

RCW 28B.10.065 College in the high school—Affidavit necessary for pilot program participation. (1) In administering RCW 28B.10.063, the student achievement council shall adopt rules which allow for each institution of higher education to annually sign an affidavit that the institution has adopted policies in compliance with this section. The affidavit must attest to the following nondiscrimination policies:

(a) The institution prohibits discrimination on the basis of race, creed, color, national origin, citizenship or immigration status, sex, veteran or military status, sexual orientation, or 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;

(b) The institution operates its education program or activity in a manner free of discrimination. No student may be excluded from participation in an education program or activity, denied the benefits of an education program or activity, or subjected to discrimination on the basis of that student's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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, unless based upon bona fide qualification of the education program; and

(c) The institution, acting in its capacity as an employer, does not:

(i) Refuse to hire, promote, or confer tenure to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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, unless based upon bona fide occupational qualification. However, the prohibition against discrimination because of a disability in this subsection (1)(c)(i) does not apply if the particular disability prevents the proper performance of the particular work involved. This subsection may not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(ii) Discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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;

(iii) Discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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. However, this section does not prohibit an employer from segregating wash rooms or locker room facilities on the basis of sex, or basing other terms and conditions of employment on the sex of employees where the Washington state human rights commission, created under chapter 49.60 RCW, has by regulation or ruling in a particular instance found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(iv) Print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or use any form of

application for employment, or make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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; or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification. However, nothing in this subsection prohibits advertising in a foreign language.

(2) Participation in theology academic programs and campus ministry departments, including the employment, promotion, or granting of tenure of faculty members for courses of study in theology, is exempt from the requirements under this section.

(3) Institutions of higher education that take no action regarding the signing of the affidavit are ineligible to participate in the pilot program in RCW 28B.10.063. [2024 c 240 s 2.]