

BP 4030 NONDISCRIMINATION IN EMPLOYMENT (All Personnel)

The district and its employee shall not unlawfully discriminate against employees in the terms and conditions of employment or job applicants with regard to consideration of their application on the basis of sex (including pregnancy), race, color, religion, creed, national origin, ancestry, age, marital status or a change in marital status, parenthood, physical or mental disability, veteran status, citizenship, genetic information, or good faith reporting on a matter of public concern (whistleblower) or any other status protected by law.

Equal opportunity shall be provided as and to the extent required by law to all employees and applicants in every aspect of personnel policy and practice. The district shall not discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question.

All staff members are prohibited from engaging in discrimination, retaliating against any staff member for complaining about discrimination, or from failing to report discrimination.

(cf. 4119.12/4219.12/4319.12 - Harassment)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Reporting Discrimination

Staff shall immediately report incidents of discrimination to ~~a supervisor~~, the site administrator or to a site designee to be identified at each school site as being responsible for receiving such reports. ~~or designee, or Superintendent~~. Violations of this policy should be reported even if the person committing the conduct is not a staff member or student of NSBSD. Any employee other than the site administrator who receives a complaint of discrimination or has reason to believe that discrimination has occurred is responsible for ensuring that is reported to the site administrator. The site administrator or designee shall promptly investigate each complaint of discrimination in a way that ensures privacy, to the extent possible, of all parties and submit a written report detailing their investigation, findings, and recommendation to the Director of Human Resources for review and determination whether additional investigation is needed or remedial action is warranted.

Reports of discrimination involving a site administrator shall be made directly to the Director of Human Resources who shall be responsible for investigation and providing a written report detailing their investigation, findings, and recommendation to the Assistant Superintendent.

Reports of discrimination involving the Director of Human Resources shall be made to the Assistant Superintendent who shall be responsible for investigation and for providing a written report detailing the investigation, findings, and recommendation to the Superintendent.

Reports of discrimination involving the Assistant Superintendent shall be made to the Superintendent.

In no case shall a staff member bringing a good faith complaint be required to resolve the complaint directly with the offending person.

The Board will not tolerate retaliation against any staff member who, in good faith, makes a report under this policy or who provides information regarding any complaint. Staff members must cooperate with NSBSD during any investigation of discrimination by providing information. North Slope Borough School District encourages its staff members to report any potential discrimination.

If NSBSD determines that discrimination has occurred, appropriate corrective and/or disciplinary action will be taken against the person who violated this policy. Failure of an employee to observe and implement this policy shall be grounds for disciplinary action, including dismissal.

Publication of Nondiscrimination Policy

The Superintendent or designee shall publicize this policy annually throughout the district and the community.

The new hire packet for each district employee shall include reference to Board Policy 0410, Board Policy 4030, and Board Policy 5145.3 and information regarding the processes for reporting discrimination.

The District shall provide annual training to all employees about applicable laws governing nondiscrimination, including the importance that the District places on education, training, accountability and compliance, changes or new developments in antidiscrimination law, the requirements of state and federal law including both the Americans With Disabilities Act and the Alaska Human Rights Act, the forms, methods and manners of violations, the obligations of both supervisory and nonsupervisory employees if they become a victim of, witness to, or become aware of potentially discriminatory behavior or receive a complaint of discrimination, information regarding rights and remedies including the procedure for initiating a complaint of discrimination, and assurances that employees will not be retaliated against for reporting potential discrimination in good faith or for providing information during investigation of a complaint. In addition, annual training for all employees at the level of assistant principal and

above shall include a session on their responsibilities to implement District antidiscrimination policy.

The Superintendent or designee shall use the most efficient and effective manner reasonably available to disseminate and train staff on this policy and document the receipt of such training. To the extent practical, the Superintendent shall use electronic media or other software to accomplish training and document same.

Reporting Matters of Public Concern/Whistleblowing

A staff member who is making an initial whistleblower report must first submit the report to the staff member's immediate supervisor unless the staff member reasonably believes that it would be futile to report to the supervisor, that an emergency exists, or that reprisals or discrimination would result, in which case the staff member can follow the harassment reporting procedures described above.

Employee protections and obligations regarding reports on matters of public concern are fully stated in Alaska Statutes 39.90.100-150.

For purposes of this policy "good faith reporting of a matter of public concern" means a violation of federal, state, or local law (including School Board policy), a danger to public health or safety, gross mismanagement (including a substantial waste of funds or clear abuse of authority) or a matter under investigation by a duly authorized ombudsman. A report may not disclose any information that is legally required to be kept confidential.

(cf. 1312.3 - Public Complaints Concerning Discrimination)

Legal References:

ALASKA STATUTES

- AS 14.18.010 Discrimination based on sex and race prohibited
- AS 14.18.020 Discrimination in employment prohibited
- AS 14.18.090 Enforcement by state board of education and early development
- AS 18.80.220 Unlawful employment practices
- AS 18.80.225 Unlawful practices by the state or its political subdivision
- AS 39.90.100 Nondiscrimination - Protection for whistleblowers

ALASKA ADMINISTRATIVE CODE

- 4 AAC 06.510 Discrimination in hiring practices

UNITED STATES CODE

- 20 U.S.C. 1683 et seq. Civil Rights Restoration Act
- 29 U.S.C. 621 et seq. Age Discrimination In Employment Act

29 U.S.C. 791 et seq. Vocational Rehabilitation Act of 1973, Sections 503 and 504
38 U.S.C. 2011 et seq. Vietnam Era Veterans' Act
38 U.S.C. 4301 et seq. Uniformed Services Employment and Reemployment Rights Act of
1994
(USERRA)
42 U.S.C. 12101 et seq. Americans With Disabilities Act
[Genetic Information Nondiscrimination Act of 2008](#)
[Equal Pay Act of 1963](#)

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