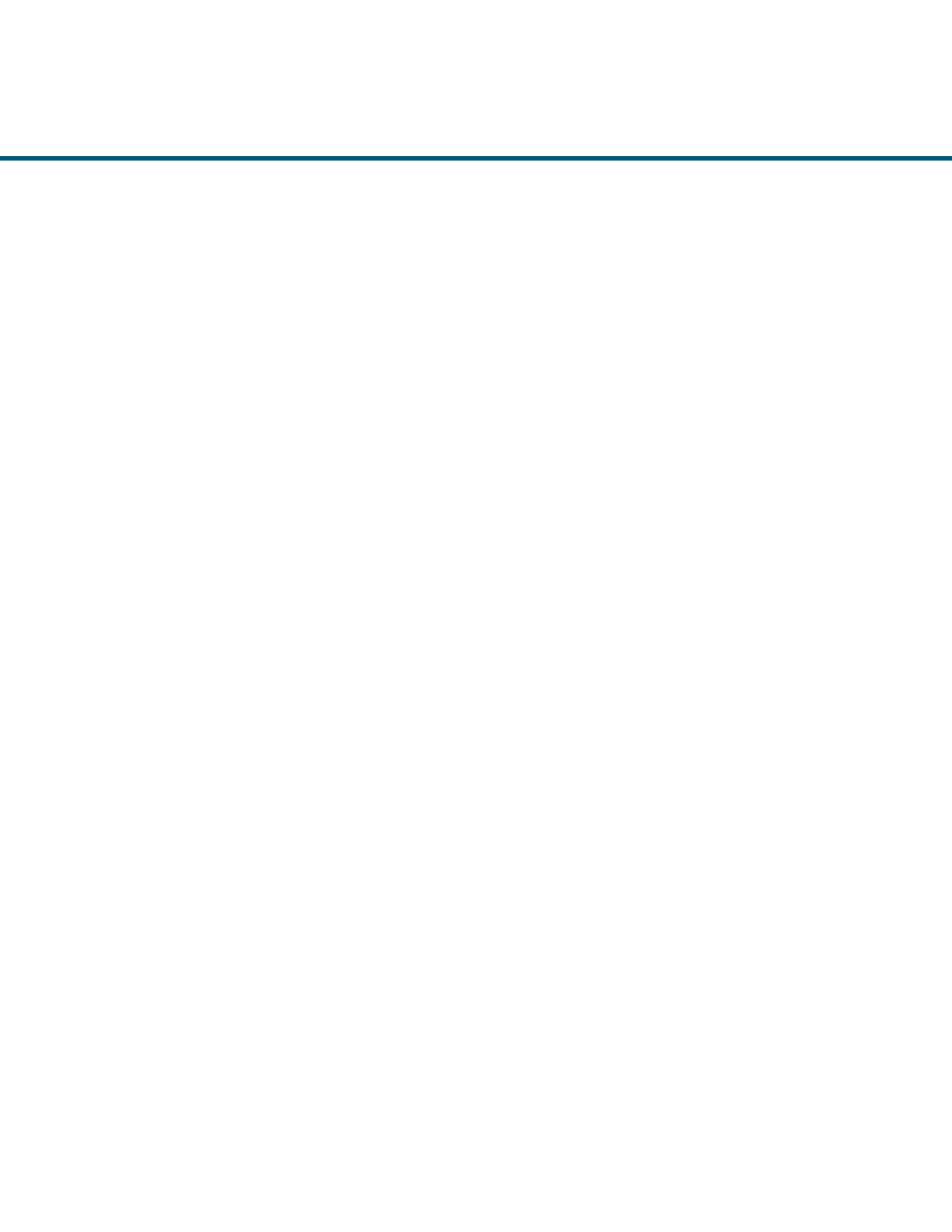


# CIVIL RIGHTS RESOURCE GUIDE



Wing Luke Civil Rights Unit  
Washington State Office  
of the Attorney General  
**BOB FERGUSON**  
September 2015



# TABLE OF **CONTENTS**

---

- 3 - Letter from the Attorney General**
- 4 - Letter from the Washington State Human Rights Commission Director**
- 5 - About Wing Luke**
- 6 - Introduction: About this Guide**
- 8 - Overview: What Are Civil Rights?**
- 12 - Employment Rights**
- 16 - Housing Rights**
- 22 - Consumer Rights**
- 26 - Voting Rights**
- 32 - Education Rights**
- 38 - Right to be Free From Violence**
- 40 - Environmental Rights**
- 42 - Appendix: Additional Resources**
- 45 - Acknowledgments**

## Originally Published September 2015

All rights reserved. This publication may not be copied in whole or in part by any means, or stored in a database or retrieval system, without prior written permission of the Washington State Attorney General's Office.

Limited permission is hereby granted for not-for-profit reproduction and distribution of this publication and is also permitted if no profit, direct or indirect, is derived therefrom and if all notices contained in this copyright notice are included with such copy, together with attribution to the Washington State Attorney General's Office.

---

## About the Attorney General's Office

**Mission:** The Office of the Attorney General will provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people.

**Vision:** The Office of the Attorney General will be the best public law office in the United States.

**Values:** All staff in the Office of the Attorney General are guided by the following core values:

- We will deliver high quality legal services and remember that we serve the people of Washington.
  - We will conduct ourselves with integrity, professionalism, civility, and transparency.
  - We will promote a collegial, inclusive, and diverse workplace that values, respects, and supports our employees.
- 

## Disclaimer

The information in this guide is provided as a resource for general educational purposes and is not provided for the purpose of giving legal advice of any kind. This guide does not represent the legal opinions of the Attorney General's Office. Readers should not rely on information in this guide regarding specific applications of the laws without seeking private legal counsel or legal assistance.





## Dear Washingtonians:

The civil rights of all residents of our great state must be protected. As your Attorney General, one of my top priorities is to protect the civil rights of Washington residents and end discrimination in our state.

The rich diversity of the people who call Washington home is what makes our state a great place to live and work. State and federal laws protect that diversity. No one in our state should be treated differently in housing, employment or as a consumer because of race, gender, national origin, religious beliefs, sexual orientation or identity, disability, veteran or military status or membership in any other protected class.

In order to increase the Attorney General's role in protecting the civil rights of Washingtonians, I have formed the Wing Luke Civil Rights Unit within the Attorney General's Office. This unit is responsible for using the Attorney General's authority to enforce civil rights laws and working with other government agencies and community stakeholders to protect your rights.

When discrimination does occur, too many don't know their rights or where to turn. This guide is intended to answer questions and help you identify the resources that are available.

I hope that you find this guide helpful.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ferguson". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Bob Ferguson  
Washington State Attorney General



## Dear Washingtonians:

This year marks the 50th anniversary of the March on Selma, a stark reminder of the sacrifice made for the civil rights protections we enjoy today. In 1949, the people of Washington state established the Board Against Discrimination - known as the Human Rights Commission since 1971 - to enforce the law against discrimination, Chapter 49.60 Revised Code of Washington.

Among the first states in the nation to establish civil rights laws, Washington has some of the broadest civil rights protections in the United States, the first of which were based on race, color and national origin in the areas of employment, housing, places of public accommodation, credit and insurance transactions, and protected classes of race, creed, national origin, age, sex, disability, sexual orientation or gender identity, marital status, familial status and veteran or military status.

The Washington State Human Rights Commission is proud of this history and its responsibility in administering and enforcing these laws. The mission of the Washington State Human Rights Commission is to prevent and eliminate discrimination through the fair application of the law, the efficient use of resources, and the establishment of productive partnerships in the community. This guide is intended to help you understand your rights and responsibilities under Washington's Law Against Discrimination.

Sincerely,

A handwritten signature in blue ink that reads "Sharon Ortiz". The signature is fluid and cursive.

Sharon Ortiz  
Director, Washington State Human Rights Commission



Attorney General John O'Connell presents Wing Luke with a recognition award during Luke's tenure as Assistant Attorney General.

## About Wing Luke

The Civil Rights Unit in the Washington State Attorney General's office is named for Wing Luke, a former Assistant Attorney General and pioneering leader of civil rights in our state.

Luke immigrated to the United States from China with his family when he was a young child. He demonstrated an interest in leadership and politics as a student and was elected class president at Roosevelt High School in Seattle.

Luke attended the University of Washington as an undergraduate and a law student. In 1957, he began working for the Washington State Attorney General's Office, where he served as chief legal counsel for the Board Against Discrimination (which would later become the Washington State Human Rights Commission). Luke served as an Assistant Attorney General for five years before he was elected to the Seattle City Council.

Elected in 1962, Luke was the first person of color to serve on the Seattle City Council and the first Asian American elected to public office in the Pacific Northwest. His advocacy for civil rights as a councilmember included support for a city ordinance to ban discrimination in the sale or rental of housing.

Luke was tragically killed in a plane crash in 1965. The Wing Luke Civil Rights Unit at the Attorney General's Office honors Luke's work as an Assistant Attorney General and his advocacy and deep commitment to civil rights for all.



# INTRODUCTION

## About This Guide

This guide provides information for Washington residents about your civil rights under state and federal law and connects you to available resources. In this guide, civil rights are defined as the basic right to be free from unequal treatment based on certain characteristics – or “protected classes” – in settings such as housing, employment, education and the marketplace.

The guide presents a general overview of civil rights laws. It is not intended to be a substitute for detailed legal analysis, nor does it provide comprehensive legal review.

This guide was last updated in September 2015. Civil rights laws and how they apply can change as a result of court decisions and legislation, and portions of this guide may become obsolete over time. Additionally, federal, state and local governments may have different civil rights laws that apply in different situations. Check to make sure that the information is current and covers your particular situation.

## How to Use This Guide

This guide begins with a general explanation of your civil rights, the various types of discrimination, and a description of groups protected by civil rights laws. This overview is then followed by chapters that explore these rights by specific topic, such as employment or housing.

