

Pennsbury School District

School Board Policy

Effective Date	Supercedes Index No.	Index No.
10/23/08	NEW	104.1

Title: Nondiscrimination in Employment and Contract Practices

Purpose: This policy is intended to provide all persons equal access to all categories of employment in the Pennsbury School District, regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin or handicap or disability.

Authority: Federal and State laws

Policy: The School District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with requirements of federal and state laws and regulations. The Compliance Officer 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.

Employees and third parties who have been subject to discrimination are encouraged to promptly report such incidents to designated employees.

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 School District's legal and investigative obligations.

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

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

The building principal or immediate supervisor shall 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 if the building principal is the subject of the complaint.

The complainant is encouraged to place the complaint in writing, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the building principal or immediate supervisor shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal 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 shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 – Investigative Report

The building principal or immediate supervisor shall prepare a written report within 15 days of the complaint, unless additional time to complete the investigation is requested and granted by the Compliance Officer. 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.

Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

Step 4 – District Action

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 to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with School Board policies and School District procedures, applicable collective bargaining agreements, as well as state and federal laws.

Appeal Procedure

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, he/she may submit a written appeal to the Compliance Officer within 15 days of receipt of the investigative report.

The Compliance Officer shall review the investigative report and may also conduct a reasonable investigation.

The Compliance Officer shall prepare a written response to the appeal within 15 days of receipt of the appeal. Copies of the response shall be provided to the complainant, the accused, and the building principal who conducted the initial investigation.

No Retaliation

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

Notice:

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.

Responsible Administrator:

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the School Board designates the Director of Human Resources as the School District's Compliance Officer.