



**NORTHERN
PENNSYLVANIA
REGIONAL COLLEGE**

Policy: NPRC-1210: Nondiscrimination
Origination: 03-13-2019
Approved: 05-13-2022
Effective: 05-13-2022
Reviewed:
Last Updated:

Subject: Nondiscrimination

1. PURPOSE

This policy establishes expectations for compliance with federal and state rules and regulations concerning nondiscrimination requirements of Northern Pennsylvania Regional College (“NPRC” or the “College”).

2. SCOPE AND APPLICABILITY

This policy is applicable to all NPRC students, faculty (full- and part-time), administrators, staff, employees, vendors, contractors, visitors, volunteers, and others who interact with any students on behalf of the College.

Policy guidelines apply to any activity at NPRC Administrative Center(s), NPRC Education and Training Center(s), Instructional Location(s), Instructional Site(s), and any other location at or means by which training or education occurs, including in-person, virtual, or online instructional delivery. The policy’s scope includes, but is not limited to, activities supported or sanctioned by the College online or at facilities and properties utilized by NPRC which may not be directly owned or controlled by the College.

This policy addresses the College’s commitment to educating, preventing, and offering resources such as support services and guidance to reporting parties, Complainants, Respondents, or other affected community members.

This policy outlines the College’s responsibility and references supporting the scope contained within to ensure compliance with the requirements of Title IX, the Clery Act, as amended by VAWA (The Violence Against Women Act), the Family Educational Rights and Privacy Act (FERPA) and state and federal law, as may be applicable. No information shall be released from such proceedings except as required or permitted by law and College Policy.

3. REFERENCES

3.1 NPRC-1205: Sexual Discrimination and Sexual Misconduct

3.2 PROC-1205: Sexual Discrimination and Sexual Misconduct

- 3.3 PROC-1210: Nondiscrimination
- 3.4 NPRC-3240: Educational Rights and Privacy
- 3.5 The Pennsylvania Code, § 32.3. Assurances, <https://www.pacode.com/secure/data/022/chapter32/s32.3.html>
- 3.6 Title VI of the Civil Rights Act of 1964, Nondiscrimination in Federally Assisted Programs, <https://www.justice.gov/crt/fcs/TitleVI-Overview>
- 3.7 Title IX of the Education Amendments of 1972, <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>
- 3.8 U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Americans with Disabilities Act, Sections 503 and 504 of the Rehabilitation Act, <https://www.ada.gov/cguide.htm>
- 3.9 The Pennsylvania Code, Chapter 44, issued under the Pennsylvania Human Relations Act 43 P. S. §§ 951-963, <https://www.pacode.com/secure/data/016/chapter44/chap44toe.html>
- 3.10 Pennsylvania Fair Educational Opportunities Act, 24 P.S. §§ 5001-5009, <https://www.pacode.com/secure/data/022/chapter32/chap32toe.html>
- 3.11 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), <https://clerycenter.org/policy-resources/the-clery-act>
- 3.12 Campus Sexual Violence Elimination Act (SaVE Act), <https://www.congress.gov/bill/112th-congress/house-bill/2016>
- 3.13 Equal Opportunities Section, U.S. Department of Justice, <https://www.justice.gov/crt/how-file-complaint>

4. DEFINITIONS

- 4.1 A Business Day is a day of normal college operation.
- 4.2 A Report is verbal or written notification submitted to an NPRC employee from any source alleging discrimination, harassment, or retaliation whether on the basis of sex or otherwise.
- 4.3 Retaliation occurs when a harmful action is taken against an individual for engaging in legally protected activity and includes, but is not limited to acts of intimidation, verbal or physical threats, coercion, or discrimination.

- 4.4 A Complainant is an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination on the basis of sex or otherwise or is alleged to be a victim of retaliation for engaging in a protected activity.
- 4.5 A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination on the basis of sex or otherwise or retaliation against an individual for engaging in a protected activity.
- 4.6 Sanctions are the penalties resulting from a determination that a violation of policy occurred.

