

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

REPLACES GBM, GCT, AND CGDA

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital 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 Black Horse Pike Regional School District Board of Education will continue to support its Affirmative Action Resolution adopted annually, 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 Office.

Affirmative Action Officer and Team

The Board shall annually appoint a member of the staff as the 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.

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

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;

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

- 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 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, building principal or a staff member whom they feel comfortable discussing the matter with. Instructions for reporting a Sexual Harassment incident are detailed in Procedure #2224. 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 prompt and 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;

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

- 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 Extracurricular 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, personnel-management practices and collective bargaining agreements are structured and administered in a manner that 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 at #3320, #3327, and #4111.1.

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

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

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.

Grievance Procedures for administrators, supervisors, and teachers are found in labor agreements between those groups and the Board of Education. For all other staff members, the following procedure shall be followed to process grievances:

Level One

Any staff member who believes he/she is not being treated fairly with respect to State or Federal statute, New Jersey Administrative Code, Board Policy, or treatment of other staff members must discuss the complaint with his/her immediate supervisor. The purpose of the Level One discussion is to resolve misunderstandings and problems in an informal atmosphere. If the principal is the immediate supervisor, the informal discussion still must take place.

Level Two

If the matter is not resolved satisfactorily at Level One, the employee may file a written grievance with the building principal. The written grievance should state:

1. The nature and date of the alleged occurrence in reasonable detail.
2. The results of the informal discussion with the immediate supervisor
3. The reason for dissatisfaction with the supervisor's efforts to resolve the matter.
4. The corrective action deemed to be needed to resolve the problem.

The principal may call the supervisor and employee to attend an informal discussion session before responding in writing to the employee's grievance. The principal shall respond in writing within ten (10) school days. A copy of the principal's response shall be distributed to the supervisor involved and the Superintendent, along with a copy of the initial grievance filed by the employee.

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

Level Three

If the employee is not satisfied with the principal's response, an appeal may be filed in writing with the Superintendent. The appeal must indicate why the principal's response was not satisfactory. The Superintendent may meet informally with the employee and/or the principal and supervisor to seek additional information and to attempt to resolve the matter to the satisfaction of all parties. The Superintendent shall respond in writing within ten (10) school days of receipt of the appeal. Copies of the Superintendent's response shall be directed to the supervisor, principal, and Board Secretary. The Board Secretary's copy shall also include a copy of the initial grievance filed by the employee and the principal's response.

Level Four

If the employee is not satisfied with the Superintendent's response, an appeal may be filed in writing to the Board Secretary. The appeal should request a meeting with the Board or a committee of the Board and state why the Superintendent's response was not satisfactory. The Board, or a committee of the Board, at the discretion of the Board President, shall meet with the employee in Executive Session at the next workshop or regular Board Meeting. The Board Secretary shall communicate the decision of the Board in writing within five (5) school days after the Board acts. Copies of the Board decision shall be directed to the Superintendent, principal, and supervisor. The decision of the Board shall be final except in matters of law where the employee may appeal to the appropriate judicial body.

General

In matters of discrimination, the affirmative action officer shall be present for all discussions and shall be copied on all correspondence, appeals, and decisions.

Monitored and
Mandated

POLICY

ADMINISTRATION

2224

Page { PAGE }
of {
NUMPAGES }

TITLE: NONDISCRIMINATION/AFFIRMATIVE ACTION

REFERENCE:

N.J.S.A. 2C:33-4; 10:5.1 et seq; 18A:6-5; 18A:606; 18A:18A-17; 18A:26-1; 18A:26-1.1; 18A29-2; 18A:36-20; N.J.A.C. 5:23-7.1 et seq; 6:4-1.1 et seq. 6:4-1.3,-1.5,-1.6; 6:8-2.1; 6:8-4.1; 6A:30-1.1 et seq. This policy is monitored and mandated.

DATE
ADOPTED:

September 18, 1980

DATE (S)
REVISED:

December 15, 2005