

# POLICY

FILE CODE: 4111.1

BOARD OF EDUCATION  
CALIFON BOROUGH

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

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## NONDISCRIMINATION/AFFIRMATIVE ACTION

The Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action/equity program shall be a part of every aspect of employment not limited to but including upgrading; demotion or transfer; recruitment or recruitment advertising; renewal or non-renewal; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

The Board-designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

### Harassment and Favoritism

The Board of Education is an affirmative action employer and holds all its employees responsible for maintaining a working environment that is free from all discriminatory practices. Harassment or favoritism on any basis included in the Board's statement of equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions that constitute harassment and favoritism. This material shall be included in the legally mandated affirmative action in-service training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, appropriate disciplinary action will follow. All such determinations shall be reported to the Board.

### Sexual Harassment

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The Board of Education shall maintain a working environment that is free from sexual harassment.

Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment of an employee. Sexually harassing conduct committed by non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Chief School Administrator will receive all complaints and carry out a prompt and thorough investigation and will protect the rights of both the person making the complaint and the alleged harasser. In the event a grievance related to sexual harassment is made against the Chief School Administrator, the Personnel Committee of the Board of Education will receive the complaint and carry out a prompt and thorough investigation and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

"Whistleblower" Protection

The Board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the Board; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

The Board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act."

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Report on Implementation

The Chief School Administrator shall devise regulations, including grievance forms and procedures to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the affirmative action officer and the implementing procedures.

Date Adopted:

Date Revised:

Legal References:

N.J.S.A. 10:5-1 et seq. Law Against Discrimination

See particularly:

N.J.S.A. 10:5-3, -4.1,  
-12, -27

N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited

N.J.S.A. 18A:6-6 No sex discrimination

N.J.S.A. 18A:18A-17 Facilities for handicapped persons

N.J.S.A. 18A:26-1 Citizenship of teachers, etc.

N.J.S.A. 18A:26-1.1 Residence requirements prohibited

N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers

N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act

N.J.A.C. 6:4-1.1 et seq. Equality in Educational Programs

See particularly:

N.J.A.C. 6:4-1.3, -1.6

N.J.A.C. 6:8-4.1 Review of mandated programs and services

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Executive Order 11246 as amended

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

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

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

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

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

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

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

Manual for the Evaluation of Local School Districts (August 2000)

Multi-year Equity Plan for the Academic Years 2000-2001 through 2002-2003, New Jersey State Department of Education Division of Student Services Office of Bilingual Education and Equity Issues

Key Words

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action