Each chapter provides a description of the applicable laws and provides information about where you can go if you believe you have been discriminated against. In some chapters, you will see information about more than one agency’s complaint process. This guide is not intended to provide legal advice about which agency to contact. Instead, this guide provides information about the various options available.

Additional resources, including state and federal agencies that can help and organizations that may be able to provide legal assistance, are referenced throughout the guide and are listed in the appendix.





## About the Attorney General's Civil Rights Unit

Established in January 2015, the Wing Luke Civil Rights Unit in the Washington State Attorney General's Office works to ensure that the civil rights of Washingtonians are enforced. This unit, directed by Colleen Melody, enforces state and federal laws and works collaboratively with the Washington State Human Rights Commission and other agencies and organizations.

The Civil Rights Unit also provides education and outreach to ensure you know your rights and where to go for help if your rights are violated.

To contact the Civil Rights Unit, call (844) 323-3864 or email [civilrights@atg.wa.gov](mailto:civilrights@atg.wa.gov).





# OVERVIEW

## What are Civil Rights?

Civil rights are your basic rights and freedoms guaranteed by law. This guide focuses on your rights in particular areas of life such as employment, education, housing and voting. Civil rights laws in these areas prohibit discrimination against you based on certain personal characteristics. These protected, personal characteristics are described in legal terms as “protected classes.”

## What is a Protected Class?

Under the Washington Law Against Discrimination, the state’s primary civil rights law, protected classes include:

- Sex and gender
- Race and color
- Creed and religion
- National origin
- Sexual orientation, including gender identity or expression
- Physical or mental disability
- The use of a trained guide dog or service animal
- Veteran or military status
- Marital status (employment and housing only)
- Age (employment only)
- Familial status (housing only)
- Status as breastfeeding mother (public accommodations only)





Other Washington state laws may identify additional protected classes. For example, state employees who complain about improper government action are a protected class under our state whistleblower laws.

The list of protected classes has changed over time, generally with the addition of new classes. For example, sexual orientation was added as a protected class in 2006. Classes protected under federal and local laws may be different than those protected under state laws.

## What is Discrimination?

While the dictionary definition of discrimination is “the making or perceiving of a distinction or difference,” the legal definition is a bit narrower. Specifically, there are typically three components of discrimination in the legal sense:

1. An individual is a member of a protected class;
2. The individual experienced discriminatory treatment or was affected by a discriminatory policy; and
3. The individual’s membership in a protected class was a reason for the discrimination.

## Three Types of Discrimination

1. **Discriminatory Treatment:** Treating someone differently because he or she is a member of a protected class. The legal term for this is “disparate treatment.” For example, if a business refuses to provide a service to a gay couple that is provided to straight couples, the business engages in “disparate treatment” based on sexual orientation.
2. **Discriminatory Effects:** Adopting policies that seem neutral but have a harsher impact on members of a protected group. The legal term for this is called “disparate impact.” An example is a company creating hiring guidelines that seem neutral, but include qualifications that lead to unfairly hiring male candidates and not female candidates.
3. **Retaliation:** Taking negative actions against a person because he or she exercised protected civil rights. For example, retaliation occurs if a landlord terminates the lease of a tenant with a disability after learning the tenant has complained that his landlord charges higher rent to disabled tenants.

## What Laws Protect You?

In Washington state, both state and federal laws protect your right not to be discriminated against:

### The Washington Law Against Discrimination

The Washington Law Against Discrimination, first passed in 1949, is a state law that prohibits discrimination in employment, housing, education, insurance, credit, and at businesses that are open to the public.

Additionally, the Washington Law Against Discrimination established the Washington State Human Rights Commission to enforce the law. The Human Rights Commission takes complaints and conducts investigations to enforce our state anti-discrimination law (see page 11).

### Federal Civil Rights Act

The federal Civil Rights Act was passed in 1964. The law prohibits discrimination in employment, voting rights, education and other services and facilities provided by or owned by the government. It also ended racial segregation in schools, workplaces, and other public facilities. The Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex, or national origin.

Additional federal laws enacted since 1964 have expanded civil rights protections nationwide, including: the Americans with Disabilities Act of 1990, which provides equal opportunity for persons with disabilities in employment, government services, and public spaces; the Voting Rights Act of 1965 which prohibits racial discrimination in voting; and the Civil Rights Act of 1968, which includes a section commonly known as the Fair Housing Act.



### What should you do if someone is discriminating against you?

There are a number of local, state and federal agencies where you can file a discrimination complaint depending on the type of discrimination. Information about the proper agencies for filing complaints is included in each chapter of this guide. In some situations, there are limits on how long you can wait after the discrimination occurred to file a complaint or take action. It is important to pay attention to those time limits if you are considering filing a complaint.

If you believe you are experiencing discrimination, here are a couple of things to keep in mind:

- **Keep records:** If you believe you are being discriminated against, keep records of what is happening. Keep notes of the dates, times, words used, and actions or conduct you believe is discriminatory. Keep copies of any letters, emails, voicemails, text messages and other materials that show what is occurring. Note any witnesses to the action or situation.
- **Ask about the process:** Many employers, schools, housing providers, and other institutions have anti-discrimination policies and procedures to file a complaint. You may want to ask for information about any complaint procedure available to you. You may be able to file a complaint and have it directly resolved by the person, business or institution.

### Legal Action

In addition to filing complaints, you may want to pursue legal action in response to discrimination that you experienced. As noted earlier, the information provided in this guide is not provided as legal advice. The Attorney General's Office is not authorized to advise or represent private citizens on personal legal matters. If you are interested in filing a lawsuit, you should consult with a private attorney. Organizations that provide legal assistance are listed in the appendix to this guide.



# Filing a Complaint with the Washington State Human Rights Commission

The Washington State Human Rights Commission is a state agency responsible for enforcing the Washington Law Against Discrimination. The Washington State Legislature created the Human Rights Commission in 1949. It was originally called the Washington State Board Against Discrimination in Employment, and had authority to work for the “elimination and prevention of discrimination in employment because of race, creed, color or national origin.” In 1971, the Board’s name was changed to the Washington State Human Rights Commission. Over the years, additional protected classes have been added, and the Commission has gained authority to prevent and eliminate discrimination in housing and consumer settings.

The Human Rights Commission is made up of five Commissioners appointed by the Governor. The Commissioners appoint and oversee the Executive Director who conducts the day-to-day operations of the agency, including investigations, training and outreach.

Washington residents can file discrimination complaints with the Human Rights Commission. When a complaint is filed, the Human Rights Commission’s investigators act as neutral fact-finders and do not advocate for either side. The investigators gather facts about the situation to determine whether there is reasonable cause to believe that discrimination occurred.

Under the Washington Law Against Discrimination, there is a six month time limit for filing most complaints with the Human Rights Commission. If the complaint involves housing discrimination or a state employee acting as a whistleblower, the time limit is one year.

The Human Rights Commission has no jurisdiction over employers with fewer than eight employees, Native American tribes, the federal government, or certain religious schools or employers.

If you believe you have been discriminated against you can file a complaint with the Human Rights Commission by visiting: <http://hum.wa.gov/CQ/Index.html>. You can also contact the Human Rights Commission by phone at (800) 233-3247 or (360) 753-6770.

File a  
Complaint  
Online or  
by Phone



Neutral Investigators  
Gather Facts  
to Determine  
if Discrimination  
Has Occurred





# EMPLOYMENT RIGHTS

You have a right to not be discriminated against in the workplace. Employment discrimination is prohibited by federal law, state law and many local laws. Each law is a little different, and some laws may apply to your situation, while others may not. For example, some employers may be subject to different rules based on the employer's size, religious affiliation or the type of business it runs.

Title VII of the federal Civil Rights Act prohibits discrimination in employment on the basis of race, color, religion, national origin, and sex (which includes sexual harassment, gender harassment, and discrimination against pregnant women). Other federal laws prohibit discrimination based on disability, age, equal pay and pregnancy.

In our state, the Washington Law Against Discrimination is broader and prohibits discrimination and harassment on the basis of race, color, creed (religion), national origin, sex, marital status, age (40 to 70 years), sexual orientation, honorably discharged veteran or military status, or the presence of a physical, mental, or sensory disability (including HIV/Hepatitis C) and the use of trained guide dog or service animal.

## Know Your Workplace Rights

### Race, Color, and National Origin Discrimination

Under Title VII of the Civil Rights Act and the Washington Law Against Discrimination, employers may not discriminate on the basis of race, color, or national origin. Your employer cannot refuse to hire you, pay you less, cut your hours or otherwise unfavorably alter your working conditions on the basis of your race, color, or national origin. Your employer also cannot establish policies that have a disproportionately negative effect on workers of a particular race, color, or national origin unless the employer can prove that the policy is necessary for the business to operate.

### Sex Discrimination

Sex discrimination occurs when you are treated less favorably because of your sex or gender. For example, employers cannot employ only women, or pay male employees more than female employees for the same work.



Under the law, pregnancy is included as a part of gender, which means that your employer may not discriminate against you because you are pregnant or may decide to have a baby. Your employer cannot make policies that negatively affect the members of one gender unless they can prove that the policy is necessary for the business to operate.

### **Sexual Harassment**

Sexual harassment is a form of illegal sex discrimination. There are two types of sexual harassment:

#### *Hostile Work Environment*

This kind of discrimination may include unwelcome, sexually suggestive comments or jokes; unwelcome and repeated requests for dates; offensive gestures; inappropriate touching or display of pornographic materials. To meet the legal definition of “hostile work environment,” the unwelcome behavior must be frequent and severe enough to interfere with your ability to perform your job. The behavior must be directed at you because of your gender (woman, man, or transgender).

The harasser may be your employer, supervisor or manager, colleague, vendor, or customer. If the harasser is a coworker, vendor, or customer, it is important to report it to your supervisor. If the harasser is your supervisor, report it to your supervisor’s boss.

