

PROCEDURE TITLE: <b>COMPLAINT PROCEDURES REGARDING VIOLATIONS OF THE AGE DISCRIMINATION ACT OF 1975</b>		
ADOPTION/EFFECTIVE DATE: <b>October 13, 2015</b>	MOST RECENTLY AMENDED::	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY:		

### I. Purpose

The purpose and scope of these procedures are as follows.

- A. Provision of information regarding the Age Discrimination Act of 1975.
- B. Adoption of complaint procedures for the prompt and equitable resolution of complaints which allege a violation of The Age Discrimination Act of 1975 and its implementing regulations.
- C. Designation of person(s) responsible to coordinate efforts to comply with the Age Discrimination Act of 1975 and its implementing regulations.

### II. Definitions

- A. **The Age Discrimination Act of 1975** means the Age Discrimination in Employment Act of 1975 codified at 42 USC Section 6101-6107 and its implementing regulations codified at 34 Code of Federal Regulations (C.F.R.) Section 110.0-110.39, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.
- B. **Complainant** means any person who files a complaint under these procedures.
- C. **Designated Person** means the person holding the job position responsible for the coordination of these procedures either in whole or in part.

D. **Discrimination** means:

1. being, on the basis of age, unlawfully subject to: exclusion from participation in denial of the benefits of or unfavorable differential treatment with respect to any academic, extra- curricular, research, occupational training, or other education program or activity operated by HCPS; or,
2. being, on the basis of age, unlawfully subject to exclusion from participation in, denial of the benefits of, or unfavorable differential treatment with respect to employment, recruitment, consideration or selection for employment by HCPS; or,
3. being subject to harassment as defined below.

E. **Age Harassment** means:

1. being subject to conduct by a member of the school community that is based on a person's age, that is unwelcome, and submission to such conduct is used as the basis or a condition for decisions affecting a student's or other person's participation in academic programs, services or activities provided by HCPS.
2. being subject to conduct by a member of the school community that is based on the person's age, is severe or pervasive and is objectively offensive so that it deprives a person access to, participation in, or benefit from programs, services or activities provided by HCPS based on a person's age.
3. being subject to conduct by a member of the school community that is based on a persons age, is unwelcome, and submission to such conduct is made a condition of a person's employment or any aspect of the individual's employment.
4. being subject to conduct by a member of the school community that is based on a person's age, is unwelcome, is severe or pervasive, that is hostile and/or abusive to the degree that such conduct would alter the conditions of employment of a reasonable person.

- F. **Complaint** means a written or verbal statement which sets forth an allegation that a person has been discriminated against or subject to retaliation by a member of the school community in violation of The Age Discrimination Act of 1975 or ADEA.
- G. **Days** means calendar days.
- H. **HCPS** means Harford County Public Schools.
- I. **Member Of School Community** means:
1. A Board of Education member.
  2. An employee of HCPS.
  3. An HCPS volunteer.
  4. A student.
  5. A person who participates in activities of HCPS or is present on HCPS grounds or premises and is under the authority or control of HCPS.
- J. **Retaliation** means
1. Unfavorable differential treatment imposed by a member of the HCPS school community upon a person because that person has opposed any act or practice which is unlawful under The Age Discrimination Act of 1975 or has made a charge, testified, assisted or participated in an investigation, proceeding or other matter pursuant to The Age Discrimination Act of 1975; or
  2. Being subject to coercion, intimidation or interference by a member of the school community because a person has opposed any act or practice which is unlawful under The Age Discrimination Act of 1975 or has made a charge, testified, assisted or participated in an investigation, proceeding or other matter pursuant to The Age Discrimination Act of 1975.

- K. **Student** means any person enrolled in HCPS for the purpose of receiving education services.

### III. Procedures

#### A. The Age Discrimination Act of 1975

1. Employment Discrimination – Any person who believes a member of the school community has discriminated against him/her on the basis of age in violation of The Age Discrimination Act of 1975 with respect to matters relating to employment may file a complaint orally or in writing with the Designated Person for The Age Discrimination Act of 1975 identified herein.
2. Programs; activities; services accessibility discrimination - Any person who believes a member of the school community has discriminated against him/her on the basis of age in violation of The Age Discrimination Act of 1975 with respect to access to HCPS programs, activities or services may file a complaint orally or in writing with the Designated Person for access to services, programs and activities identified herein.

#### B. Inquiries

Any person with an inquiry regarding The Age Discrimination Act of 1975 may contact the person designated below.

#### C. Complaint Procedure

1. A Complainant shall file a complaint within ninety (90) days of the date the alleged act of age discrimination occurred.
2. The Designated Person shall attempt to informally resolve a complaint within thirty (30) Days of the receipt of same.
3. If an informal resolution cannot be reached, the Designated Person shall issue a written decision setting forth in concise fashion his /her decision

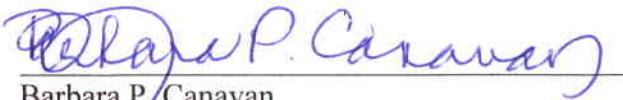
regarding the complaint and the reasons for the decision. Such written decision shall be issued within sixty (60) days of receipt of the complaint.

4. All decisions of the Designated Person may be appealed to the Superintendent pursuant to section 4-205 of the Education Article of the Maryland Annotated Code.
5. The complaint procedure described herein is in addition to any other administrative or judicial action the Complainant may pursue.

D. Designated Persons

1. Employment Discrimination – Assistant Superintendent for Human Resources, 102 South Hickory Avenue, Bel Air, Maryland, 21014, at 410-588-5226; or,
2. Service, Program or Activity Discrimination – Risk Manager, 102 South Hickory Avenue, Bel Air, Maryland, 21014, at 410-588-5286, or Supervisor of Equity and Cultural Diversity, 102 South Hickory Avenue, Bel Air, Maryland, 21014, at 410-809-6064,

**Approved By:**

  
Barbara P. Canavan  
Superintendent of Schools

Oct. 13 '15  
Date

# PROCEDURE

Procedure Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	10-13-2015				

Responsibility for Procedure Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:	DESIGNEE POSITION:
PROCEDURE NUMBER PRIOR TO NOVEMBER 1, 2005:	

## REFERENCES<sup>1</sup>

References are set forth in the procedure.

---

<sup>1</sup> All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.