SPS representative who has authority to bind Summit.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to SPS and the disposition, including any corrective measures instituted by SPS, will be retained in the office of the compliance officer for a period of six years.

SPS Washington Schools Compliance Officers

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure SPS's compliance with the law:



Summit Public Schools - Sierra Compliance Officer

Ayanna Gore Executive Director
Summit Public Schools Sierra
1025 S. King St
Seattle, WA 98104
Phone: 206-453-2520
Email: agore@summitps.org

Summit Public Schools - Olympus Compliance Officer

Anthony Clarke Executive Director
Summit Public Schools Olympus
409 Puyallup
Tacoma, WA 98421
Phone: 253-444-9781
Email: aclarke@summitps.org

Summit Public Schools - Atlas Compliance Officer

Andrea Klein Executive Director
Summit Public Schools Atlas
9601 35th Ave SW
Seattle, WA 98126
Phone: 253-987-1535
Email: akleinn@summitps.org

Summit Public Schools Home Office Compliance Officer

Summit Public Schools Compliance Officer

Keith Cantrelle (Conflict Resolution Advisor)
Summit Public Schools
780 Broadway



Redwood City, CA 94063

kcantrelle@summitps.org

Phone: (650) 257-9878

Fax: (650) 517-8356

The Superintendent shall ensure that Summit employees designated to investigate complaints are knowledgeable about laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.