

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

VERONICA V. THOMPSON, :
Complainant :
v. :
WEST MIFFLIN AREA SCHOOL : DOCKET NO. E-6145
DISTRICT and the WEST :
MIFFLIN SCHOOL BOARD, :
Respondents :

HISTORY OF THE CASE, FINDINGS OF FACT,
CONCLUSIONS OF LAW, COMMISSION'S DECISION
AND FINAL ORDER

HISTORY OF THE CASE

On August 31, 1973, Veronica V. Thompson filed with the Pennsylvania Human Relations Commission a complaint against the West Mifflin Area School District and the West Mifflin Area School Board in which she alleged that "the Respondent has refused to promote her to available administrative positions, preferring males with similar or lesser qualifications, because of her sex, female. The Complainant further alleges the Respondent refuses to pay her a salary commensurate with her qualifications because of her sex." Complainant alleged that this action violated Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. Sections 951 et seq.

An investigation into the allegations contained in the complaint was made by representatives of the Commission and a determination was made that probable cause existed to credit the allegations of the complaint. Thereupon, the Commission endeavored to eliminate the unlawful practices complained of by conference, conciliation and persuasion. These endeavors were unsuccessful and, pursuant to Section 9 of the

Pennsylvania Human Relations Act, on July 1, 1975, a hearing on the merits of the complaint was convened in Pittsburgh before Commissioners Doris Smith, Scott and Donovan.

Commissioners Scott and Donovan, upon consideration of the testimony presented, recommended that the Commission dismiss the complaint. Commissioner Doris Smith dissented.

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FINDINGS OF FACT

1. Complainant is Veronica Vayda Thompson, an adult female residing at 1834 George Circle, North Huntingdon, Pennsylvania, 15642.

2. Respondents are the West Mifflin Area School District, which maintains administrative offices at 3560 Outlook Drive, West Mifflin, Pennsylvania, 15122, and the West Mifflin School Board, a duly elected body of nine (9) members, which is authorized to make appointments to administrative positions in the West Mifflin Area School District.

3. Dr. Michael Radvansky is the Superintendent of the West Mifflin Area School District and has held this position since 1967.

4. Complainant was employed by the West Mifflin Area School District from September 1966 through August 1974 in the capacity of English teacher.

5. By letter dated December 10, 1971, Complainant applied for the position of Principal of Edison Junior High School, West Mifflin Area School District.

6. The statutory and regulatory requirements, of which the hearing panel may take judicial notice, for

employment as a Principal or Assistant Principal are as follows:

Every principal appointed after August thirty-first, one thousand nine hundred fifty-three, employed in the public schools of this Commonwealth, who devotes one-half or more of his time to supervision and administration, shall be properly certificated by the Department of Public Instruction in accordance with such standards as the State Council of Education may establish. Act of June 28, 1951, P.L. 930, 24 P.S. Section 11-1109.

The Department will issue Administrative I Certificates to persons who have had a minimum of five years professional school experience, and have completed an approved program of graduate study preparing him to direct, operate, supervise, and administer the organizational and general activities of a school. Applicants shall be recommended by the preparing institution in which the graduate program was completed. 24 Pa. Code Section 49.121(a).

7. Approximately four or five individuals applied for the Principalship of Edison Junior High School.

8. Among these applicants were Complainant who had six years of teaching experience, Franklin C. Simmen who had fifteen years teaching experience and William Cherney who had thirty-two years of teaching experience.

9. Dr. Radvansky recommended William Cherney for the Principalship of Edison Junior High School.

10. At the time of Complainant's application for the position of Principal of Edison Junior High School in December of 1971, she had obtained a Bachelors of Arts degree, Masters of Education degree, and Secondary Principal Certification and had completed 71 credits and passed the examinations for the doctorate in Secondary and English education. At this time Complainant had six years of teaching experience, had written English curriculum of the West Mifflin Area School District in 1969, and was a Henry C. Frick Educational Scholarship recipient in the summer of 1971.