#### *Quid Pro Quo*

This type of discrimination occurs when a supervisor or manager asks for sexual favors from you in return for employment benefits such as promotion, salary increase, career development opportunities, special projects or other benefits related to your job.

Employers have a duty to stop sexual harassment. When an employer has notice that harassment may be occurring, they must take prompt action to investigate and remedy any harassment at their workplace. Many employers have specific sexual harassment policies intended to prohibit and address sexual harassment. These policies typically tell workers where to report inappropriate sexual behavior.



# EMPLOYMENT RIGHTS

## Religious Discrimination

Title VII of the Civil Rights Act of 1964 and the Washington Law Against Discrimination prohibit discrimination and harassment based on your religious beliefs. Protection from religious discrimination applies to those who belong to a traditional organized religion such as Christianity, Islam, or Judaism, as well as those with sincerely held religious beliefs that may be less common. Harassment can include offensive comments about your religious beliefs or practices, including religious attire, which create a negative environment where it is difficult to do your job.

Additionally, your employer may be required to reasonably accommodate your religious beliefs or practices. This means that your employer may have to make adjustments to the work environment to allow you to practice your religion unless doing so would unduly burden your employer's ability to operate the business. Examples of common religious accommodations include: flexible schedules, voluntary shift exchanges, job reassignment, or modifications to the dress code to accommodate religious attire.

## Disability Discrimination

The federal Americans with Disability Act and the Washington Law Against Discrimination prohibit disability discrimination. Employers cannot discriminate against you because of a disability as long as you can perform the essential functions of your job.

In general, a disability is a physical or mental impairment that significantly limits a "major life activity," such as sleeping, walking, hearing, and breathing. Our state law definition of disability is broader than the federal law and includes a sensory, mental, or physical impairment that is medically diagnosable, including some temporary conditions.

Employers may be required to make reasonable accommodations to workplace rules to allow an employee with a disability to do his or her job. Once an employer is on notice of an employee's disability, the employer must assist the employee through an interactive process to determine and identify reasonable accommodations.

## The Americans with Disabilities Act



Prior to the Disability Rights Movement, it was difficult for individuals living with disabilities to do basic things that many of us take for granted. For example, exercising the right to vote and accessing essential services was thwarted by inaccessible infrastructure and government buildings. Accessing schools was a particularly acute issue and became the battleground for disability rights activists. In the early 1970s, approximately 4 million children with disabilities were excluded from or severely underserved in public schools.

That decade a number of court decisions and laws passed by Congress established that public schools are required to provide appropriate education services to students with disabilities. Building on these victories, disability rights advocates continued to work to educate government officials and the public on the need for change. Ultimately,

these efforts led to the passage of the landmark Americans with Disabilities Act, which prohibits discrimination against people with disabilities in employment, transportation, public accommodations, communications and governmental activities. President George H.W. Bush signed the act in 1990.





There is no “one size fits all” definition of reasonable accommodations. Rather, they are personalized to the employee with the disability. Both the employee and the employer have a duty to engage in an interactive process to find reasonable accommodations. Examples of reasonable accommodations may include leave from work, modifying work stations, telephone amplifiers, wheelchair access or transferring an employee to lighter-duty work. Reasonable accommodations must be made for persons with disabilities unless the accommodation would unduly burden the employer’s ability to operate the business.

### Age Discrimination

Age discrimination occurs when your employer treats you less favorably than younger employees. The federal Age Discrimination in Employment Act and the Washington Law Against Discrimination prohibit age discrimination in decisions about hiring, firing, layoffs, pay, benefits, promotions, demotions, performance reviews, or any other condition of employment for employees who are over 40.

Under these laws, an employer generally cannot consider age as a preferred job qualification, set age limits for training programs, require you to retire at a certain age, or otherwise treat you differently because of your age. Similarly, your employer cannot establish policies that have a disproportionate, negative effect on older workers unless the employer can prove that the policy is based on a reasonable factor other than age. These laws require that your employer provide the same rules and opportunities to employees over 40 that apply to employees under 40.

### Who can help if you experience discrimination in the workplace?

1. Address the issue with your employer through internal policies and procedures.
2. File a complaint with the Washington State Human Rights Commission. Information about the complaint process is discussed on page 11.
3. File a complaint with the federal U.S. Equal Employment Opportunity Commission (EEOC). The EEOC calls a complaint a “Charge of Discrimination.” Importantly, you must file a Charge of Discrimination within 180 days of the last discriminatory act. A Charge of Discrimination can be filed on behalf of another person if needed to protect the identity of the employee who is complaining.
  - Once a Charge of Discrimination is filed, the EEOC will conduct an investigation and may elect to file a lawsuit on your behalf. More commonly, the EEOC issues a “right to sue” letter, which gives you permission to file your own lawsuit in court. In some cases, the EEOC may dismiss a complaint without investigation or mediation if the complaint appears to have little chance of success or if it involves something that the EEOC does not have the authority to investigate.
  - More information about filing a Charge of Discrimination is available here: <http://www.eeoc.gov/employees/charge.cfm> or by calling (800) 669-4000.
4. Consult a lawyer. You always have the right to consult a lawyer to talk about your situation, including the possibility of pursuing a private lawsuit to address the discrimination.



# HOUSING RIGHTS

You have a right to be free from discrimination in housing transactions, including renting, leasing, purchasing and obtaining financing for land or housing. Washington law prohibits discrimination by landlords, real estate agents, sellers, mortgage brokers, or other individuals involved in real estate transactions.

In Washington, these individuals may not discriminate based on race, color, national origin, creed (religion), sex or gender, marital status, sexual orientation, mental or physical disability, use of a trained dog guide, honorably discharged veteran or military status, or families with children status (having a child under 18 in the home).

Federal fair housing laws also prohibit discrimination in real estate transactions, including the sale, lease, rental or financing (e.g., mortgage lending) of real estate, on the basis of protected classes. There are some exemptions for religious organizations or private clubs.

The classes protected under federal law differ from those protected under state law. For example, federal law does not cover sexual orientation, marital status or veteran status. Under both federal and state law, it is illegal to retaliate against or interfere with anyone who is exercising his or her fair housing rights.



## Seattle's Open Housing Movement



As recently as the 1960s, it remained legal to discriminate against minorities when renting apartments or selling real estate in Washington. Often, individuals and families of color looking for housing were not even shown homes for sale or rent in white neighborhoods. Additionally, more restrictive covenants and discriminatory lending further prevented purchasing. Changes to this system did not come easily.

In 1962, Seattle Mayor Gordon Clinton formed the Citizen's Advisory Committee on Minority Housing. The committee submitted a report and recommendations for reform later that year. Unfortunately, the city government delayed action. Organized protests, including a sit-in in the Mayor's office resulted. In response, the City Council created the

Seattle Human Rights Commission in July 1963. The Commission drafted an open housing law prohibiting discrimination that was put to the voters. Although religious coalitions, civil rights groups and community organizations supported the legislation, voters rejected it.

However, advocates for civil rights and fair housing continued working. On April 19, 1968, three weeks after the assassination of Dr. Martin Luther King, Jr., the Seattle City Council unanimously passed a fair housing law to prohibit discrimination in housing because of race or color. The following year, the Legislature added housing discrimination to the Washington Law Against Discrimination.



## Know Your Housing Rights

### Advertising

The law prohibits landlords, agents, sellers and others from advertising in a discriminatory way. In particular, these individuals may not advertise or make any sort of statement that indicates an intention to discriminate against a protected group. For example, a sign outside an apartment complex that advertises, “Apartment available, mature professionals only - No children” would be prohibited as discriminating based on families with children status unless the property qualifies as senior housing.

### Sales and Rental Practices

When real estate is for sale or rent, everyone should be offered the same terms whether or not they belong to a protected class. This means that the availability, price and other details of a sale or rental should not depend on factors like race, national origin, religion, or sex. For example, a landlord may not charge male tenants a higher security deposit than female tenants. Similarly, a real estate broker may not steer African-American buyers toward homes in high-minority areas and decline to show them homes in mainly white neighborhoods.

### Lending

Fair housing laws make it illegal for lenders to discriminate against protected groups when making home loans. This means that lenders may offer different loan terms to borrowers based on credit score, income, debt and other factors relevant to the loan, but lenders cannot offer different loan terms to borrowers based on reasons like race, disability or sex. For example, lenders may not target minority borrowers for expensive loan products, and lenders may not limit services to certain geographic areas because high concentrations of minority borrowers live in the area.

### Disability

In addition to the housing rights previously discussed, additional rules protect the rights of people with disabilities to access, use, and enjoy housing.

Under the Washington Law Against Discrimination, a disability is broadly defined as the “presence of a sensory, mental, or physical impairment” that:

- Is medically recognized or can be diagnosed by a doctor; or
- Exists as a part of a person’s health care records or health history; or
- Is perceived to exist by a housing provider, even if the disability does not actually exist.

Disabilities include a wide range of physical and mental conditions, including mobility and sensory impairments, mental illness, chronic alcoholism and past drug addiction. Current drug or alcohol use is not covered.

Under federal law, a disability includes physical and mental disabilities that substantially limit one or more major life activities. The following are examples of what might be considered a disability: impairments involving hearing, mobility, or vision, mental illness, developmental conditions and alcoholism or past drug addiction. As with Washington law, current drug or alcohol use is not considered a disability.

The definition of disability also covers you if your housing provider incorrectly perceives you as having a disability. For example, a tenant may have HIV that is well-controlled through medication, but her landlord may still consider her disabled because she is HIV-positive. In such circumstances, the HIV-positive tenant cannot be discriminated against based on the perceived disability.



## Reasonable Accommodations and Reasonable Modifications

Landlords may be required to provide “reasonable accommodations” for tenants with disabilities. Reasonable accommodations involve an exception from the landlord’s general rule, policy, practice, or service. Tenants with disabilities may request reasonable accommodations that they may need in order to use their housing and any shared amenities. Examples of an accommodation are assignment of a parking space close to the tenant’s unit, waiver of a “no pets” rule for a tenant with a service animal, or permission for a caretaker to have access to the property. It is typically prohibited for a landlord to charge for a reasonable accommodation.

