

POLICY**FILE CODE: 2224**

NONDISCRIMINATION/AFFIRMATIVE ACTION/HARASSMENT

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

The Hackettstown Board of Education will continue to support its Affirmative Action Resolution of May 24, 1989, revised February 14, 1996, February 13, 2002, February 11, 2004 and again November 10, 2004 and to implement the district's equal educational opportunity policy, school and classroom practices plan and contract/employment practices plan in accordance with law and regulation.

The board authorizes the chief school administrator to develop and implement a multi-year equity plan to ensure that the district provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination and impermissible isolation in policies, practices and facilities of the district. Upon approval of this plan by the state department of education, the board shall adopt it by resolution. The chief school administrator shall report to the board annually on progress toward goals established in the plan. A copy of the district's affirmative action/equity plans and self-evaluation of their achievement shall be available in the district's office.

Affirmative Action Officer and Team

The board shall annually appoint a certified member of the staff as affirmative action officer, and form an affirmative action team, of whom the affirmative action officer is a member. The affirmative action officer shall serve as affirmative action/504 officer and/or desegregation coordinator. The affirmative action officer must have New Jersey certification with an administrative, instructional, or education services endorsement. The board shall ensure that all members of the school community know who the affirmative action officer is and how to access him/her.

POLICY 2224 NONDISCRIMINATION/AFFIRMATIVE ACTION/HARASSMENT

The affirmative action officer shall:

- A. Coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all students and employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed.

The affirmative action team shall:

- A. Develop the comprehensive equity plan in compliance with administrative code;
- B. Oversee the implementation of the district's comprehensive equity plan;
- C. Collaborate with the affirmative action office in coordinating the required professional development training;
- D. Monitor the implementation of the comprehensive equity plan; and
- E. Conduct the annual district internal monitoring to ensure continuing compliance with state and federal law and code.

Harassment

The board of education shall maintain an instructional and working environment that is free from harassment of any kind. Administrators and supervisors will make it clear to all staff, pupils and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action in-service programs required by law for all staff.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment; or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment, or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the Hackettstown Schools. Harassment by board members, employees, parents, pupils, vendors and others doing business with the district is prohibited. Any child or staff

POLICY 2224 NONDISCRIMINATION/AFFIRMATIVE ACTION/HARASSMENT

member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the chief school administrator or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the chief school administrator/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination or harassment will result in appropriate disciplinary action.

School and Classroom Practices

In implementing affirmative action, the district shall:

- A. Identify and correct the denial of equality of educational opportunities for pupils solely on the basis of any classification protected by law;
- B. Continually reexamine and modify, as may be necessary, its school and classroom programs; location and use of facilities; its curriculum development program and its instructional materials; availability of programs for children; and equal access of all eligible pupils to all extracurricular programs.

These topics are included in the pupil and instruction policies of the district at #5145.4 Equal Educational Opportunity, #6121 Nondiscrimination/Affirmative action, and #6145 Co-curricular activities.

Contract/Employment Practices

The district directs the chief school administrator to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and pupils;
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion,

POLICY 2224 NONDISCRIMINATION/AFFIRMATIVE ACTION/HARASSMENT

personnel-management practices and collective bargaining agreements are structured and administered in a manner which furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding in-service programs on affirmative action for all staff in accordance with law.

These topics are included in the business and non-instructional operations, and the personnel policies of the district #3320, #3327, #4111.1 and #4211.1.

Disabled

In addition to prohibiting educational and employment decisions based on non-applicable disabling condition, the district shall, as much as feasible, make facilities accessible to disabled pupils, employees and members of the community as intended by Section 504 and as specified in the administrative code.

Report on Implementation

The chief school administrator shall devise regulations, including grievance forms and procedures to implement the district's affirmative action policies. He/she shall report to the board annually on the effectiveness of this policy and the implementing procedures.

Date: February 14, 1996

Revised: February 27, 2002

Revised: February 11, 2004

Revised: November 10, 2004

Revised: August 25, 2010

Legal References: See Appendix

Cross References: Affirmative Action, Discrimination, Americans with Disabilities Act, Access, Nondiscrimination, Sexual Harassment, Harassment, Equal Educational Opportunity