

**MILTON HERSHEY SCHOOL (MHS) STUDENT, APPLICANT, AND GENERAL PUBLIC
NON-DISCRIMINATION AND EQUAL OPPORTUNITY POLICY**

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Effective Date	December 4, 2012	Approved By	Steering Team
Revised		Resp. Center	Office of General Counsel

1 **I. Policy Statement**

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3 Milton Hershey School (“MHS” or the “School”) will not tolerate any form of
4 harassment or discrimination on the basis of race, color, religion, sex, disability or need for
5 accommodation, association with or relationship to person with a disability, or any other class or
6 status protected under federal, Pennsylvania, or local law (collectively “Protected
7 Characteristics”), against any applicant for admission, enrolled student, or any other individual(s)
8 who participate(s) in the programs, services, and activities of the School. (Employees are
9 covered by Policy 2.05).¹

10
11 This Equal Opportunity Policy (“EO Policy” or “Policy”) prohibits all forms of
12 discrimination in all programs, services and activities of the School, including, but not limited to,
13 admissions, academic and educational programs, other terms, conditions or privileges of
14 education or enrollment at the School, and all activities open to the general public. This EO
15 Policy extends to the conduct of any person, including that of all students, all persons working
16 under the supervision of MHS (whether employees, independent contractors, or volunteers) and
17 all other individuals who may be on campus (such as parents and sponsors, alumni, or other
18 visitors and vendors). This EO Policy applies on campus and at all activities or programs that the
19 School conducts or sponsors at any other location.

20
21 The following further describes discrimination prohibited under this Policy. These
22 descriptions are by way of illustration, and are not exhaustive of the conduct prohibited by this
23 Policy.

24
25 **A. Harassment Based upon Protected Characteristics is Prohibited**

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27 Harassment based on Protected Characteristics is a form of prohibited discrimination.
28 Harassment often takes the form of verbal statements regarding an individual’s Protected
29 Characteristics, such as epithets, derogatory comments or slurs, profanity, gestures, innuendo,
30 racial jokes, or forms of address. Harassment can also take the form of other adverse conduct
31 motivated by a person’s Protected Characteristics, such as teasing or tricks, physical abuse, or
32 bullying. Any hostile or adverse action based on a person’s Protected Characteristics is a
33 violation of this EO Policy.

34
35 Harassment based on a Protected Characteristic is debilitating to the victim and
36 compromises the integrity and stature of the offender. Disparaging comments, inappropriate
37 labels, epithets, stereotypes, jokes, or subtle innuendos which unfairly classify or criticize others

¹ Individuals protected by this policy, other than applicants and students, would include parent/sponsors and visitors touring the School or attending public events.

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38 on the basis of a Protected Characteristic are not appropriate even if they are not heard in the
39 presence of a person whose Protected Characteristic(s) is/are the subject of the comment.
40

41 This Policy prohibits disparate treatment or harassment of individuals based on their
42 Protected Characteristics even if the conduct is not actionable under federal, Pennsylvania, or
43 local law. MHS will not tolerate harassment and wants to stop such conduct before it creates a
44 hostile environment and a violation of the law. Students, employees, and other individuals are
45 expected to report conduct that they perceive as inappropriate as soon as it happens so that the
46 School can take steps to prevent any further incidents.
47

48 **B. Discrimination Based Upon Religion**

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50 The principles in this Policy apply equally to the prohibition of discrimination or
51 harassment on the basis of an applicant’s or student’s religion or religious practices, further
52 covered by MHS Policy No. 5.04, *Statement of Religion*, and the Deed of Trust.
53

54 **C. Sexual Harassment is Prohibited**

55
56 Gender harassment is harassment targeted at individuals because of their sex or gender,
57 or based on sexual or gender stereotypes. Sexual harassment is a form of gender harassment that
58 involves behavior of a sexual nature. Sexual Harassment is further addressed in MHS Policies
59 No. 5.05 *Harassment* and No. 5.19 *Student-to-Student Sexual Harassment*. Gender harassment
60 and sexual harassment are both strictly prohibited under this Policy.
61

62 **D. Disability Discrimination is Prohibited**

63
64 The School is committed to preventing discrimination against persons with disabilities,
65 and complying with the federal Americans with Disabilities Act (“ADA”) and all similar
66 Pennsylvania and local laws, as provided in and as subject to the defenses enumerated in Title III
67 of the ADA and its implementing regulations.
68

69 All applicants for admission and currently enrolled students with disabilities, including
70 but not limited to those students with the human immunodeficiency virus (“HIV”), will have an
71 equal opportunity to participate in and benefit from all goods, services, facilities, privileges,
72 advantages, accommodations, or programs provided by or at MHS.
73

74 The School does not discriminate against applicants or students on the basis of disability.
75 MHS is committed to providing an environment free of discrimination for all students with
76 disabilities, including those students with HIV. All students and staff are expected to promote
77 and embrace a respectful school climate inclusive of students with disabilities. The School will
78 not exclude persons with disabilities, including persons with HIV, from participation in, or deny
79 them the benefits of, the full and equal enjoyment of its goods, services, facilities, privileges,
80 advantages or accommodations on the basis of their disability.
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82 Applicants who are otherwise qualified for admission to the School will not be denied
83 enrollment or have their enrollment discontinued solely on the basis of their disability. The fact
84 that a child has HIV will not be a factor on which applicants, or current students, may be denied
85 admission to or disenrolled from the School.