Reasonable modifications typically involve physical modifications or structural changes to a housing unit. Examples of reasonable modifications include installation of a wheelchair ramp, a flashing doorbell or fire alarm for a tenant with a hearing impairment, a roll-in shower, or a lift that assists a person with a disability in using the toilet. The costs of such modifications usually are borne by the tenant in private housing, and the tenant may be required to restore the property to its original condition when the tenant moves out. Unless a modification would fundamentally alter the housing, a landlord usually may not refuse a needed modification.

### Service Animals

Washington landlords may not discriminate against persons with disabilities who use guide dogs or other service or assistance animals in housing. Washington law generally requires landlords and other housing providers to allow persons with a disability to have a trained dog guide or service animal, as long as the animal has been specifically trained to provide assistance or accommodation to a person with a disability. Under federal law, housing providers are required to provide reasonable accommodations to persons with disabilities who require assistance animals, even if the animal has not been trained to perform a specific task. The requirements for landlords in federal law are broader than Washington law. It is important for landlords and housing providers to check both laws to ensure they are in compliance.



## Requirements for New Buildings

State and federal laws require certain newer housing units to be designed and built so that they are accessible for persons with disabilities. More specifically, buildings that have an elevator and four or more units, and that were ready for first occupancy after March 31, 1991, must make all of the units and the public and shared common areas accessible to persons with disabilities. For buildings with four or more units that do not have an elevator, these accessibility rules apply only to ground floor units and the public and shared common areas. The accessibility requirements include:

- Accessible route into and through the unit;
- Doors and hallways that are wide enough to permit wheelchairs;
- Accessible light switches, electrical outlets, thermostats and other environmental controls;
- Reinforced bathroom walls to allow later installation of grab bars;
- Kitchens and bathrooms that are large enough to allow wheelchair users to maneuver;
- Accessible parking, mail, trash, and other amenities shared by tenants; and
- An accessible route through the property, including proper curb cuts.





## What to do if you experience discrimination in housing?

1. File a complaint with the Washington State Human Rights Commission. Information on the complaint process is discussed on page 11 of this guide.
2. File a complaint with the federal U.S. Department of Urban Development (HUD). HUD is the federal agency responsible for enforcing federal fair housing laws. You can file a housing discrimination complaint online with HUD at: [http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_discrimination](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination). You must file a complaint within one year of the discriminatory conduct you are complaining about.
  - Once filed, your complaint will be reviewed by a fair housing specialist, who will contact you if any additional information is needed for their review. HUD will investigate the complaint and determine whether there is reasonable cause to believe that discrimination occurred. If HUD finds reasonable cause, it will attempt to settle the matter between the parties and stop the discrimination. If no settlement is reached, the matter either goes to an administrative hearing or federal court, with lawyers for the federal government presenting the evidence of discrimination.
  - If you have questions or would like to speak with someone about HUD's complaint process, you can call the HUD Regional Office in Seattle at (800) 877-0246. The Seattle office covers all of Washington State. Additional information about HUD's complaint process is available here: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process).
3. Consult a lawyer. You always have the right to consult a lawyer to talk about your situation, including the possibility of pursuing a private lawsuit to address the discrimination.



## Exemptions from Fair Housing Laws

While the housing rights previously discussed apply in most cases, there are exceptions to the housing discrimination provisions in state and federal law.

- Private landlords with three or fewer single-family rentals, and buildings with four or fewer living units if the landlord lives in one unit, are exempted from most fair housing rules as long as the landlord does not engage in discriminatory advertising and does not use a broker or salesperson.
- Public and private educational institutions may separate persons based on sex and may give preference in certain circumstances to persons of a particular sex, or make distinctions based on marital status or families with children status.
- Certain types of housing for older persons may discriminate based on age and families with children status.
- Certain types of housing operated by religious organizations may be exempt from federal law, but the housing must not be used for a commercial purpose.
- None of the housing discrimination provisions apply to the selection of roommates.







# CONSUMER RIGHTS

The Washington Consumer Protection Act prohibits unfair or deceptive acts and practices that occur in trade or commerce, including discrimination. The Washington Law Against Discrimination prohibits discrimination against protected groups by business and other “places of public accommodation.” Violating this portion of the Washington Law Against Discrimination is also a violation of the Consumer Protection Act.

## What is a Place of Public Accommodation?

A “place of public accommodation” includes any place that is open to the public for use, including all places where goods, merchandise or services are sold. Government offices and service providers are also places of public accommodation. Some examples of places of public accommodations are: schools, stores, restaurants, theaters, parks, pools and public libraries.

In these places, it is against the law to discriminate based on membership in a protected class.







## Know Your Rights as a Consumer

### Consumer Protection

When visiting or patronizing places of public accommodation, all customers have equal rights in that space. Any act by a business or place of public accommodation that makes distinctions or restrictions on a protected group is unlawful discrimination. Examples of such illegal practices might be a business that refuses to serve members of a certain religion or a business that charges higher prices to customers who were born outside the United States.



### Financial and Credit Transactions

State and federal laws prohibit lenders, including banks and credit unions, from using a person's membership in a protected class as a factor when reviewing an application for credit or in determining creditworthiness.

Additionally, discrimination is prohibited in all credit transactions that include all types of loans and retail installment transactions, such as for a car, electronics, appliances, or other large purchases. For example, lenders cannot:

- Deny credit to any person because of his or her membership in a protected class;
- Increase the charges or fees for, or collateral required, before the lender will extend credit to a member of a protected group; or
- Restrict the amount or use of credit available to members of a protected class. An example of this might be setting a maximum loan amount that single parents may borrow.

# Consumer Rights

## Insurance and Healthcare

Under Washington law, an insurance company, insurance producer, health maintenance organization (HMO), or health care service contractor may not refuse, fail to renew, cancel, or impose different rates, terms, or conditions because the insured person is a member of a protected class.

However, when an insurer can show actual statistical differences in risk or exposure, “fair” discrimination by the insurer is permitted. For example, a life insurance company may charge an older person a higher premium than a younger person because statistically the insurance company carries more risk when insuring an older person.



## Arlene's Flowers



In April 2013, the Attorney General's Office filed a consumer protection lawsuit against Arlene's Flowers, a business in Richland, and its owner and operator, Barronelle Stutzman, for refusing to provide flowers to customer Robert Ingersoll for his wedding to his husband, Curt Freed. In February 2015, the Benton County Superior Court held that Arlene's Flowers and Ms. Stutzman violated the Consumer Protection Act and the Washington Law Against Discrimination by refusing to serve Mr. Ingersoll and Mr. Freed.

The court upheld the Attorney General's authority to bring the lawsuit and determined that Ms. Stutzman could be held personally liable for violating the Consumer Protection Act. Arlene's Flowers and Ms. Stutzman appealed the decision. As of September 2015, the appeal is pending.



The state insurance laws also identify other types of discrimination that are not permitted.

- An employee benefit plan must provide dependent coverage to same-sex spouses when that coverage is provided to all other spouses, subject to limited exemptions.
- Insurance companies cannot alter your insurance coverage or deny your claim because you are a victim of domestic abuse.
- An insurer may not take negative action on a property policy because the insured has made a claim for a loss that was the result of malicious harassment.
- An HMO may not discriminate based on place of residence, socioeconomic status, or status as a recipient of Medicare.
- An insurer cannot discriminate because of a person's inability to read, write, or speak English, or because a person has contacted the Insurance Commissioner.

There are also certain prohibitions and limitations on how insurers can use credit history in underwriting insurance and setting rates.

There are federal laws that may also be applicable to the provision of health care benefits. For example, if benefits are provided through an employer funded plan, the employer cannot discriminate in how benefits are given based on an employee's membership in a protected class. Also, the federal Health Insurance Portability and Accountability Act (HIPAA) prohibits an employee in a group health plan from being denied eligibility for benefits or charged more for coverage because of defined health factors, such as medical history and genetic information. More information about HIPAA can be found at the website for the federal Department of Labor, Employee Benefits Security Administration [www.dol.gov/ebsa](http://www.dol.gov/ebsa)

### Who can help if you experience discrimination as a consumer?

1. File a complaint with the Attorney General's Office. The Attorney General's Office enforces the Consumer Protection Act to stop unfair and deceptive practices that target Washington consumers. The Office files legal actions to stop unfair practices, operates an informal mediation program to resolve individual consumer problems, and provides information and resources to businesses and the public on consumer issues.
  - You can find information about how to file a complaint on the Attorney General's website, at <http://www.atg.wa.gov/FileAComplaint.aspx>. You can also call the Consumer Resource Center with questions at (800) 551-4636 (in Washington) or (206) 464-6684.
2. File a complaint with the Washington State Human Rights Commission. Information on the complaint process is discussed on page 11.
3. Contact the Federal Trade Commission (FTC). The FTC is a federal agency that works to prevent fraud, deception, and unfair business practices in the marketplace. The FTC can file lawsuits to stop illegal practices, including health care scams and unfair practices in credit or debt collection. The FTC does not resolve individual complaints. Information about filing a complaint with the FTC is at their website: <https://www.ftccomplaintassistant.gov/#crnt&panel1-1>.
4. Contact the Office of the Insurance Commissioner. If your complaint involves insurance, you can contact the Office of the Insurance Commissioner via phone at (800) 562-6900 or file a complaint through their website at <http://oic.wa.gov/complaints-and-fraud/>.
5. Consult a lawyer. You always have the right to consult a lawyer to talk about your situation, including the possibility of pursuing a private lawsuit to address the discrimination.





# VOTING RIGHTS

## Know Your Voting Rights

Voting is a fundamental right of citizenship. Washington state encourages every eligible person to register to vote and to participate in all elections. Washington is also committed to preventing discrimination and fraud related to voting. The purpose of this chapter is to provide you with information about how to register to vote and how to report fraud and discrimination related to voting.

