



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in Employment/Contract Practices
Code	104
Status	Active
Adopted	December 6, 2017
Last Revised	January 4, 2022

### **Authority**

The Joint Committee declares it to be the policy of this school to provide to all persons equal access to all categories of employment in this school, regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin or handicap/disability. The school will make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)

The Joint Committee encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

**Note:** Sexual harassment is a specific form of unlawful harassment which violates a Federal civil rights statute, Title IX. This policy prohibits all forms of harassment based on characteristics other than an individual's sex, as named above. Sexual harassment is prohibited by a separate policy with different provisions. That policy, which follows in the Joint Committee Policy Manual, is designated Policy 104.1.  
[\[11\]](#)

The Joint Committee directs that complaints of discrimination will be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties will be maintained, consistent with the school's legal and investigative obligations.[\[12\]](#)[\[13\]](#)

No reprisals nor retaliation will occur as a result of good faith charges of discrimination.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices for employees that is in compliance with applicable laws and regulations, the Joint Committee designates the Business Administrator as the school's Compliance Officer for employees.

The Compliance Officer for employees will publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements will include the position, office address and telephone number of the Compliance Officer for employees.

The Compliance Officer for employees is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Development of position qualifications, job descriptions and essential job functions.

2. Recruitment materials and practices.
3. Procedures for screening, interviewing and hiring.
4. Promotions.
5. Disciplinary actions, up to and including terminations.

The Executive Director or designee will be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer for employees if the Executive Director is the subject of the complaint.

### **Guidelines**

#### Complaint Procedure – Employee/Third Party

##### **Step 1 – Reporting**

An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Executive Director or immediate supervisor.

If the Executive Director is the subject of a complaint, the employee or third party will report the incident directly to the Compliance Officer for employees.

The complainant is encouraged to use the report form available from the Executive Director, but oral complaints will be acceptable.

##### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the Executive Director will immediately notify the Compliance Officer for employees. The Compliance Officer for employees will authorize the Executive Director/supervisor to investigate the complaint, unless the Executive Director is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation will not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

##### **Step 3 – Investigative Report**

The Executive Director or immediate supervisor will prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report will include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation will be provided to the complainant, the accused, and the Compliance Officer for employees.

##### **Step 4 – School Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school will take prompt, corrective action to ensure that such conduct ceases and will not

recur.

Disciplinary actions will be consistent with Joint Committee policies and school procedures, applicable collective bargaining agreements, and state and federal laws.

### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer for employees within fifteen (15) days.
2. The Compliance Officer for employees will review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer for employees will prepare a written response to the appeal within fifteen (15) days. Copies of the response will be provided to the complainant, the accused and the Executive Director who conducted the initial investigation.

### Legal

1. 42 U.S.C. 2000e et seq
2. 43 P.S. 951 et seq
3. 42 U.S.C. 12101 et seq
4. 29 U.S.C. 621 et seq
5. 20 U.S.C. 1681 et seq
6. 29 U.S.C. 794
7. 42 U.S.C. 1981 et seq
8. 42 U.S.C. 2000ff et seq
9. 43 P.S. 336.3
10. 29 U.S.C. 206
11. Pol. 104.1
12. 20 U.S.C. 1232g
13. 34 CFR Part 99
- 16 PA Code 44.1 et seq
- 28 CFR 35.140
- 28 CFR Part 41
- 29 CFR Parts 1600-1691
- U.S. Const. Amend. XIV, Equal Protection Clause
- Pol. 317