

## **POLICY PROHIBITING DISCRIMINATION/HARASSMENT**

### **Authority**

Except as otherwise provided by law, the General Session of the Lenape Valley Presbyterian Church (hereinafter "Church") declares it to be the policy of this Church to provide to all persons equal access to all categories of employment in this Church, regardless of race, color, age, religion, gender, national origin, non-job-related handicap/disability. The Church shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations as amended from time to time. [1][2][3][4][5][6][7][8][9][10]

The Church will not tolerate discrimination or harassment based on race, color, age, religion, gender, ancestry, national origin, or non-job-related handicap/disability. The Church encourages employees and third parties who have been subject to discrimination, harassment or a hostile work environment to promptly report such incidents to designated individuals in accordance with this Policy.

The Church directs that complaints of discrimination or harassment or complaints of a hostile work environment shall be investigated promptly, thoroughly and impartially and corrective action shall be taken when allegations are substantiated. Confidentiality of all parties shall be maintained where appropriate, consistent with the Church's legal and investigative obligations.

No reprisals or retaliation shall occur as a result of the filing of a complaint of discrimination, harassment or a hostile work environment and investigation of a claim of retaliation shall be investigated in the same manner as set forth below.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Church designates the Chair of the Administration and Personnel Committee as the Church's Compliance Officer. The Compliance Officer's contact information is as follows: 321 West Butler Avenue, New Britain, PA, 18901. Telephone Number 215-345-1099. The name of the Compliance Officer/Chair of the Administration and Personnel Committee may be found on the Church's website at [Lenapevalleychurch.org](http://Lenapevalleychurch.org).

The Compliance Officer shall disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public and shall post a link to the policy on the LVPC website.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the hiring, promotion, discipline, accommodation of employees and to accept any complaint alleging discrimination or harassment.

### **Guidelines**

#### **Complaint Procedure – Employee/Third Party**

##### **Step 1 – Reporting**

An employee or third party who believes s/he has been subjected to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to his or her supervisor or the compliance officer. A church member who believes that she/he or another member or program

participant has been subjected to conduct that constitutes a violation of this policy or the policy prohibiting sexual harassment should report the incident to the Compliance Officer.

If the 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 in the Church's administrative office but an oral complaint will be accepted.

### Step 2 – Investigation

Upon receiving a complaint of discrimination, harassment or of a hostile work environment, the supervisor shall immediately notify the Compliance Officer. The Compliance Officer may authorize the supervisor to investigate the complaint, unless the supervisor or a person above the supervisor in the chain of command is the subject of the complaint. The Compliance Officer may also conduct the investigation or delegate the investigation to another person or firm.

The investigation shall be conducted promptly, thoroughly and impartially. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator must evaluate all 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 investigator shall inform the Compliance Officer and 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.

A complaint alleging retaliation or reprisal because of the filing of a complaint shall be investigated in the same manner as the underlying report.

### Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer 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 discrimination, harassment or a hostile work environment 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, subject to the confidentiality requirements of applicable law.

There shall be no retaliation or reprisal for the filing of a report or for the participation of an individual or witness in the investigation under this Policy.

### Step 4 – Church Action

If the investigation results in a finding that the complaint is substantiated and that the conduct constitutes a violation of this policy, the Church shall take prompt, corrective action to ensure that such conduct immediately ceases and will not recur. Church staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The respondent shall be informed of the corrective action.

Disciplinary actions shall be consistent with Church policies, Church procedures, and state and federal laws and may include termination of employment.

### **Appeal Procedure**

1. If the complainant is not satisfied with the result of the investigation, s/he may submit a written appeal to the Senior Pastor within fifteen (15) days.
2. The Senior Pastor shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Senior Pastor shall prepare a written response to the appeal within fifteen (15) days. Subject to applicable confidentiality obligations, copies of the response shall be provided to the complainant, the accused and the individual who conducted the initial investigation.
4. No other appeal is available except as provided by state and federal laws, statutes and regulations.

Legal

1. 43 P.S. 336.3

2. 43 P.S. 951 et seq

3. 20 U.S.C. 1681 et seq

4. 29 U.S.C. 206

5. 29 U.S.C. 621 et seq

6. 29 U.S.C. 794

7. 42 U.S.C. 1981 et seq

8. 42 U.S.C. 2000e et seq

9. 42 U.S.C. 2000ff et seq

10. 42 U.S.C. 12101 et seq

16 PA Code 44.1 et seq

28 CFR 35.140

28 CFR Part 41

29 CFR Parts 1600-1691