### Eligibility: Who can Vote in Washington?

All registered voters may vote in elections in Washington state. There are four requirements to register to vote. You must:

1. Be at least 18 years of age at the time of the next election;
2. Be a United States citizen;
3. Be a resident of the state, county, and precinct where you are registering for at least 30 days before the next election; and
4. Not be disqualified from voting. A person is disqualified from voting if a court has issued an order declaring him or her ineligible to vote based on mental incompetency or if he or she has been convicted of a felony and has not had his or her civil rights restored. Many people believe that a felony conviction automatically disqualifies a person from registering to vote, but that is not the case. See page 30 for more information on how individuals can restore their right to vote.





## Residence Requirements

A traditional residential address is not required in order to register to vote. If you reside in a shelter, park, motor home, marina, or other location, you only need to provide a valid mailing address. A valid mailing address could be a post office box, the address of a friend, relative, or a shelter, or general delivery at the local post office.

If you previously lived in Washington and are currently living outside of Washington, you may retain your Washington residence if you are:

- An employee in the civil or military service of the state or of the United States;
- Living overseas;
- Attending college or an institution of learning; or
- Confined in any public prison.

Though you may remain registered to vote in Washington in these circumstances, you may only be registered to vote in one state.



### Address Confidentiality Protects Victims

The state's Address Confidentiality Program is a service available to voters who must move to avoid violence or harassment. The program assists victims of certain crimes, including domestic violence, sexual assault, trafficking and stalking, who relocate to avoid continued abuse. Certain criminal justice employees who experience harassment as a result of their jobs can also utilize this program.

The Address Confidentiality Program allows participants to keep their location secret by designating the Secretary of State as their agent for purposes of receiving court documents and mail, including election-related mail. The participant uses a Secretary of State mailing address. The Secretary of State then forwards mail and court documents to the participant. The law also allows participants to register to vote and apply for a marriage license without creating a public record.

In order to participate, you must apply to the Secretary of State's Office, and the Secretary of State's Office must approve the application. Applications can also be made on behalf of children and incapacitated persons. If you believe you qualify to participate in the Address Confidentiality Program, contact the Secretary of State's office at (800) 822-1065 or (360) 753-2972.

#### How do I Register to Vote?

Persons who are eligible to vote may register either in person at their county auditor's office, by mail, or online at Secretary of State's website, [www.myvote.wa.gov](http://www.myvote.wa.gov). In addition, you may register to vote through certain state agencies, including the Department of Licensing, and at institutions of higher learning.

In order to vote in an election, you must submit a registration application at least 29 days before the election or register in person at the county auditor's office at least eight days before the election. A list of county auditor's offices is available here: <https://www.sos.wa.gov/elections/viewauditors.aspx>.

It is important to keep your voter registration information up to date. If you move and do not update your address, you may be placed in "inactive status" as a voter. You can update your voter registration online at [www.myvote.wa.gov](http://www.myvote.wa.gov) or by submitting an updated voter registration form. If you are only changing your name or changing your address to another residence in the same county, you can also update your voter registration by contacting your county auditor.

#### Submitting Your Ballot

In Washington state elections, your ballot is mailed to you at least 18 days before each election. If you are a registered voter and do not receive your ballot, you should contact your county elections department or go to: <https://www.sos.wa.gov/elections/myvote/>, where you can print a replacement ballot by entering your information and clicking on "My Ballot."

There are three ways to return your ballot. You can:

1. Return your ballot by mail, as long as it is postmarked no later than Election Day;
2. Return your ballot to a designated ballot drop box by 8:00 p.m. on Election Day. Contact your county elections department for a list of ballot drop box locations. You can find the contact information for county elections departments at this link: <http://www.sos.wa.gov/elections/auditors.aspx>; or
3. Return your ballot in person to your county



elections department by 8:00 p.m. on Election Day.

### **Obtaining Translated Election Materials**

Under federal law, some Washington counties must provide election materials, including ballots and voters' pamphlets, in certain languages besides English. King County must provide election materials in Chinese and Vietnamese, while Adams, Franklin and Yakima Counties must provide elections materials in Spanish. In addition, voter registration forms are available in multiple languages online at: <http://www.sos.wa.gov/elections/Print-Voter-Registration-Forms.aspx>. If you would like to request the General Election Voters' Pamphlet in a language other than English, you can contact the Office of the Secretary of State at (800) 448-4881 or visit [voterspamphlet@sos.wa.gov](mailto:voterspamphlet@sos.wa.gov).

### **Voters with Disabilities**

Voters with disabilities have the option of voting in person at an Accessible Voting Unit (also called a Disability Access Unit). Accessible Voting Units are wheelchair-accessible, have headphones to allow voters with vision impairments to listen to the ballot, and have touch screens and other tools to allow voters to select candidates. Each county has at least one Accessible Voting Unit at each voting center, which is available for the 18 days leading up to Election Day

and until 8:00 p.m. on Election Day.

Voters with disabilities also have the right to have the assistance of a person of their choosing when casting their ballots, although a voter's employer or union representative may not serve as an assistant. For more information about the voting centers and Accessible Voting Units, contact your county election department. If you are concerned about a voting center's accessibility, contact the Secretary of State's Elections Division at (800) 448-4881.

### **Voter Registration Challenges**

If you believe that a registered voter is ineligible to vote, you may challenge that voter's registration as long as you are a registered voter yourself. A county prosecutor can also bring a voter registration challenge. If you want to challenge another voter's registration, you must file a Voter Registration Challenge Form with the county elections department where the challenged voter is registered. Additional information, and the Voter Registration Challenge Form, can be found on the Washington Secretary of State's website. [http://www.sos.wa.gov/\\_assets/elections/Voter-Registration-Challenge-Form.PDF](http://www.sos.wa.gov/_assets/elections/Voter-Registration-Challenge-Form.PDF).



# VOTING RIGHTS

## Military and Overseas Voters

You can continue to exercise your right to vote if you serve in the military or live overseas. Both federal and state laws exist to help military and overseas voters get their ballots and return them in time to make sure those votes count.

Military and overseas voters are exempt from the regular voter registration deadlines. Instead, the last day to register and request a ballot is Election Day. To register, visit: <http://www.sos.wa.gov/elections/myvote/olvr.html>. You should indicate on your voter registration that you serve in the Armed Forces or live overseas.

## Receiving and Returning Ballots

Military and overseas Washington voters can receive or return ballots by mail, email or fax. In Washington, all elections are conducted by mail, and ballots will automatically be sent to your mailing address, which can be anywhere in the world. Requests to change how you receive ballots should be sent to your local county elections department.

If you believe that you will not receive your regular ballot in time to vote, you can request a Federal Write-In Absentee Ballot, which is a blank write-in ballot. These ballots are available at consulates, embassies, from Voting Assistance Officers, and online at [www.fvap.gov](http://www.fvap.gov).

For more information related to being a military or overseas voter, visit:

[https://wei.sos.wa.gov/agency/osos/en/voters/Pages/military\\_and\\_overseas\\_voters.aspx](https://wei.sos.wa.gov/agency/osos/en/voters/Pages/military_and_overseas_voters.aspx).

If you are a military voter stationed in Washington, but want to register and vote in your home state, visit the Federal Voting Assistance Program at [www.fvap.gov](http://www.fvap.gov).

## Restoring Your Right to Vote

In Washington, a person who is convicted of a felony is ineligible to vote for a period of time. If you were convicted of a felony in a Washington state court, your right to vote is provisionally restored when you are released from confinement and you complete any period of community custody that you were ordered to serve. Your provisional right to vote can be revoked if a court determines that you have willfully failed to comply with the terms of a court order requiring payment of legal financial obligations. More information is available at the Secretary of State's webpage: [https://wei.sos.wa.gov/agency/osos/en/voters/pages/felons\\_and\\_voting\\_rights.aspx](https://wei.sos.wa.gov/agency/osos/en/voters/pages/felons_and_voting_rights.aspx).

Your right to vote may be permanently restored when:

- The sentencing court or the indeterminate sentencing review board issues a certificate of discharge;
- A court issues an order permanently restoring your right to vote after termination of a suspended sentence; or
- When the Governor issues a certificate of restoration.

If you were convicted of a felony in federal court or in the court of another state, your right to vote in Washington is restored when you are no longer incarcerated. Importantly, when your right to vote is restored or provisionally restored, you must reregister to vote.





## Who can help if you experience discrimination in voting?

1. Notify the Secretary of State. The Secretary of State is the chief election officer for all federal, state and local elections in Washington. The Secretary of State works to ensure orderly, timely, and uniform elections in compliance with federal and state law. As a voter, you have the right to absolute secrecy of your vote; no one may require you to disclose your political beliefs in order to vote. Voting laws are administered without discrimination based upon race, creed, color, national origin, sex, or political affiliation.

- If you believe that fraud, discrimination, or irregularities have occurred, you can submit an online Voter Concern Form to the Secretary of State at <http://www.sos.wa.gov/elections/concernform.aspx>. You can also call the Elections Division of the Secretary of State's Office at (360) 902-4180, or visit [www.sos.wa.gov/elections/voters.aspx](http://www.sos.wa.gov/elections/voters.aspx).

2. File a complaint with the U.S. Department of Justice. The Civil Rights Division at the U.S. Department of Justice has a Voting Section, which enforces federal laws that protect the right to vote. The Voting Section accepts complaints about possible violations of the federal voting rights laws:

**By email** at [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov)

**By telephone** at (800) 253-3931 (toll free)

**By telephone** at (202) 307-2767

**By fax** at (202) 307-3961

**By complaint form** at <http://www.justice.gov/crt/complaint/votintake/index.php>

**By letter to:**

Voting Section  
Civil Rights Division  
U.S. Department of Justice  
Room 7254 - NWB  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

3. Consult a lawyer. You always have the right to consult a lawyer to talk about your situation, including the possibility of pursuing a private lawsuit to address the discrimination.