86
87 Applicants and students with disabilities, who are otherwise qualified, have an equal
88 opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages,
89 and accommodations provided by the School. Once enrolled, students with disabilities will be
90 provided equal access to all MHS programs and services, inclusive of educational
91 accommodations and health care.

92
93 The School will make reasonable modifications to its policies, practices, and procedures
94 when the modifications are necessary to afford goods, services, programs, facilities, privileges,
95 advantages, or accommodations to all individuals with disabilities.

96
97 The foregoing principles are subject to the recognized defenses in the ADA and its
98 implementing regulation. For instance, MHS is not required to modify its policies, practices, or
99 procedures, provide auxiliary aids or services, or provide other accommodations if doing so
100 would fundamentally alter the nature of the goods, services, facilities, privileges or advantages
101 that it provides, exceed the applicable requirements of the ADA, or restrict the right of the School
102 to exclude an individual who poses a direct threat to the health and safety of others (as defined in
103 the ADA and its implementing regulation). This EO Policy does not restrict the School's general
104 policies and practices regarding the terms and conditions of admission and enrollment, its
105 handling of medical information, or its rules governing student behavior, so long as those rules,
106 policies, practices, and procedures are applied to all students and are consistent with federal law.
107

108 In making all admissions and enrollment decisions (including continuing enrollment) the
109 School will conduct an individualized assessment of whether the student is qualified and whether
110 the applicant or student's academic, behavioral and other needs are within the scope of the
111 School's programs and services.

112
113 **II. Procedures**

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115 **A. Procedure for Requests for Accommodations, Auxiliary Aids and Services or Other**
116 **Modifications of Policies, Procedures or Practices.**

117
118 MHS has comprehensive systems designed to identify the potential needs of and services
119 for all students, including students with disabilities. Requests for modifications in policies,
120 procedures or practices, auxiliary aids or other accommodations during the Admissions process,
121 based on an applicant's disability or physical or mental impairment, should be made to the
122 Director of Admissions. Requests for accommodations in other programs or services based on an
123 applicant's or student's disability or physical or mental impairment should be directed first to the
124 Intervention Team ("IT"). Each Division's Coordinator of Student Health Services facilitates that
125 Division's IT process. Admissions staff will initiate a referral to the appropriate Division's IT for

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126 accepted applicants. The Division Coordinator of Student Health Services shall also serve as
127 point of contact for current student modifications.
128

129 Requests for accommodations or modifications by or on behalf of anyone other than a
130 student, concerning any other programs, services or activities of MHS, should be directed first to
131 the Campus Services and Central Monitoring at 717-520-2647. Requests are to be made at least
132 72 hours in advance. The School will attempt to accommodate requests that are made with less
133 notice, but certain types of requests (such as those for interpreters or accessible seating) require
134 greater notice. Persons who do not receive a timely response, or are not satisfied with the
135 response, should contact the Office of the President.
136

137
138 **III. Complaints of Discrimination or Harassment**
139

140 All matters involving sexual harassment will be handled under Policy Nos. 5.05, 5.19
141 and, where appropriate, 5.03 (Child/Student Abuse).
142

143 In all other cases, a student who believes he or she has been subjected to any form of
144 discrimination or harassment based on a Protected Characteristic, or who wishes to report alleged
145 harassment or discrimination against other students, should contact their Principal, their Home
146 Life Director, or the Office of General Counsel.
147

148 Any other individual (other than a student or an employee) who believes he or she has
149 been subjected to any form of discrimination or harassment based on a Protected Characteristic in
150 any programs or services of MHS, or who wishes to reported alleged harassment or
151 discrimination against others, should contact the Office of General Counsel.
152

153 The School will conduct a prompt and impartial investigation of all complaints of
154 violations of this Policy. In appropriate cases, complaints may be resolved informally. When the
155 School determines that a person has violated this Policy, the School may impose penalties up to
156 and including expulsion of students or termination of employees who have violated this Policy.
157 Prior to the imposition of penalties, individuals against whom complaints have been made will be
158 provided with whatever procedures may be applicable under other policies or contracts. All
159 members of the MHS community are expected to cooperate in such investigations. Failure to
160 cooperate or the making of false statements or claims during such investigations may also result
161 in disciplinary action.