

NONDISCRIMINATION/AFFIRMATIVE ACTION

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, liability for service in the Armed Forces of the United States, nationality, or atypical hereditary cellular or blood trait of any individual, 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 Holmdel Township Board of Education will continue to support its Affirmative Action Resolution of August 20, 1986, 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. Following its approval by the Board of Education, a copy of the district's affirmative action plans and self-evaluation of affirmative action achievement shall be available in the Superintendent's Office and in the Office of the Affirmative Action Officer.

The Board authorizes the Superintendent 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 New Jersey Department of Education, the Board shall adopt it by resolution. The Superintendent 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 office.

Affirmative Action Officer(s)

The Board shall appoint a certified member or members of the staff as affirmative action officer(s), who shall serve as affirmative action/504 officer and/or desegregation coordinator(s). The Board shall adopt the job description of the affirmative action officer(s), granting to him/her the responsibility to facilitate, oversee and ensure the development and implementation of school and classroom practices plans, employment and contract practices plan, school desegregation plan and section 504 plans, as well as related inter-program coordination. The affirmative action officer(s) shall ensure that the district upholds all regulations, codes and laws related to equity in the schools.

The affirmative action officer(s) shall monitor compliance with this policy. The name, work location and telephone number of the district affirmative action officer(s) shall annually be made known to staff, pupils and members of the community in the calendar/handbook and other communications as appropriate.

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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 inservice 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;
- 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; and/or
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the Holmdel Township Public Schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff 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 Superintendent. 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 Superintendent/Board. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a 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:

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

These topics are included in the pupil and instruction policies of the district #5145.4 Equal Educational Opportunity, #6121 Nondiscrimination/Affirmative Action, and #6145 Extracurricular activities.

Contract/Employment Practices

The Board directs the Superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the New Jersey 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; and
- B. Continuing implementation and refinement of existing practices and affirmative action plans; making certain that all recruitment, hiring, evaluation, training, promoting, 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; and holding inservice programs on affirmative action for all staff in accordance with law.

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

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling condition(s), the district shall, as much as feasible, make facilities accessible to disabled pupils and employees as intended by the Americans with Disabilities Act Section 504 and as specified in the New Jersey Administrative Code.

Report on Implementation

The Superintendent 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.

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Source: Regular Public Meeting

Date: August 20, 1986

Revised: September 28, 1994

Revised: July 19, 1995

Revised: January 24, 1996

Revised:

Legal References: N.J.S.A. 2C:33-4 Harassment
N.J.S.A. 10:5 Law Against Discrimination
N.J.S.A. 18A:6-5, -6 Inquiry as to religion and religious tests prohibited . . .
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:26-1, -1.1 Citizenship of teachers, etc. . . .
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.A.C. 5:23-7 Barrier free subcode of the uniform construction code
N.J.A.C. 6:4-1.1 et. seq. Equality in educational programs
See particularly:
N.J.A.C. 6:4-1.3, -1.5, -1.6
N.J.A.C. 6:8-4.3 Quality assurance
N.J.A.C. 6:8-4.10 State and federally mandated programs and services

Executive Order 11246 as amended

Equal Pay Act of 1963 as amended, 29 U.S.C.A. 201

Title IX of the Education Amendments of 1972, 20 U.S.C.A. 1681

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972, 42 U.S.C.A. 2000e et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. 794 et seq.

Education of the Handicapped Act, 20 U.S.C.A. 1401 et seq.

Americans with Disabilities Act (ADA), U.S.C. 12101 et seq.

Meritor Savings Bank v. Vinson, 106 S. Ct. 2399 (1986)

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School Board of Nassau County v. Arline, 107 S. Ct. 1123 (1987)

Vinson v. Superior Court of Alameda County, 740 P.2d 404
(Cal, Sup. Ct. 1987)

State v. Mortimer, 135 N.J 517 (1994)

Taxman v. Piscataway Bd. of Ed. _____ F. 3d _____
(3d Cir. 1996)

Manual for the Evaluation of Local School Districts (June 1993)

Multi-year Equity Plan for 1996-97 through 1998-99, SDOE
Bureau of Equal Educational Opportunity, Doc. #MISM260040699

Possible

Cross References:	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/ conferences
	*4211	Recruitment, selection and hiring
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/ conferences
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