# EDUCATION RIGHTS

You have a right to be free from discrimination in the classroom, whether you are in elementary school or a college student. This section covers civil rights laws governing primary and secondary education, as well as higher education.

State and federal civil rights laws protect all people—including students, parents, and others—from discrimination in Washington public schools. The Office of the Superintendent of Public Instruction (OSPI) is the primary agency responsible for enforcing civil rights laws in Washington’s K-12 education system.

Many private primary schools are covered by the Washington Law Against Discrimination, which prohibits discrimination and harassment in school. Some schools that are operated by religious or sectarian institutions, however, are exempt from this law.

In higher education, federal civil rights laws generally apply only to schools that receive federal funding, which includes all public colleges and universities, but may not apply to some private institutions.



Other laws apply to “public colleges and universities,” which includes all state-operated community colleges, technical colleges, and universities. The Washington Law Against Discrimination applies to both public and private higher education institutions located in Washington, and covers all students, including those from Washington and those from other states.

## Know Your Rights as a Student

### **Bullying and Harassment**

If harassment or bullying is motivated by membership in a protected class, your local school district’s discrimination policies and procedures apply. Check with your district to find out about options for resolving your issue. Each school district is required to adopt a bullying and harassment policy and procedure consistent with the state’s model policy and procedure, which you can find at the following link: <http://www.k12.wa.us/safetycenter/BullyingHarassment/default.aspx>.

Depending on the reason that you or your child is being bullied or harassed, some state and federal laws may protect you against discrimination. For example, if you are being harassed because of your race, national origin, gender, religion, disability, or sexual orientation and the harassment creates a hostile environment that interferes with your ability to benefit from school services, then antidiscrimination laws protect you. Many of the agency resources listed at the end of this section can also help you identify appropriate options in resolving your issue.

### **Sex Discrimination**

Federal and state laws prohibit discrimination in public education programs on the basis of sex, including protections for those who are pregnant or victims of sexual assault or harassment. These protections apply in the classroom, as well as in interscholastic, club, and intramural sports and other extracurricular activities.

# EDUCATION RIGHTS

## Pregnancy and Related Conditions

Schools are prohibited from discriminating on the basis of pregnancy, parenting, and all related conditions, including abortion. This means that schools must give all students who are, might be, or have been pregnant the same access to school programs and educational opportunities as other students. You cannot be required to drop a class or change your education plans because of your pregnancy. Further, you cannot be penalized for your pregnancy—you must be given the opportunity to earn back credit that you did not earn because you were pregnant. Schools must excuse absences due to pregnancy or any related conditions for as long as a doctor says it is necessary for you to be absent.



## Title IX

Exclusion from or discrimination in education programs or activities on the basis of sex is prohibited under Title IX, part of a federal civil rights law prohibiting discrimination based on gender in the provision of student services and activities.

This law applies to college athletics in three specific areas: participation, scholarships, and treatment of athletes and programs. All student-athletes have a right to participate in an athletic program free of discrimination, including sexual harassment and retaliation. Title IX further requires athletics programs to treat their male and female student-athletes equally with regard to equipment and supplies, game and practice time scheduling, travel and per diem allowance, academic assistance, facilities and locker rooms, medical and training services, housing and dining services, publicity, and recruitment.

Title IX also requires that colleges and universities distribute athletics scholarships at a rate that essentially matches the ratio of male to female student-athletes.

If you believe you have experienced discrimination in violation of Title IX, you can file a complaint with the Office of Civil Rights in the U.S. Department of Education. More information about the complaint process is available here: <http://www2.ed.gov/about/offices/list/ocr/know.html>.

## Sexual Harassment and Assault

If you have been sexually harassed or assaulted, you are protected from discrimination under state and federal civil rights laws.

Sexual assault is a serious crime. It is any non-consensual or unwanted sexual act, including inappropriate sexual touching or fondling, rape, sexual abuse, and incest. If you are a victim of sexual assault, you should make sure you are safe and seek medical care as quickly as possible. You should also immediately report the crime to the police, and provide the police with as much information as you can. There are many resources available to support victims of sexual assault, including the National Sexual Assault Hotline, which you can reach at (800) 656-HOPE (4673).

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that affects your ability to learn or creates an intimidating, hostile, or offensive school environment.

In primary and secondary education, each school district is responsible for informing students, parents, employees, and volunteers about the district's sexual harassment policy and procedure and the contact information of the school district's compliance coordinator who is responsible for receiving and responding to allegations of sexual harassment. Any staff member who witnesses or receives a report of possible sexual harassment should immediately report the incident to a school administrator or school district compliance coordinator.



School districts must follow their sexual harassment policy and procedures and must take prompt and effective action to determine what happened. If a school district determines that sexual harassment has occurred, the district must take reasonable, prompt, age-appropriate, and effective action to end the harassment, prevent it from recurring, and prevent any retaliation against the person who made the complaint or was the subject of the harassment.

An institution of higher education that receives federal funds may be subject to corrective action or otherwise be held legally responsible when it knows about and inadequately responds to sexual harassment or assault on its campus or in its programs or activities.

Upon filing a sexual assault or harassment complaint, your school must provide you with a copy of the procedures that you should follow in order to assist the disciplinary and or law enforcement process, inform you about interim measures that may be put

in place on your behalf to prevent further harm (no contact orders, counseling, security escorts, etc.), and provide you with information regarding victim resources available from the school and other local organizations. During disciplinary proceedings, victims of sexual violence are entitled to receive the same procedural rights as those of the accused, including the right to attend and participate in the disciplinary proceedings, receive notice of the outcome and file an appeal.

### Disability Accommodations

Schools are required to provide appropriate adjustments as necessary to ensure that they do not discriminate on the basis of disability. This can include (but is not limited to) providing architectural access, providing aids and services necessary for effective communication, and modifying policies, practices, and procedures to accommodate a disability. Institutions of higher education are not required to alter the requirements of degrees or programs.

## Title IX History



Although Title IX's reach is much broader, it is most famous for dramatically increasing women and girls' participation in sports. However, it took several years after the law's passage in 1972 for real steps toward equity to be taken.

In the early 1970s, female athletes at Washington State University wore hand-me-down uniforms from the men's teams and had to carpool to away games by van and crammed three to four to a hotel room. The men traveled by charter bus and stayed one or two to a hotel room. There were no scholarships for women and the budget for all seven women's sports was \$1,200, a fraction of that for men. In 1979, after two Title IX complaints against the school did not result in any changes, a group of students and coaches led by Karen Blair sued WSU (Blair vs. WSU) over these inequities. They alleged that women's athletic programs were of lesser quality than

men's and that they were victims of sex discrimination.

The case took eight years to wind its way through the courts. Finally in 1987, the Washington Supreme Court ruled that WSU was guilty of gender discrimination in athletics and that an equal amount of money should be allocated to men's and women's athletics based on the ratio of female undergraduates to female undergraduate athletes. While an earlier decision exempted football from the equity considerations, the Supreme Court decision noted that it must be included. Since this decision, women's sports have expanded at WSU to nine teams today with a budget of \$1.6 million and \$2.2 million available in scholarships.

# EDUCATION RIGHTS

## Special Education

Your child may qualify for special education services if he or she has one or more disabilities that adversely affect educational performance and cannot be addressed through general education classes alone. Eligibility is determined through an evaluation process performed by your school district. For more information on eligibility, see: <https://www.k12.wa.us/SpecialEd/Families/Eligibility.aspx>.

## Service Animals

Your school is required to accommodate a trained service animal. If your service animal is trained to respond to the specific needs of your disability, then your school cannot prohibit you or your child from bringing it on campus. However, your school does not need to accommodate your service animal if it is not specifically trained to perform a task related to your disability, cannot be effectively controlled, or is not housebroken. Your school may only ask about the animal's training and whether it is required because of a disability.

For more information about service animals in schools, see: <http://www.k12.wa.us/Equity/pubdocs/ProhibitingDiscriminationInPublicSchools.pdf#cover>.

## Housing and Services at Residential Schools and Colleges

Your school cannot discriminate by limiting or charging more for housing or services on the basis of disability. This means that you are entitled to accessible housing at the same costs as other students, and the school must provide you with the same access to all services that it provides to other students.

## Undocumented Students

There are no legal restrictions that prevent undocumented persons from attending Washington's K-12 schools or institutions of higher education. In Washington, you can attend a public college or university and pay in-state tuition rates if you have lived in Washington for at least three years prior to graduating from a Washington state high school or earning a high school diploma equivalent, such as a GED. If you qualify for in-state tuition, you also qualify to apply for state financial aid, such as the State Need Grant, which is administered by the Washington Student Achievement Council.

## In-State Tuition for Veterans

In addition to being protected from discrimination, honorably discharged veterans who served at least two years in the military are entitled to in-state tuition at public colleges and universities in Washington, provided that you start school within one year of your date of separation and meet one of the following requirements:

- At the time of separation, you designated Washington as your intended domicile on your DD-214 form; or
- You have Washington as your official home of record; or
- You move to Washington and establish residency.

Spouses and dependents of veterans who meet all of the above requirements may also be eligible for tuition waivers. Each institution operates its own waiver program, so contact the specific college or university with questions or to get more information about how to apply for tuition waivers.