11. On August 7, 1972, the West Mifflin School Board selected Franklin C. Simmen for the above position of Principal of Edison Junior High School.

12. Mr. Simmen was employed by the West Mifflin Area School District in 1958, as an Industrial Arts/Metal Shop teacher. At the time of his selection to the position of Principal of Edison Junior High School, Mr. Simmen had approximately fifteen years of teaching experience, had obtained his Masters Degree, had received the Secondary Principal Certification and the Provisional Comprehensive Principal Certification, and had six months prior administrative experience.

13. Mr. Simmen's prior administrative experience consisted of his appointment to the position of Assistant Principal of North High School in December, 1966, from which he requested reassignment to a classroom teaching position in June, 1967.

14. In Dr. Radvansky's opinion, Mr. Simmen was not a satisfactory administrator at North High School, in part because of his dislike for the position.

15. Three months after his appointment to the position of Principal of Edison Junior High School, Mr. Simmen again requested reassignment to a classroom teaching position.

16. A vacancy occurred as a result of Mr. Simmen's request for reassignment from the position of Principal at Edison Junior High School.

17. The applicants for the position of Principal at Edison Junior High School included Complainant who had approximately six and one half years teaching experience, William Cherney who had approximately thirty-two and a half years of teaching experience, Anthony Romantino who had eighteen years of experience in education, three of which had been in the administration of North High School.

18. At the time of Complainant's second application for the position of Principal of Edison Junior High School, in addition to the qualifications set forth in Finding of Fact No. 10, she had completed the PhD degree (August, 1972), was a Supervisor of student teachers, had been appointed Chairperson of the South High School Teachers of English, was selected Chairperson of the English Evaluation Committee for South High School's evaluation by the Middle Atlantic States Association, and was sponsor of the South High School newspaper and Public Information Officer for the School (1967-1970).

19. Dr. Radvansky recommended to the West Mifflin School Board the selection of Complainant for the position of Principal of Edison Junior High School.

20. On March 28, 1973, the West Mifflin School Board selected Anthony Romantino for the position of Principal of Edison Junior High School.

21. Mr. Romantino was employed by the West Mifflin Area School District in 1961 as a Social Studies/Problems of Democracy teacher and Guidance Counselor. At the time of his selection to the position of Principal of Edison Junior High School, Mr. Romantino had approximately eighteen years teaching experience, had completed the Masters degree and 25 credits, had received Provisional Certification as a Secondary Principal, Guidance Counselor and Comprehensive Principal, permanent Certification as a Secondary Principal, and had three years prior administrative experience as Assistant Principal of North High School.

22. During the course of Mr. Romantino's tenure as Assistant Principal of North High School, he was twice reprimanded in writing by Dr. Radvansky relating to his performance of his administrative duties at North High School.

23. Subsequently, the position of Assistant Principal at North High School became vacant.

24. By letter dated April 3, 1973, Complainant applied for the position of Assistant Principal of North High School.

25. As set forth by the Respondent, qualifications for the position of Assistant Secondary Principal include, inter alia:

1. The Assistant Secondary Principal shall have the same certification as the Secondary Principal.

2. He shall have a thorough knowledge of all areas of the secondary school curriculum, and shall have a minimum of six (6) years of successful teaching at the secondary level.

26. At the time of Complainant's application for the position of Assistant Principal of North High School, her qualifications were those set forth in Findings of Fact Nos. 12 and 20, above.

27. The applicants for the Assistant Principalship at North High School included Complainant who had approximately seven years of teaching experience; William Fenner who had twenty-three years teaching experience.

28. On June 21, 1973, the West Mifflin School Board selected William Fenner for the position of Assistant Principal of North High School.

29. Mr. Fenner was employed by the West Mifflin Area School District in 1954 as a Mathematics teacher. At the time of his selection to the position of Assistant Principal of North High School, Mr. Fenner had 23 years teaching experience, had completed the Masters degree and 30 credits, had received the Secondary Principal Certification and had been elected Chairman of the Mathematics Department (May, 1972).

