

# York Adams Academy

Section: Programs

Title: Nondiscrimination in School and Classroom Practices

Number: 103

Status: Active

Legal:

1. 24 P.S. 1310
2. 22 PA Code 4.4
3. 22 PA Code 12.1
4. 22 PA Code 12.4
5. 24 P.S. 5004
6. 20 U.S.C. 1681 et seq
7. 20 U.S.C. 6321
8. 29 U.S.C. 794
9. 42 U.S.C. 2000d et seq
10. 42 U.S.C. 12101 et seq
11. Pol. 103.1
12. Pol. 906
13. 24 P.S. 1601-C et seq
14. 22 PA Code 15.1
15. 43 P.S. 951 et seq
16. 24 P.S. 1301
17. Pol. 150
- 28 CFR Part 41
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106
- 34 CFR Part 110
- Pol. 000
- Pol. 122
- Pol. 123
- Pol. 701

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	103. Nondiscrimination in School and Classroom Practices
1. Authority	<p>The Board declares it to be the policy of this academy to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the school without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.[1][2][3][4][5][6][7][8][9][10][11][13][14][15][16]</p> <p>The academy shall provide to all students, without discrimination, course offerings, counseling and assistance. The equitable distribution of academy resources is one means the academy shall use to ensure all students receive a quality education. The academy 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 Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and corrective or preventative action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the academy's legal and investigative obligations.</p>
2. Retaliation	<p>The Board prohibits retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.</p>
3. Definitions	<p><b>Discriminatory Harassment</b></p> <p>Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, handicap/disability or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.[20][21][22][23][24][25]</p> <p>For purposes of this policy, <b>harassment</b> shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and which</p>

	<p>relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability when such conduct is:</p> <ol style="list-style-type: none"> <li>1. Sufficiently severe, persistent or pervasive; and</li> <li>2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.</li> </ol>
<p>4. Delegation of Responsibility</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent of Record as the Academy'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> <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. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.</li> <li>2. 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>3. Academy Support - Assurance that like aspects of the academy program receive like support as to staffing and compensation, facilities, equipment, and related areas.</li> <li>4. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.</li> </ol> <p>The director or designee shall be responsible to promptly complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"> <li>1. Inform the complainant of this policy and the right to file a complaint and the complaint procedure.</li> <li>2. Immediately notify the Compliance Officer of the complaint.</li> <li>3. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</li> </ol>

	<p>4. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</p> <p>5. Refer the complainant to the Compliance Officer if the director is the subject of the complaint.</p> <p>After consideration of the allegations and in consultation with the Compliance Officer, promptly implement interim measures as appropriate to protect the complainant during the course of the investigation.</p>
5. Guidelines	<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 by any student, employee, or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the director.</p> <p>A school employee 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 director as well as make any mandatory police or Child Line reports as required by law.</p> <p>If the director is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the director, but oral complaints shall be acceptable.</p> <p><b>Step 2 – Investigation</b></p> <p>Upon receiving a complaint of discrimination, the director shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the director to investigate the complaint, unless the director is the subject of the complaint or is unable to conduct the investigation.</p> <p>The investigator shall conduct an adequate, reliable, and impartial 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 director shall inform law enforcement authorities about the incident.</p> <p>The obligation to conduct this investigation shall not be negated by the fact</p>

that a criminal investigation of the allegations is pending or has been concluded.

The parties shall be informed of the prohibition against retaliation and shall be instructed to keep the matter confidential.

### **Step 3 – Investigative Report**

The director 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, 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. The accused shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 4 – Academy Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the academy shall take prompt, corrective action to ensure that such conduct ceases and that no retaliation occurs. The Academy shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school environment.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative regulations, academy procedures, applicable collective bargaining agreements, and state and federal laws.

#### Appeal Procedure

1. If the complainant or the accused 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.
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. Copies of the response shall be provided to the complainant, the accused and the director who conducted the initial investigation.