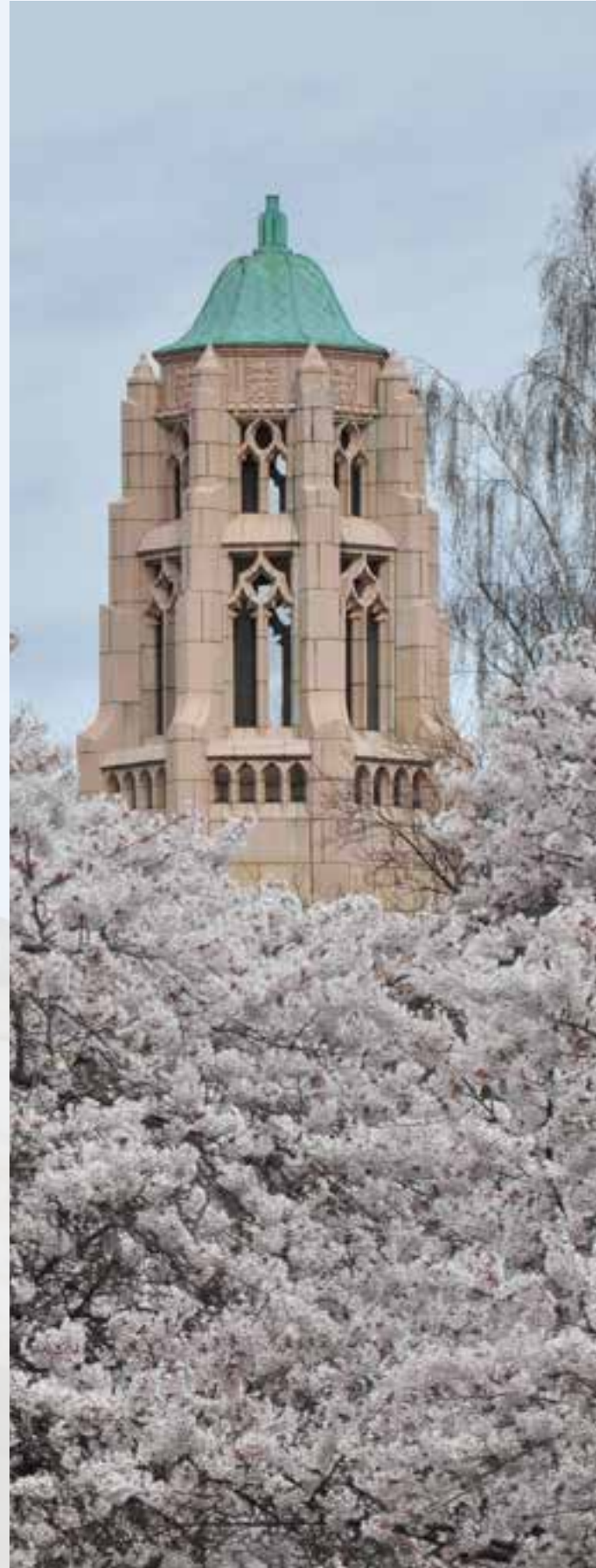




## Who can help if you experience discrimination in school?

There are many different agencies and resources available to you if you experience discrimination in school.

- Contact the school district's Civil Rights Compliance Coordinator. This is the district employee who is responsible for ensuring that your school district complies with nondiscrimination laws and regulations. A list of compliance coordinators is available on the Office of the Superintendent of Public Instruction website here: <http://www.k12.wa.us/Equity/ContactList.aspx>.
- File a complaint with the school district. You may file a discrimination complaint with the school district at any time. This process starts with a written and signed complaint letter to the school district. Once the district receives a complaint, they must investigate and respond to you within 30 calendar days. If you are unsatisfied with the school district's decision, you can appeal to your school district, and then to OSPI. You can contact the OSPI Equity and Civil Rights Office at (360) 725-6162/TTY: (360) 664-3631 or by email at [equity@k12.wa.us](mailto:equity@k12.wa.us). The complaint process, including timelines, is outlined on OSPI's website here: [www.k12.wa.us/Equity/Complaints.aspx](http://www.k12.wa.us/Equity/Complaints.aspx).
- File a complaint with the Washington State Human Rights Commission. Information on the complaint process is discussed on page 11.
- File a complaint with the federal Department of Education. The U.S. Department of Education's Office for Civil Rights (OCR) investigates complaints of discrimination in public schools on the basis of race, color, national origin, sex, and disability. In general, complaints to OCR must be filed within 180 days after the alleged act of discrimination. Information on filing a complaint is here: [www2.ed.gov/about/offices/list/ocr/docs/howto.html](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html). Contact OCR's Seattle office, which covers all of Washington state at (206) 607-1600 or [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov).
- Consult a lawyer. You always have the right to consult a lawyer to talk about your situation, including the possibility of pursuing a private lawsuit to address the discrimination.







# RIGHT TO BE FREE FROM VIOLENCE

A hate crime is a crime committed against a person, group of persons, or property that is motivated by the offender's bigotry, prejudice, or bias toward a particular protected class.

## Know Your Rights Regarding Hate Crimes

Under Washington law, a person may be charged criminally for causing physical injury to a person or group of people, damage to property, or making threats to a person or group of people because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, marital status, political ideology, age, parental status, or mental, physical, or sensory handicap.

A hate crime is a separate crime from the underlying act of aggression. As an example, a perpetrator who assaults a victim based on his dislike of the victim's religion may be charged with two crimes: (1) assault, and (2) malicious harassment (the legal term in Washington for a hate crime). This increases the possible penalty a perpetrator faces. In addition to criminal charges brought by a prosecutor, the victim of a hate crime may also sue the perpetrator in civil court.

Washington law requires law enforcement officers to receive training in identifying, responding to, and reporting violations of Washington's hate crime law and any other crimes of bigotry or bias.

### Federal Hate Crime Laws

Under federal law, anyone who uses force to injure, intimidate, or interfere with another person because of the other person's race, color, religion, national origin, disability, actual or perceived gender, sexual orientation, or gender identity may be federally prosecuted.



### Who can help if you are a victim of a hate crime?

If you have been harassed, threatened, or harmed:

- Make sure you are safe. If you need to, move to a safe place.
- Call 911 to report the crime as soon as you can. Your clothing, location, and other items can be evidence in the case, so do not delay in reporting the crime. Provide the police all of the information that you can. Document as many details as possible, including as much as you can remember about the perpetrator, the location, and any other information. Urge the officer to note that the crime was a hate crime or was motivated by bias.
- File a report with the Federal Bureau of Investigation (FBI). You can file a report online at: <http://www.fbi.gov/report-threats-and-crime>. The FBI's Washington office is located in Seattle; you can contact this office via phone at (206) 622-0460 or [seattle.fbi.gov](http://seattle.fbi.gov).
- Seek medical treatment if necessary, and support from family, friends, or professionals.
- Consult a lawyer. You always have the right to consult a lawyer to talk about your situation, including the possibility of pursuing a private lawsuit to address the discrimination.



# ENVIRONMENTAL RIGHTS

## Know Your Environmental Rights

According to the United States Environmental Protection Agency (EPA), environmental justice is the “fair treatment” and “meaningful involvement” of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

“Fair treatment” means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.

“Meaningful involvement” means that:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public’s contribution can influence the regulatory agency’s decision;
- Their concerns will be considered in the decision making process; and
- The decision makers seek out and facilitate the involvement of those potentially affected.

The National Environmental Policy Act (NEPA) establishes national environmental policy and goals for the protection of the environment. The Act requires federal agencies to consider environmental justice in their activities.

The State Environmental Policy Act (SEPA) provides a way for members of the public to find out about, understand, and comment on environmental impacts that may result from government decisions.





Under federal law, all recipients of federal funds, including Washington state agencies, must ensure their programs do not discriminate on the basis of race, color, national origin, disability, religion or limited English proficiency. Washington state agencies that receive federal funds comply with their environmental justice requirements by operating environmental programs that provide fair treatment and meaningful involvement of all people. These environmental decisionmakers may not discriminate when they make laws, regulations or policies.

### **Who can help if you have a complaint concerning environmental justice?**

If you believe you have been discriminated against based on your membership in any protected classes by programs or activities that receive funding from the federal government, you may contact the Federal Coordination and Compliance Section of the U.S. Department of Justice. The complaint form is available at <http://www.justice.gov/crt/about/cor/complaint.php>.



# ADDITIONAL RESOURCES: Where to Find Help and More Information

The government resources listed below are available to all Washingtonians to help protect your civil rights or seek relief when your rights have been violated. Additionally, if you need legal advice the list below provides information on where to find legal aid or representation. Please note that inclusion on this list is not equivalent to endorsement.

## Washington State

### Washington State Attorney General's Office

*The Attorney General's Office investigates and enforces complaints under a variety of laws, including the Washington Law Against Discrimination and the Consumer Protection Act*

*Wing Luke Civil Rights Unit*

**Voice:** (206) 442-4492

**Toll Free:** (844) 323-3864

**TTY:** (800) 833-6388

**Email:** [civilrights@atg.wa.gov](mailto:civilrights@atg.wa.gov)

*Consumer Resource Center*

**Voice:** (206) 464-6684

**Toll Free:** (800) 551-4636

**TTY:** (800) 833-6388

**File a consumer complaint:** <http://www.atg.wa.gov/FileAComplaint.aspx#Online>

### Washington State Human Rights Commission

*The Human Rights Commission is a state agency responsible for administering and enforcing the Washington Law Against Discrimination and works to eliminate and prevent discrimination in Washington state.*

**Voice:** (360) 753-6770

**Toll Free:** (800) 233-3247

**TTY:** (800) 300-7525

**Website:** <http://www.hum.wa.gov/index.html>

**To file a complaint:** <http://www.hum.wa.gov/complaintprocess/index.html>

### Washington State Office of the Insurance Commissioner

*The Office of the Insurance Commissioner oversees Washington's insurance industry and accepts complaints about insurance companies, agents and agencies.*

**Voice:** (360) 725-7171

**Toll Free:** (800) 562-6900

**File a complaint:** <http://www.insurance.wa.gov/complaints-and-fraud/file-a-complaint/>

### Washington State Office of the Secretary of State Elections Division

*The Secretary of State is the chief election officer for all elections in Washington and works to ensure orderly, timely, and uniform elections that are free from fraud, discrimination or other irregularities.*

