

# UPPER BUCKS COUNTY AREA VOCATIONAL TECHNICAL SCHOOL

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN  
SCHOOL AND CLASSROOM  
PRACTICES

ADOPTED: October 18, 2007

REVISED: March 17, 2011

<p>1. Authority SC 1310 Title 22 Sec. 4.4, 12.1, 12.4, 15.1 et seq 24 P.S. Sec. 5004 43 P.S. Sec. 951 et seq Title IX 20 U.S.C. Sec. 1681 et seq 20 U.S.C. Sec. 6321 29 U.S.C. Sec. 794 Title VI 42 U.S.C. Sec. 2000d et seq 42 U.S.C. 2000ff et seq 42 U.S.C. Sec. 12101 et seq</p> <p>2. Delegation of Responsibility</p>	<p style="text-align: center;">103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</p> <p>The Joint Operating Committee declares it to be the policy of the school to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the school regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability, or genetic information.</p> <p>The school shall provide to all students, without discrimination, course offerings, counseling, assistance, employment or co-curricular (i.e. SkillsUSA) activities. The school in conjunction with participating districts, shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.</p> <p>The Joint Operating Committee encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>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.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.</p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Joint Operating Committee designates the Executive Director as the school's 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"> <li>1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.</li> <li>2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.</li> <li>3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.</li> <li>4. Equitable Support - Assurance that like aspects of the career and technical program receive like support as to staffing and compensation, facilities, equipment, and related matters.</li> <li>5. Student Evaluation - Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.</li> </ol> <p>The building administrator as designated by the Executive Director, 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 student or third party of the right to file a complaint and the complaint procedure.</li> <li>2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</li> <li>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</li> <li>4. Refer the complainant to the Compliance Officer if the building administrator is the subject of the complaint.</li> </ol> <p><u>Complaint Procedure – Student/Third Party</u></p> <p><b>Step 1 – Reporting</b></p> <p>A student 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 administrator.</p>
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An employee of the school who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building administrator.

If the building administrator is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee shall use a report form available from the building administrator, but oral complaints shall be acceptable.

**Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building administrator shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building administrator to investigate the complaint, unless the building administrator 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 administrator shall prepare a written report within fifteen (15) business 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 findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

**Step 4 – Action of School**

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 the Student Code of Conduct, Joint Operating 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 within fifteen (15) business 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 fifteen (15) business days. Copies of the response shall be provided to the complainant, the accused and the building administrator who conducted the initial investigation.

References:

School Code – 24 P.S. Sec. 1310

State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 15.1 et seq.

Unfair Educational Practices – 24 P.S. Sec. 5004

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

No Child Left Behind Act – 20 U.S.C. Sec. 6321

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

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

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. 2000d et seq. (Title VI)

Federal Anti-Discrimination and Civil Rights Regulation –

28 CFR Part 35, Part 41

34 CFR Part 100, Part 104, Part 106, Part 110

Joint Operating Committee Policy – 000, 701, 906