

A. W. BEATTIE CAREER CENTER

SECTION: PROGRAMS
TITLE: NON-DISCRIMINATION IN
EMPLOYMENT/CONTRACT
PRACTICES

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104. NON-DISCRIMINATION IN EMPLOYMENT/CONTRACT PRACTICES

1. Authority
43 P.S.
Sec. 336.3
43 P.S.
Sec. 951 et seq
Title IX
20 U.S.C.
Sec. 1681 et seq
29 U.S.C.
Sec. 206
29 U.S.C.
Sec. 621 et seq
29 U.S.C.
Sec. 794
42 U.S.C.
Sec. 1981 et seq
Title VII
42 U.S.C.
Sec. 2000e et seq
42 U.S.C.
Sec. 12101 et seq
42 U.S.C.
Sec. 2000ff et seq

The Joint Operating Committee (JOC) declares it to be the policy of A. W. Beattie Career Center to guarantee to all persons equal access to all categories of employment in this school, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, handicap/disability, gender identity or expression, genetic information. The Career Center 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 Joint Operating Committee encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Joint Operating Committee 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 school's legal and investigative obligations.

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

2. Delegation of Responsibility

The Compliance Officer shall be responsible to ensure adequate non-discrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of non-discrimination procedures in the following areas:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - Provision of training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure such as making reports to the police, available assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.
4. Complaints - Monitor and provide technical assistance to building principals or designees in processing complaints.

The building principal or designee shall be responsible to promptly complete the following duties upon receipt of a report of discrimination or retaliation from employees or third parties:

1. If the principal is the subject of the complaint, refer the complainant to the Compliance Officer to carry out these responsibilities.
2. Inform the employee or third party about this policy including the right to an investigation of both verbal and written complaints of discrimination.
3. Provide relevant information on resources available in addition to the school complaint procedure such as making reports to the police, available assistance from domestic violence and rape crisis programs, and community health resources including counseling resources.
4. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual.

<p>3. Guidelines</p>	<p>5. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.</p> <p><u>Complaint Procedure - Employee/Third Party</u></p> <p>A complainant has the right to be accompanied by a third party during all steps of this procedure.</p> <p><u>Step One - Reporting</u></p> <ol style="list-style-type: none"> 1. The complaint shall be presented in writing, within ten (10) calendar days of the occurrence, to the appropriate administrator. 2. The appropriate administrator shall discuss, review, attempt to resolve the complaint, and issue a decision within ten (10) calendar days after receipt of the complaint. 3. If the complaint involves the Assistant Director or Principal, the complaint will be filed with the Executive Director. <p><u>Step Two - Investigation</u></p> <p>Upon receiving a complaint of discrimination, the administrator shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the administrator to investigate the complaint, unless the administrator is the subject of the complaint or is unable to conduct the investigation.</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, the administrator shall inform law enforcement authorities about the incident; as well as the Executive Director.</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>
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Step Three - Investigative Report

The administrator shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. 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.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

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 shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with Board policies and administrative regulations, 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 within ten (10) days.
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 ten (10) days. Copies of the response shall be provided to the complainant, the accused and the administrator who conducted the initial investigation.
4. If not satisfied with the decision of the Compliance Officer, the complainant may appeal the decision to the Joint Operating Committee at its next regular Joint Operating Committee meeting by notifying the Joint Operating Committee in writing within ten (10) calendar days after receipt of the Compliance Officer's decision.
5. The Joint Operating Committee shall conduct a review and issue a decision within thirty (30) days following the Joint Operating Committee meeting at which the complaint was presented.

References:

Human Relations Commission Regulations - 16 PA Code Sec. 44.1 et seq.

Pennsylvania Equal Pay Law - 43 P.S. Sec. 336.3

Pennsylvania Human Relations Act - 43 P.S. Sec. 951 et seq.

Equal Pay Act - 29 U.S.C. Sec. 206

Age Discrimination In Employment Act - 29 U.S.C. Sec. 621 et seq.

Section 504 of the Rehabilitation Act - 29 U.S.C. Sec. 794

Americans With Disabilities Act - 42 U.S.C. Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws -

20 U.S.C. Sec. 1681 et seq. (Title IX)

42 U.S.C. Sec. 1981 et seq.

42 U.S.C. Sec 200e et seq. (Title VII)

Genetic Information Non Discrimination Act

42 U.S.C. Sec. 2000ff et seq.

Federal Anti-Discrimination Regulations, Title 28, Code of Federal Regulations -
28 CFR Sec. 35.140, Part 41

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

Allegheny County Human Relations

Ordinance 26-09-0R (July 6, 2009)

of Federal Regulations - 29 CFR Parts 1600-1691