**Voice:** (360) 902-4180

**Toll Free:** (800) 448-4881

**Website:** <http://www.sos.wa.gov/elections/>

### Office of the Superintendent of Public Instruction (OSPI)

#### Equity and Civil Rights Office

*The Equity and Civil Rights Office works to ensure that each student has equal access to public education without discrimination and raises awareness of rights and responsibilities under civil rights laws.*

**Voice:** (360)725-6162

**TTY:** (360) 664-3631

**Email:** [equity@k12.wa.us](mailto:equity@k12.wa.us)

**Website:** <http://www.k12.wa.us/equity/>

OSPI's civil rights guidelines, Prohibiting Discrimination in Washington Public Schools, are available at <http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx>



## Federal Agencies

### U.S. Department of Justice Civil Rights Division

*The Civil Rights Division enforces federal statutes prohibiting discrimination in housing, education, voting, employment in state or local government, and in businesses and government offices that are open to the public.*

**Voice:** (202) 514-4609

**TTY:** (202) 514-0716

**Website:** <http://www.justice.gov/crt/>

File a complaint:

<http://www.justice.gov/crt/complaint/>

### U.S. Equal Employment Opportunity Commission Seattle Field Office

*The EEOC enforces federal laws that prohibit discrimination by employers with at least 15 employees (20 employees in age discrimination cases). The EEOC also accepts complaints about discrimination by labor unions and employment agencies.*

**Voice:** (206) 220-6884

**Toll Free:** (800) 669-4000

**TTY:** (800) 669-6820

**Website:** <http://www.eeoc.gov/index.cfm>

File a complaint: <http://www.eeoc.gov/employees/charge.cfm>

### U.S. Department of Housing and Urban Development (HUD) Seattle Regional Office

*HUD's Office of Fair Housing and Equal Opportunity works to eliminate discrimination and enforce federal fair housing policies and laws. HUD accepts complaints about discrimination in the advertising, rental, sale or financing of housing.*

**Voice:** (206) 220-5101

**Toll Free:** (877) 741-3281

**TTY:** (206) 220-5254

**Email:** [answers@hud.gov](mailto:answers@hud.gov)

**Website:** <http://portal.hud.gov/hudportal/HUD>

File a complaint: [https://portalapps.hud.gov/](https://portalapps.hud.gov/AdaptivePages/HUD/about/index.htm#religion)

[AdaptivePages/HUD/about/index.htm#religion](https://portalapps.hud.gov/AdaptivePages/HUD/about/index.htm#religion)

### U.S. Department of Education Office of Civil Rights Seattle Office

*The Office of Civil Rights works to ensure equal access to education through enforcement of federal laws that prohibit discrimination based on sex, race, national origin, disability and age.*

**Voice:** (206) 607-1600

**Toll Free:** (800) 421-3481

**TTY:** (800) 877-8339

**Email:** [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

**Website:** <http://www2.ed.gov/about/offices/list/ocr/know.html>

## Local Agencies

If you live in the following areas, you may wish to contact these additional resources:

### City of Seattle Office for Civil Rights

*SOCR advances civil rights and removes barriers to equity by enforcing antidiscrimination laws in the City of Seattle applicable to employment, housing, public places, contracting, federal funding, and disability access. SOCR also enforces labor standards in the City of Seattle, including Seattle's minimum wage ordinance and the right to paid sick and safe time.*

**Voice:** (206) 684-4500

**TTY:** (206) 684-4503

**Website:** [www.seattle.gov/civilrights/](http://www.seattle.gov/civilrights/)

File a complaint: <http://www.seattle.gov/civilrights/file-complaint>

## ADDITIONAL RESOURCES

### Unincorporated King County

#### King County Office of Civil Rights

*The Office of Civil Rights works to eliminate unlawful discrimination in unincorporated King County through education, mediation and enforcement. The Office accepts complaints of discrimination in employment, housing, public places, contracting and the use of federal funds.*

**Voice:** (206) 263-2446

**TTY:** 711

**Email:** [Civil-Rights.OCR@kingcounty.gov](mailto:Civil-Rights.OCR@kingcounty.gov)

**Website:** [www.kingcounty.gov/exec/CivilRights.aspx](http://www.kingcounty.gov/exec/CivilRights.aspx)

### City of Tacoma

#### Human Rights Section

*The Human Rights Section receives, investigates, and resolves complaints under the City of Tacoma's ordinances prohibiting discrimination in housing, employment and public accommodations.*

**Voice:** (253) 591-5151

**TTY:** (253) 591-5153

**Website:** <http://www.cityoftacoma.org/cms/one.aspx?objectId=5936>

### Northwest Justice Project

*This is a publicly funded statewide legal aid program for low income persons and senior citizens, which provides free legal information, advice, community education and limited direct attorney representation.*

**Voice:** (888) 201-1014 (Monday through Friday 9:15am–12:15pm)

**TTY:** (800) 833-6384

**Website:** <http://nwjustice.org/get-legal-help>

### Washington LawHelp

*This website provides free legal information, self-help information, and information on legal services for low-income persons and seniors in Washington. The website is maintained by the Northwest Justice Project.*

**Website:** <http://www.washingtonlawhelp.org/>

## Legal Services and Legal Assistance

### Washington State Bar Association

*The WSBA is responsible for licensing and regulating lawyers in Washington. It also provides legal tools and resources for the public, including publications on legal topics and resources to help people find legal help.*

**Voice:** (206) 443-9722

**Toll Free:** (800) 945-9722

**Email:** [questions@wsba.org](mailto:questions@wsba.org)

**Website:** <http://www.wsba.org/Resources-and-Services/Find-Legal-Help>

# ACKNOWLEDGMENTS

Thank you to the team of Attorney General's Office employees whose knowledge, skills and expertise contributed to the development and production of this guide.

Brionna Aho  
Travis Alley  
Ellen Austin Hall  
Christina Beusch  
Todd Bowers  
Marsha Chien  
Ian Couch  
Morgan Damerow  
Alison Dempsey-Hall  
Becca Glasgow  
Kimberlee Gunning  
Mary Harper  
Stacia Hollar  
Sharon James  
Julie Johnson  
Christine Kilduff  
Justin Kjolseth  
Colleen Melody  
Jean Meyn  
James Mills  
Annya Ritchie  
Tad Robinson O'Neill  
Leslie Seffern  
Pam Skinner  
Karl Smith  
Shannon Smith  
Melanie Tratnik  
Lissa Treadway  
Erika Uhl  
Isaac Williamson  
Chamene Woods  
Kathryn Wyatt



# ACKNOWLEDGMENTS

This publication is in part made possible by creative commons and public domain images. Information for these images, including location within the publication, attribution, license type and links to the original works are listed below. Please note that inclusion on this list is not equivalent to endorsement.

**Page:** Cover

**Image Location:** Center

**Creator:** Jon Fowler

**License:** BY-NC-SA

**Link:** <http://bit.ly/1NEOPai>

**Page:** 20

**Image Location:** Left

**Creator:** Unsplash

**License:** BY

**Link:** <http://bit.ly/1NFLgjl>

**Page:** 29

**Image Location:** Bottom

**Creator:** justgrimes

**License:** BY-SA

**Link:** <http://bit.ly/1Ov8S8y>

**Page:** 6-7

**Image Location:** Top

**Creator:** scottlum

**License:** BY-NC-SA

**Link:** <http://bit.ly/1XGKSFJ>

**Page:** 21

**Image Location:** Lower Right

**Creator:** Nick Champan

**License:** BY-NC-SA

**Link:** <http://bit.ly/1JPQWCn>

**Page:** 34

**Image Location:** Left

**Creator:** TipsTimesAdmin

**License:** BY

**Link:** <http://bit.ly/1EW0MFT>

**Page:** 12-13

**Image Location:** Top

**Creator:** NFWM

**License:** BY-NC

**Link:** <http://bit.ly/1NzAewQ>

**Page:** 22-23

**Image Location:** Top

**Creator:** Alex About

**License:** BY-NC-SA

**Link:** <http://bit.ly/1hZigH5>

**Page:** 35

**Image 3 Location:** Lower Left

**Creator:** Jeremy Wilburn

**License:** BY-NC-ND

**Link:** <http://bit.ly/1KKm1XJ>

**Page:** 14

**Image Location:** Lower Left

**Creator:** ewheeling

**License:** BY-NC-ND

**Link:** <http://bit.ly/1ES0D0U>

**Page:** 23-23

**Image Location:** Bottom

**Creator:** Larry Myhre

**License:** BY-NC-SA

**Link:** <http://bit.ly/1EhP8Fp>

**Page:** 37

**Image Location:** left

**Creator:** Joe Mabel

**License:** BY-SA

**Link:** <http://bit.ly/1JwMDik>

**Page:** 15

**Image Location:** Upper Left

**Creator:** eltpics

**License:** BY-NC

**Link:** <http://bit.ly/1EnN7ak>

**Page:** 24

**Image Location:** Bottom Left

**Creator:** Jo Alcock

**License:** BY-NC-SA

**Link:** <http://bit.ly/1iauvku>

**Page:** 40-41

**Image Location:** Top

**Creator:** NASA's Earth Observatory

**License:** BY

**Link:** <http://bit.ly/1NziAJJ>

**Page:** 16-17

**Image Location:** Top

**Creator:** Kate Thomas / SEIU

**License:** BY-NC-SA

**Link:** <http://bit.ly/1MJIDfo>

**Page:** 26-27

**Image Location:** Top

**Creator:** Theresa Thompson

**License:** BY

**Link:** <http://bit.ly/1mhaR6e>

**Page:** 41

**Image Location:** Bottom

**Creator:** Kenji Sekine

**License:** BY-NC-ND

**Link:** <http://bit.ly/1NziTUX>









Washington State Office of  
the Attorney General

**BOB FERGUSON**

1125 Washington St. SE

PO Box 40100

Olympia, WA 98504

(360) 753-6200

[www.atg.wa.gov](http://www.atg.wa.gov)