5. POLICY

- 5.1 The College shall not discriminate and prohibits discrimination against any faculty (full-time and part-time), staff, administrators, and students based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, perceived gender identity, sexual orientation, disability, use of a service animal due to disability, marital status, familial status, genetic information, veteran status, age or other classification protected by applicable law in matters of admissions, student services, or in the services, programs or activities that it operates.
 - 5.1.1 Alleged violations that meet the definition of sexual harassment and/or sexual misconduct, as identified in NPRC-1205: Sexual Discrimination and Sexual Misconduct, will be evaluated and adjudicated according to PROC-1205: Sexual Discrimination and Sexual Misconduct.
 - 5.1.2 Alleged violations that do not meet the definition of sexual harassment and/or sexual misconduct, as identified in policy NPRC-1205, will be subject to this policy and will be evaluated and adjudicated according PROC-1210: Nondiscrimination.
- 5.2 The College shall provide means by which NPRC community members and guests may report acts of prohibited conduct verbally, electronically, in writing, and if so desired, anonymously.
- 5.3 The administrator responsible for the adjudication of the complaint as identified in PROC-1210: Nondiscrimination will inform the complainant of the steps outlined in the procedure so that the complainant may make an educated decision as to whether they would like to proceed with a formal complaint.
- 5.4 The College shall provide reasonable accommodations for qualified students and employees with identified disabilities consistent with the requirements of the Americans with Disabilities Act, Sections 503 and 504 of the Rehabilitation Act, and other federal, state, and local laws and regulations.

- 5.5 The College will treat any report or complaint of discrimination as alleged and will proceed with the timeline as outlined in PROC-1210: Nondiscrimination.
- 5.6 The College prohibits, and will not engage in, retaliation against any person who, in good faith, reports a violation of this policy, provides information in an investigation of a potential violation, or otherwise engages in protected activity under the law.
- 5.7 The College shall reserve the right during the review of the complaint to impose the emergency removal of the Respondent from the College's education program, employment, or activities should it be determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of the report. The Respondent will receive notice of the intent to impose emergency removal and will be afforded the right to appeal as outlined in PROC-1210: Nondiscrimination.
- 5.8 Upon finding that a violation of this policy has occurred, the College may impose appropriate and reasonable sanctions on the Respondent which may be in addition to other actions taken or imposed by external authorities. Decisions regarding student sanctions are made by the Director of Student Services and decisions regarding sanctions for employees is made by the Vice President of Finance and Administration. The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.
- 5.9 Appeals to decisions made throughout a resolution process associated with this policy related to students may be made in writing to the Vice President of Academic and Student Affairs and related to employees to the President of the College, as outlined in PROC-1210: Nondiscrimination.
- 5.10 Appeals can be made under the following circumstances:
 - 5.10.1 A procedural error or omission occurred that significantly impacted the outcome of the hearing.
 - 5.10.2 Presentation of new, unknown, or unavailable evidence that was not previously considered could substantially impact the original finding or sanction.
 - 5.10.3 The imposed sanctions fall outside the range of sanctions designated for the offense.
- 5.11 All records related to reports, supportive measures, actions taken, resolution processes, sanctions, and appeals will be maintained for seven years and in accordance with state and federal laws.
- 5.12 The College will attempt to resolve complaints within 60 business days.

5.13 Involved College personnel will preserve the privacy of reports and complaints and will not share the identity of any Complainant, Respondent, or other individual associated with a report or complaint, except as permitted by NPRC-3240: Educational Rights and Privacy, to adhere to this policy or conduct the processes established by associated procedures, or as required by law.

6. RESPONSIBILITIES AND TIMELINES

- 6.1 Employees, students, third-party vendors, and guests are responsible for reporting conduct that is believed to be in violation of this policy or applicable law by contacting the College’s Vice President for Academic and Student Affairs, the Title IX Coordinator/Civil Rights Compliance Officer, or such other officials as may be designated in other Board policies or administratively issued regulations and procedures.
- 6.2 The Vice President of Finance and Administration is responsible for determining employee sanctions for violations related to this policy.
- 6.3 The Director of Student Services is responsible for determining student sanctions for violations related to non-Title IX complaints and reports related to violations of this policy.
- 6.4 The Director of Student Services or designee is responsible for the execution of this policy and its respective resolution processes as related to students.
- 6.5 All Northern Pennsylvania Regional College employees are responsible for reporting alleged non-Title IX allegations immediately upon receiving knowledge as outlined in PROC-1210: Nondiscrimination.
- 6.6 The Vice President of Academic and Student Affairs and the Vice President of Finance and Administration are jointly responsible for oversight and administration of this policy.

7. REVIEW STATEMENT

Review of this policy will occur in alignment with CLDR-1110: Policy Review Schedule.

8. SIGNATURE

Signature on file

Chair, Board of Trustees

Date

Signature on file

President

Date

Attachments: None

Distribution: Board of Trustees; <https://regionalcollegepa.org>

Revision Notes: Policy in Revision