

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 March 3, 2023	Resp. Center	Office of General Counsel
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I. Policy Statement

Milton Hershey School (“MHS” or the “School”) will not tolerate any form of harassment or discrimination on the basis of race, color, national or ethnic origin, ancestry, sex (including sexual orientation/gender identity), age, religion or religious creed, veteran status, disability or use of a guide or service animal because of the blindness, deafness or physical handicap of the user, or any other status protected under applicable federal or Pennsylvania law (collectively “Protected Characteristics”), against any applicant for admission, enrolled student, or any other individual(s) who participate(s) in the programs, services, and activities of the School. Employees are covered by Policy 2.04 (Equal Employment Opportunity).¹

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

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

A. Harassment Based upon Protected Characteristics is Prohibited

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

Harassment based on a Protected Characteristic is debilitating to the victim and compromises the integrity and stature of the offender. Disparaging comments, inappropriate labels, epithets, stereotypes, jokes, or subtle innuendos which unfairly classify or criticize others on the basis of a Protected Characteristic are not appropriate even if they are not heard in the presence of a person whose Protected Characteristic(s) is/are the subject of the comment.

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

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

B. Discrimination Based Upon Religion

The principles in this Policy apply equally to the prohibition of discrimination or harassment on the basis of an applicant’s or student’s religion or religious practices, further covered by MHS Policy 5.04 (Statement of Religion), and the Deed of Trust.

C. Sexual Harassment is Prohibited

Gender harassment is harassment targeted at individuals because of their sex or gender, or based on sexual or gender stereotypes. Sexual harassment is a form of gender harassment that involves behavior of a sexual nature. Sexual Harassment is further addressed in MHS Policy 5.05 (Harassment). Gender harassment and sexual harassment are both strictly prohibited under this Policy.

D. Disability Discrimination is Prohibited

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

The School does not discriminate against applicants or students on the basis of disability. MHS is committed to providing an environment free of discrimination for all students with disabilities, including those students with HIV. All students and staff are expected to promote and embrace a respectful school climate inclusive of students with disabilities. The School will not exclude persons with disabilities, including persons with HIV, from participation in, or deny them the benefits of, the full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations on the basis of their disability.

Applicants who are otherwise qualified for admission to the School will not be denied enrollment or have their enrollment discontinued solely on the basis of their disability. The fact that a child has HIV will not be a factor on which applicants, or current students, may be denied admission to or disenrolled from the School.

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Applicants who are otherwise qualified for admission to the School will not be denied enrollment or have their enrollment discontinued solely on the basis of their disability. The fact that a child has HIV will not be a factor on which applicants, or current students, may be denied admission to or disenrolled from the School.

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

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

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

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

II. Procedures

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

MHS has comprehensive systems designed to identify the potential needs of and services for all students, including students with disabilities. The procedures for applicants and current students are addressed in the Student Support Services ADA Accommodations Procedure. Requests for modifications in policies, procedures or practices, auxiliary aids or other

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accommodations during the Admissions process, based on an applicant’s disability or physical or mental impairment, should be made to the Director of Admissions. Requests for accommodations in other programs or services based on an applicant’s or student’s disability or physical or mental impairment should be directed first to the Intervention Team (“IT”). Each Division Senior Manager of Student Health Services facilitates that Division’s IT process. Admissions staff will initiate a referral to the appropriate Division’s IT for accepted applicants.

After enrollment, requests for accommodations are handled through the IT/SPT process, unless another policy or procedure addresses a specific issue. The Division Senior Manager of Student Health Services shall also serve as a point of contact for current student modifications.

III. Complaints of Discrimination or Harassment

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

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