

**CRANFORD PUBLIC SCHOOLS  
CRANFORD, NEW JERSEY**

**POLICY: NONDISCRIMINATION/AFFIRMATIVE ACTION**

The Cranford Board of Education guarantees to all persons equal and bias free 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, or non-applicable disability, liability for service in Armed Forces of the United States, or nationality. The Cranford Board of Education will not discriminate in employment practices against individuals with atypical hereditary cellular blood traits or because of genetic information or refusal to submit to make available the results of a genetic test or domestic partnership status. In cases of a physical disability, the district will not discriminate unless the nature and extent of the disability reasonably precludes the performance of the particular employment.

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, layoff or termination, rates of pay or other forms of compensation such as fringe benefits, employment selection or selection for training and apprenticeships, promotion, or tenure.

With respect only to affectional or sexual orientation, nothing contained herein shall be construed to require the imposition of affirmative action plans or quotas as specific relief from an unlawful employment practice or unlawful discrimination.

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 Cranford 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 relating to equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions which 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. When harassment has been determined to have taken place, disciplinary action will follow. All such determination shall be reported to the board.

Sexual Harassment

The Cranford 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. Sexual harassment by non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The supervisor or 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 in the form of sexual harassment will result in appropriate disciplinary action.

#### "Whistle blower" 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."

#### Report on Implementation

The Superintendent of Schools 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.

#### Legal References:

<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
<u>See particularly:</u>	
<u>N.J.S.A.</u> 10:5-3,-4.1, -12, -27	
<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	Domestic Partnership Act
<u>N.J.S.A.</u> 34:19-1 <u>et seq.</u>	Conscientious Employee Protection Act
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:7-1.4, -1.8	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services

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

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)

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4211	Recruitment, selection and hiring
	*4212.8	Nepotism
	*4247	Employee safety
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

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

Adopted: July 15, 1975

Revised: April 14, 1997

Revised: November 26, 2007

Revised: