

MIDDLE BUCKS INSTITUTE OF TECHNOLOGY

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN
SCHOOL AND CLASSROOM
PRACTICES

ADOPTED: July 1, 1991

REVISED: October 11, 2010

<p>103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</p>	
<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. Sec. 12101 et seq</p>	<p>The Executive Council declares it to be the policy of this school to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, creed, religion, sex, sexual orientation, ancestry, national origin or handicap/disability.</p> <p>The Executive Council shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, and extracurricular activities. The 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 Executive Council encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Executive Council 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>2. Delegation of Responsibility</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Executive Council designates the Vocational Supervisor 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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The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review current and proposed curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Develop an ongoing program of training for students and school personnel designed to identify and solve problems of discrimination.
3. Student Access - Review current and proposed programs, activities and practices to ensure that all students have equal access and are not segregated on the basis of race, color, creed, sex, sexual orientation, national origin, or handicap/disability in any duty, work, play, classroom or school practice, except as may be permitted under state regulations.
4. School Support - Ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to facilities and equipment, and related matters.
5. Student Evaluation - Ensure that tests, procedures, and guidance and counseling materials designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged for stereotyping and discrimination.

The Compliance Officer shall report to the Executive Council on progress in the nondiscrimination program for school and classroom practices, as requested.

The Vocational Supervisor or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Administrative Director if the Vocational Supervisor/Compliance Officer is the subject of the complaint.

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<p>3. Guidelines</p>	<p><u>Complaint Procedure - Student/Third Party</u></p> <p><i>Step 1 - Reporting</i></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 Vocational Supervisor.</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 Vocational Supervisor.</p> <p>If the Vocational Supervisor/Compliance Officer is the subject of a complaint, the student, third party or employee shall report the incident directly to the Administrative Director.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the Vocational Supervisor, but oral complaints shall be acceptable.</p> <p><i>Step 2 - Investigation</i></p> <p>Upon receiving a complaint of discrimination, the Vocational Supervisor shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the Vocational Supervisor to investigate the complaint, unless the Vocational Supervisor 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>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> <p><i>Step 3 - Investigative Report</i></p> <p>The Vocational Supervisor 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.</p> <p>Copies of the report shall be provided to the complainant, the accused, and the Compliance Officer.</p>
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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 the Student Code of Conduct, Executive Council 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) days.
2. The Executive Council shall conduct a review of the complaint and issue a written response to the appeal within thirty (30) days following the Executive Council meeting at which the complaint was presented. Copies of the response shall be provided to the complainant, the accused, the Compliance Officer, and the Vocational Supervisor 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

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)

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42 U.S.C. Sec. 2000d et seq. (Title VI)

Federal Anti-Discrimination and Civil Rights Regulations –

28 CFR Part 35, Part 41

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

Executive Council Policy – 701, 906