

**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	Policy Committee
Revised	March 6, 2020 June 8, 2020	Resp. Center	Office of General Counsel
Last Reviewed			

1 I. Policy Statement

2
3 Milton Hershey School (“MHS” or the “School”) will not tolerate any form of harassment or
4 discrimination on the basis of race, color, religion, sex, disability or need for accommodation,
5 association with or relationship to person with a disability, or any other class or status protected
6 under applicable federal, Pennsylvania, or local law (collectively “Protected Characteristics”),
7 against any applicant for admission, enrolled student, or any other individual(s) who participate(s)
8 in the programs, services, and activities of the School. (Employees are covered by Policy 2.05).¹
9

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

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

23 A. Harassment Based upon Protected Characteristics is Prohibited

24
25 Harassment based on Protected Characteristics is a form of prohibited discrimination.
26 Harassment often takes the form of verbal statements regarding an individual’s Protected
27 Characteristics, such as epithets, derogatory comments or slurs, profanity, gestures, innuendo,
28 racial jokes, or forms of address. Harassment can also take the form of other adverse conduct
29 motivated by a person’s Protected Characteristics, such as teasing or tricks, physical abuse, or
30 bullying. Any hostile or adverse action based on a person’s Protected Characteristics is a
31 violation of this EO Policy.
32

33 Harassment based on a Protected Characteristic is debilitating to the victim and compromises
34 the integrity and stature of the offender. Disparaging comments, inappropriate labels,
35 epithets, stereotypes, jokes, or subtle innuendos which unfairly classify or criticize others on
36 the basis of a Protected Characteristic are not appropriate even if they are not heard in the
37 presence of a person whose Protected Characteristic(s) is/are the subject of the comment.
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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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39 This Policy prohibits disparate treatment or harassment of individuals based on their
40 Protected Characteristics even if the conduct is not actionable under applicable federal,
41 Pennsylvania, or local law. MHS will not tolerate harassment and wants to stop such conduct
42 before it creates a hostile environment and a violation of the law. Students, employees, and
43 other individuals are expected to report conduct that they perceive as inappropriate as soon as
44 it happens so that the School can take steps to prevent any further incidents.

45
46 **B. Discrimination Based Upon Religion**

47
48 The principles in this Policy apply equally to the prohibition of discrimination or harassment
49 on the basis of an applicant’s or student’s religion or religious practices, further covered by
50 MHS Policy No. 5.04, *Statement of Religion*, and the Deed of Trust.

51
52 **C. Sexual Harassment is Prohibited**

53
54 Gender harassment is harassment targeted at individuals because of their sex or gender, or
55 based on sexual or gender stereotypes. Sexual harassment is a form of gender harassment
56 that involves behavior of a sexual nature. Sexual Harassment is further addressed in MHS
57 Policies No. 5.05 *Harassment* and No. 5.19 *Student-to-Student Sexual Harassment*. Gender
58 harassment and sexual harassment are both strictly prohibited under this Policy.

59
60 **D. Disability Discrimination is Prohibited**

61
62 The School is committed to preventing discrimination against persons with disabilities, and
63 complying with the federal Americans with Disabilities Act (“ADA”) and any applicable
64 Pennsylvania and local laws, as provided in and as subject to the defenses enumerated in Title
65 III of the ADA and its implementing regulations.

66
67 All applicants for admission and currently enrolled students with disabilities, including but
68 not limited to those students with the human immunodeficiency virus (“HIV”), will have an
69 equal opportunity to participate in and benefit from all goods, services, facilities, privileges,
70 advantages, accommodations, or programs provided by or at MHS.

71
72 The School does not discriminate against applicants or students on the basis of disability.
73 MHS is committed to providing an environment free of discrimination for all students with
74 disabilities, including those students with HIV. All students and staff are expected to
75 promote and embrace a respectful school climate inclusive of students with disabilities. The
76 School will not exclude persons with disabilities, including persons with HIV, from
77 participation in, or deny them the benefits of, the full and equal enjoyment of its goods,
78 services, facilities, privileges, advantages or accommodations on the basis of their disability.
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80 Applicants who are otherwise qualified for admission to the School will not be denied
81 enrollment or have their enrollment discontinued solely on the basis of their disability. The
82 fact that a child has HIV will not be a factor on which applicants, or current students, may be
83 denied admission to or disenrolled from the School.

84
85 Applicants and students with disabilities, who are otherwise qualified, have an equal
86 opportunity to participate in or benefit from the goods, services, facilities, privileges,
87 advantages, and accommodations provided by the School. Once enrolled, students with
88 disabilities will be provided equal access to all MHS programs and services, inclusive of
89 educational accommodations and health care.

90
91 The School will make reasonable modifications to its policies, practices, and procedures
92 when the modifications are necessary to afford goods, services, programs, facilities,
93 privileges, advantages, or accommodations to all individuals with disabilities.

94
95 The foregoing principles are subject to the recognized defenses in the ADA and its
96 implementing regulation. For instance, MHS is not required to modify its policies,
97 practices, or procedures, provide auxiliary aids or services, or provide other accommodations
98 if doing so would fundamentally alter the nature of the goods, services, facilities, privileges
99 or advantages that it provides, exceed the applicable requirements of the ADA, or restrict the
100 right of the School to exclude an individual who poses a direct threat to the health and safety
101 of others (as defined in the ADA and its implementing regulation). This EO Policy does not
102 restrict the School's general policies and practices regarding the terms and conditions of
103 admission and enrollment, its handling of medical information, or its rules governing student
104 behavior, so long as those rules, policies, practices, and procedures are applied to all students
105 and are consistent with federal law.

106
107 In making all admissions and enrollment decisions (including continuing enrollment) the
108 School will conduct an individualized assessment of whether the student is qualified and
109 whether the applicant or student's academic, behavioral and other needs are within the scope
110 of the School's programs and services.

111
112 **II. Procedures**

113
114 **A. Procedure for Requests for Accommodations, Auxiliary Aids and Services or Other
115 Modifications of Policies, Procedures or Practices.**

116 MHS has comprehensive systems designed to identify the potential needs of and services for
117 all students, including students with disabilities. Requests for modifications in policies,
118 procedures or practices, auxiliary aids or other accommodations during the Admissions
119 process, based on an applicant's disability or physical or mental impairment, should be made
120 to the Director of Admissions. Requests for accommodations in other programs or services

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121 based on an applicant’s or student’s disability or physical or mental impairment should be
122 directed first to the Intervention Team (“IT”). Each Division Senior Manager of Student
123 Health Services facilitates that Division’s IT process. Admissions staff will initiate a referral
124 to the appropriate Division’s IT for accepted applicants. The Division Senior Manager of
125 Student Health Services shall also serve as point of contact for current student modifications.
126

127 Requests for accommodations or modifications by or on behalf of anyone other than a
128 student, concerning any other programs, services or activities of MHS, should be directed
129 first to the Central Monitoring at 717.520.3390 or 717.520.2647. Requests are to be made at
130 least 72 hours in advance. The School will attempt to accommodate requests that are made
131 with less notice, but certain types of requests (such as those for interpreters or accessible
132 seating) require greater notice. Persons who do not receive a timely response, or are not
133 satisfied with the response, should contact the Office of the President.
134

135 **III. Complaints of Discrimination or Harassment**

136
137 All matters involving sexual harassment will be handled under Policy Nos. 5.05, 5.19 and,
138 where appropriate, 5.03 (Mandatory Reporting of Child Abuse).
139

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

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

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