30. In the opinion of Dr. Radvansky, who did not recommend Complainant for the Principalship of North High

School, this position was not suitable for women. His opinion was based upon the following factors:

(a) The position was a demanding one, requiring additional hours beyond the regular school day, including evenings, and women would not want to work at night.

(b) The position required strength in the area of discipline.

(c) The school itself is large in size and in enrollment and thus difficult to administer.

31. One member of the West Mifflin School Board, Dr. Michael Pazez, expressed his opinion that the Assistant Principal of North High School was not a job for a woman, while the position of Principal of Edison Junior High School was a good job for a woman because the building "ran itself."

32. The applicants for these positions had received comparable evaluations during their employment at West Mifflin Area School District.

33. Of the applicants for the Principalship at Edison Junior High School, Franklin Simmen and Anthony Romantino, the successful applicants, had less teaching experience than William Cherney, an unsuccessful applicant.

34. Dr. Radvansky recommended that the School Board appoint Retta Mae Williams, a female, who had 31 years of teaching experience and had completed the Masters degree plus 12 credits, to the Principalship of Homeville and Whitaker Elementary Schools. To this Principalship the West Mifflin School Board, on July 1, 1970, appointed Joseph Coccaro who had six years prior teaching experience and had earned a Masters degree. Mr. Coccaro was awarded his Provisional Elementary Principal Certificate in July of 1968 and his Permanent Elementary Principal Certificate in June of 1973.

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CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over the Complainant, the Respondent and the subject matter of the complaint under the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. Section 951 et seq.

2. The allegation of the Complainant, Veronica Vayda Thompson, that she was not promoted because of her sex, female, is not sustained by the evidence.

3. Respondent did not commit an unlawful discriminatory practice in violation of Section 5(a) of the Pennsylvania Human Relations Act by not promoting Complainant.

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COMMISSION'S DECISION

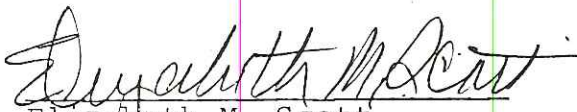
AND NOW, this 27th day of June , 1976, upon the recommendation of the Hearing Commissioners and upon all the evidence presented at the public hearing of this case, and in consideration of the History of the Case, the Findings of Fact and Conclusions of Law, the Human Relations Commission finds and determines that Respondents, West Mifflin Area School District and the West Mifflin School Board, did not commit an unlawful discriminatory practice in violation of Section 5(a) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, 43 P.S. Sections 951 et seq., by not promoting Complainant Veronica Vayda Thompson.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

By: _____

Joseph X. Yaffe
Chairperson

ATTEST:


Elizabeth M. Scott
Secretary

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RECOMMENDATION OF HEARING COMMISSIONERS

AND NOW, this 27th day of June , 1976,
upon consideration of all the evidence presented at the
hearing on the above matter, and the briefs of counsel,
Commissioners Scott and Donovan recommend to the entire
Commission that an Order be entered dismissing the complaint
of Veronica Vayda Thompson against the West Mifflin Area
School District and the West Mifflin School Board.
Commissioner Doris Smith dissents from this recommendation.


ELIZABETH M. SCOTT
Hearing Commissioner


SISTER MARY DENNIS DONOVAN
Hearing Commissioner

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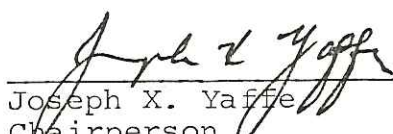
FINAL ORDER

AND NOW, this 27th day of June , 1976,
upon consideration of the foregoing History of the Case,
Findings of Fact, Conclusions of Law, and the Commission's
Decision and pursuant to Section 9 of the Pennsylvania Human
Relations Act, Act of October 27, 1955, as amended, 43 P.S.
Sections 951 et seq., the Pennsylvania Human Relations
Commission hereby

ORDERS:


That the complaint filed by Veronica Vayda Thompson be,
and the same is hereby, dismissed.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION



Joseph X. Yaffe
Chairperson

ATTEST:



Elizabeth Scott
Secretary