

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN EMPLOYMENT/CONTRACT PRACTICES

ADOPTED: April 15, 1997

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# AVON GROVE SCHOOL DISTRICT

## 104. NONDISCRIMINATION IN EMPLOYMENT/CONTRACT PRACTICES

- 1. Authority  
Title VII  
42 U.S.C.  
§§2000e et seq.;  
Title IX  
20 U.S.C.  
§§ 1681et seq; 29  
U.S.C. § 206; 42  
U.S.C. §§ 1981 et  
seq; 42 U.S.C.  
§12101 et seq.;  
29 U.S.C.  
§621 et seq.;  
29 U.S.C.  
§701 et seq.;  
43 P.S. § 336.3;  
43 P.S. §951 et  
seq.

The Board declares it to be the policy of this district to provide all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, handicap/disability, or other legally protected classification. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

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

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.

No reprisals or retaliation shall occur as a result of good faith charges of discrimination.

- 2. Delegation of Responsibility

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

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

The Director of Personnel is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

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

## 104. MANAGING DIVERSITY/AFFIRMATIVE ACTION

3. Guidelines	<ol style="list-style-type: none"><li>2. Recruitment materials and practices.</li><li>3. Procedures for screening, interviewing and hiring.</li><li>4. Promotions.</li><li>5. Disciplinary actions, up to and including termination.</li></ol> <p>An administrative Nondiscrimination In Employment Committee will be appointed by the Superintendent to make an ongoing review of compliance with this policy. It will act in an advisory capacity to the Superintendent and to the Board. This committee will be composed of both professional and non-professional staff members of the District. The committee, at its discretion, shall invite other interested parties such as the local Human Relations Council, NAACP, Bureau of Vocational Rehabilitation and interested individuals to assist in its work. It will submit progress reports to the Board's Personnel Committee semiannually and at such other times as the Board may require.</p> <p>The building principal, or his or her designee, shall be responsible to complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"><li>1. Inform the employee or third party of the right to file a complaint pursuant to this policy and the complaint procedure.</li><li>2. Following the filing of a complaint, notify the complainant and the accused of the progress of the complaint at appropriate stages of the procedure.</li><li>3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.</li></ol> <p><u>Complaint Procedure – Employee/Third Party</u></p> <p><b>Step 1 – Reporting</b></p> <p>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 building principal.</p> <p>An employee who suspects or is notified that an employee or a third party has been subject to conduct that constitutes a violation of this policy shall immediately report the incident the building principal.</p> <p>If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer. The Compliance Officer (Superintendent) may be contacted at the Avon Grove School District offices located</p>
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## 104. MANAGING DIVERSITY/AFFIRMATIVE ACTION

at 375 South Jennersville Road, West Grove, PA 19390 or by telephone at (610) 869-2441.

The complainant is encouraged to use the report form available from the building principal and attached at the end of this policy, but oral complaints shall be acceptable.

### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building principal 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.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal may, with the concurrence of the Compliance Officer, inform law enforcement authorities about the incident.

The obligations 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 shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation and findings of the investigation. The findings of the investigation shall include a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and any recommended corrective/disciplinary action.

The 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 has been substantiated as factual and constitutes a violation of this policy, the district shall take prompt corrective and disciplinary action to ensure that such conduct ceases and will not recur.

## 104. MANAGING DIVERSITY/AFFIRMATIVE ACTION

Disciplinary actions shall be consistent with the Board policies and district 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 within fifteen (15) days of the complainant's receipt of the findings of the investigation.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days of receipt of the complainant's written appeal, unless additional time to complete an investigation is required. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. If the response of the Compliance Officer results in a finding or an affirmation that the complaint has been substantiated as factual and constitutes a violation of this policy, the district shall take the action described above in Step 4. If the Compliance Officer concludes there has been no violation, the matter shall be concluded without further action.