

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

BARBARA JEAN COMEDY, Complainant

v.

**WASHINGTON SCHOOL DISTRICT, DR. JOHN W. KHOURI and
MR. LEE S. ELLSWORTH, Respondents**

Docket No. E-4251

FINDINGS OF FACT

CONCLUSIONS OF LAW

DISCUSSION

COMMISSION'S DECISION

FINAL ORDER

This proceeding arose from a complaint filed by Barbara Jean Comedy charging the Respondents with discharging her because of her race, Black. A hearing pursuant to Section 9 of the Pennsylvania Human Relations Act, was held on October 13, 1972, and after a careful review of the evidence, the Commission makes the following:

FINDINGS OF FACT

1. The Complainant herein is Barbara Jean Comedy, a Black person, who resides at 380 Hillside Avenue, Washington, Pennsylvania 15301.
2. The Respondents are the Washington School District, Washington, Pennsylvania; Dr. John W. Khouri and Lee S. Ellsworth, Washington, Pennsylvania.
3. The Complainant was employed by the Respondent as a temporary professional employee, meaning that during her first two (2) years of teaching she would be in a probationary status.
4. Complainant was assigned by Respondent to teach English, Reading and Speech to Ninth and Tenth grade students at Washington High School.
5. During her first year of teaching, Complainant was evaluated twice. She received a satisfactory rating on both occasions.
6. Complainant was evaluated during the first semester of her second year of teaching. At that time, she received a satisfactory rating. However, the evaluator made the comment,

"Since this is the second year of emergency certification, I cannot recommend employment for the 1971-72 school year."

7. During the second semester of her second year of teaching, Complainant received an unsatisfactory rating. This rating was due, in part, to observations of her classes by Dr. Lee Ellsworth, Assistant Superintendent of Schools.
8. During her two years at Washington High School, Complainant was involved in several disputes with school administrators concerning field trips, leaving the school, and other matters relating to teaching, student discipline and school administration. In addition, the administration received complaints from other faculty members concerning Complainant.
9. On May 18, 1971, Complainant was notified that her contract would not be renewed for the 1971-1972 academic year.
10. The decision not to renew Complainant's contract was not motivated by considerations of her race.

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over the parties and subject matter of this controversy.
2. The Respondent did not violate any provisions of the Pennsylvania Human Relations Act in discharging the Complainant from her position of teacher with the Washington School District.

DISCUSSION

The Commission has determined that insufficient evidence was presented to prove the allegations of the complaint. The Commission senses, however, that Complainant's discharge was due, at least in part, to Respondent's unwillingness to understand and accept new and different styles of teaching. Further, it is suggested that a portion of Complainant's teaching style is a product of her Black culture. Although the Commission does not deem itself qualified to judge the Complainant's teaching methods and abilities, it does not believe that Respondents exercised the degree of professionalism which was required in this case.

The Commission is aware that racial prejudice manifests itself in subtle forms. Often, discrimination is not an intentional act or attitude, but rather a subconscious reaction resulting from an individual's or society's cultural background and history. Care must be taken, therefore, that in evaluating employees, procedures are established which minimize the effects of such discrimination. It is respectfully suggested that Respondents take steps to establish such procedures for the evaluation of present and future minority employees.

RECOMMENDATION OF HEARING COMMISSIONERS

AND NOW, this 22nd day of January, 1973, upon consideration of all the evidence presented at the hearing in the above matter, the Findings of Fact, and Conclusions of Law, the Hearing Commissioners recommend to the entire Commission that an order should be entered in favor of the Respondent dismissing the Complaint.



Presiding Hearing Commissioner
Andrew G. Freeman

Elizabeth M. Scott
Hearing Commissioner

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COMMISSION'S DECISION


Upon the recommendation of the Hearing Commissioners and upon and in consideration of the foregoing Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission finds and determines that the Commission failed to prove the allegations charging the Respondents with an unlawful discriminatory practice in violation of the Pennsylvania Human Relations Act, and, therefore, enters an order in favor of the Respondent, dismissing the Complaint.

FINAL ORDER

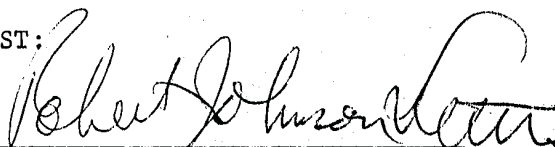
AND NOW, this 26th day of January, 1973, pursuant to Section 9 of the Pennsylvania Human Relations Act, it is hereby ordered that the Complaint against Respondents be dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By:


E. E. Smith, Chairman

ATTEST:


Dr. Robert Johnson Smith, Secretary