

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN
EMPLOYMENT AND
CONTRACT PRACTICES

ADOPTED: May 10, 2016

REVISED:

CENTENNIAL SCHOOL DISTRICT

<p>1. Authority 43 P.S. § 336.3 43 P.S. § 951 et seq Title IX 20 U.S.C. § 1681 et seq 29 U.S.C. § 206 29 U.S.C. § 621 et seq 29 U.S.C. § 794 42 U.S.C. § 1981 et seq Title VII 42 U.S.C. § 2000e et seq 42 U.S.C. § 2000ff et seq 42 U.S.C. § 12101 et seq</p> <p>2. Delegation of Responsibility</p>	<p style="text-align: center;">104. NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES</p> <p>The Board declares it to be the policy of this District to prohibit unlawful discrimination, harassment and intimidation in employment and with regard to contracting because of race, color, age, creed, religion, sex, gender, sexual orientation, ancestry, national origin, handicap/disability, genetic information and/or any other protected characteristic. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with Applicable Law.</p> <p>The Board encourages employees and third parties who have been subject to unlawful discrimination, harassment or intimidation, or people who have witnessed such acts, to report such incidents promptly to designated employees.</p> <p>The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.</p> <p>No reprisals nor retaliation shall occur in accordance with Applicable Law.</p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with Applicable Laws and regulations, the Board designates the Director of Human Resources as the District's Title IX/Section 504 Compliance Officer.</p> <p>The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.</p>
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<p>3. Guidelines</p>	<p>The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:</p> <ol style="list-style-type: none"> 1. Development of position qualifications, job descriptions and essential job functions. 2. Recruitment materials and practices. 3. Procedures for screening, interviewing and hiring. 4. Job assignments and leaves of absence. 5. Compensation and fringe benefits. 6. Evaluations and promotions. 7. Disciplinary actions, up to and including terminations. <p>The Principal/Director shall be responsible to complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"> 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 if the Principal/Director is the subject of the complaint. <p><u>Complaint Procedure – Employee/Third Party</u></p> <p>Step 1 – Reporting</p> <p>An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy, or a witness who has observed such conduct, is encouraged to report the incident immediately to the Principal/Director or immediate supervisor and/or to the Compliance Officer. The Principal/Director shall inform the employee or witness that s/he may be accompanied by legal counsel or a union representative, as applicable during all steps of the complaint procedure.</p> <p>If the Principal/Director or immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.</p>
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	<p>The complainant is encouraged to use the report form available from the Principal/Director, but oral complaints shall be accepted and acted upon.</p> <p>Step 2 – Investigation</p> <p>Upon receiving a complaint of discrimination, the Principal/Director or immediate supervisor shall immediately notify the Compliance Officer. The Compliance Officer shall confer with the School District’s solicitor to determine who shall conduct the investigation and how the investigation shall be conducted.</p> <p>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.</p> <p>If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, law enforcement authorities shall be notified about the incident.</p> <p>The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.</p> <p>Step 3 – Investigative Report</p> <p>A written report shall be prepared as soon as reasonably practicable. The report shall 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.</p> <p>The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.</p> <p>Step 4 – District Action</p> <p>If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the School District shall take prompt, corrective action that is reasonably calculated to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.</p> <p>Disciplinary actions shall be consistent with Board policies and administrative regulations, District procedures, applicable collective bargaining agreements, and Applicable Law.</p> <p><u>Appeal Procedure</u></p>
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1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. The Compliance Officer, in consultation with the School District’s solicitor, shall determine how the appeal will be handled.

References:

Human Relations Commission Regulations – 16 PA Code § 44.1 et seq.

Pennsylvania Equal Pay Law – 43 P.S. § 336.3

Pennsylvania Human Relations Act – 43 P.S. § 951 et seq.

Equal Pay Act – 29 U.S.C. § 206

Age Discrimination In Employment Act – 29 U.S.C. § 621 et seq.

Section 504 of the Rehabilitation Act – 29 U.S.C. § 794

Genetic Information Nondiscrimination Act of 2008 – 42 U.S.C. § 2000ff et seq.

Americans With Disabilities Act – 42 U.S.C. § 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws –

20 U.S.C. § 1681 et seq. (Title IX)

42 U.S.C. § 1981 et seq.

42 U.S.C. § 2000e et seq. (Title VII)

Federal Anti-Discrimination Regulations,
28 CFR § 35.140, Part 41

Federal Equal Employment Opportunity Commission Regulations, 29 CFR Parts 1600-1691