

## **FILING AN EMPLOYMENT DISCRIMINATION COMPLAINT** **(Attachment for Policy No. 104)**

The School Reform Commission declares it to be the policy of this district to provide to all applicants equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin or handicap/disability, gender identity, or genetic information. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

### **Complaint Procedure**

All School District employees who believe that they have been subject to conduct by an employee or third party that constitutes a violation of this policy, Policy 104, may file a complaint using the procedure below. This same procedure applies to applicants and third parties.

#### **Step 1 – Reporting**

An employee or third party who believes s/he has been subject to conduct by an employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the District's Compliance Officer, the Chief Talent Officer.

Louis Bellardine, Chief Talent Officer

Email: [talent@philasd.org](mailto:talent@philasd.org)

Phone: (215) 400-4690

If an employee or third party reports an incident to the building principal/immediate supervisor, building principal/immediate supervisor should refer the employee to send report to the Compliance Officer.

If the building principal/immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the [report form available](#), but verbal complaints shall be acceptable. Anyone who receives a verbal complaint should refer employee or third party to the Compliance Officer and, if possible, should notify the Compliance Officer in writing as soon as possible.

#### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the Compliance Officer or designee will investigate the complaint.

The Compliance Officer (referred to below as the ‘investigator’) or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.

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 investigator shall attempt to secure statements from all participants in and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or district practice.

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. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.

All investigations shall be completed by the assigned investigator within sixty (60) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer. The extension must be a specified period of time not exceeding twenty-five (25) days, and must be communicated to the complainant.

### **Step 3 – Investigative Report**

The Compliance Officer shall prepare and submit a written report, which 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, basis for the determination and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with SRC policies, administrative 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 recommended corrective action, s/he may submit a written appeal to the Chief Talent Officer within fifteen (15) days.
2. The Chief Talent Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Chief Talent 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 Compliance Officer who conducted the initial investigation.