

# CAPITAL AREA SCHOOL FOR THE ARTS CHARTER SCHOOL

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN  
EMPLOYMENT  
CONTRACT PRACTICES

ADOPTED: 4/11/2016

REVISED: 1/22/2019

<p>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. 2000ff et seq 42 U.S.C. Sec. 12101 et seq SC – Art. XVII - A</p> <p>2. Delegation of Responsibility</p>	<p style="text-align: center;">104. NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES</p> <p>The Board declares it to be the policy of this charter school to provide to all persons equal access to all categories of employment in this charter school, regardless of race, color, age, creed, religion, sex, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, or handicap/disability. The charter school shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.</p> <p>The Board encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>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 charter 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 Board designates the Chief Executive Officer as the charter 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 via the web site. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

104. NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES

<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. Development of position qualifications, job descriptions and essential job functions.</li><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 terminations.</li></ol> <p>The principal or 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 and the complaint procedure.</li><li>2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</li><li>3. Refer the complainant to the Compliance Officer if the 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 principal.</p> <p>If the Compliance Officer is the subject of a complaint, the employee or third party shall report the incident directly to the President of the Board.</p> <p>The complainant is encouraged to use the report form available from the Compliance Officer, but oral complaints shall be acceptable.</p> <p><b>Step 2 – Investigation</b></p> <p>Upon receiving a complaint of discrimination, the Compliance Officer shall investigate the complaint, unless the Compliance Officer is the subject of the complaint or is unable to conduct the investigation, in which case the board will conduct the investigation.</p>
----------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 104. NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES

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 principal shall inform law enforcement authorities about the incident.

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 Compliance Officer shall prepare and submit a written report to the Board within thirty (30) 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 – Charter School Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the charter school shall take prompt, corrective action to ensure that such conduct ceases and will not recur. The Compliance Officer shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with Board policies and administrative regulations, charter 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 recommended corrective action, s/he may submit a written appeal to the Board within fifteen (15) days.
2. The Board shall review the investigation and the investigative report and may also conduct a reasonable investigation.

104. NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES

3. The Compliance Officer shall prepare a written response to the appeal within thirty (30) days. Copies of the response shall be provided to the complainant, the accused, and Compliance Officer who conducted the initial investigation.

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

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. 1981 et seq.

42 U.S.C. Sec. 2000e et seq. (Title VII)

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