

**CRANFORD PUBLIC SCHOOLS
CRANFORD, NEW JERSEY**

POLICY: NONDISCRIMINATION/AFFIRMATIVE ACTION

The Cranford Board of Education will continue to support its Affirmative Action Resolution 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. A copy of the district's affirmative action plans and self-evaluation of affirmative action achievement shall be available in the district office.

Harassment

The Board of Education shall maintain an instructional and working environment that is free from harassment, intimidation, bullying or harassment of any kind on school property, at a school sponsored function or on a school bus. 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 of staff or children interferes with the learning process and will not be tolerated in the Cranford schools. 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. 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 Cranford 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 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 or Board President. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure that 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. 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;
- 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, and #6121 Nondiscrimination/Affirmative Action.

Contract/Employment Practices

The district directs the superintendent 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 contracts 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 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 at #4111.1.

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling conditions, the district shall, as much as feasible, make facilities accessible to disabled pupils and employees as intended by Section 504, the Americans with Disabilities Act and as specified in the administrative code.

Affirmative Action Officer

The Board-appointed affirmative action officer shall focus on possible discriminatory practices in personnel and educational activities, and suggest to the Board ways in which to correct any discriminatory practices found.

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 shall monitor compliance with this policy. The name, work location and telephone number of the district affirmative action officer shall be made known to staff, pupils and parents/guardians annually.

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.

(continued)

Legal References: 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

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended
20 U.S.C.A. 1681 - 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. - Education of the Handicapped Act
42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)
Meritor Savings Bank v. Vinson, 106 S. Ct. 2399 (1986)
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)
Manual for the Evaluation of Local School Districts (June 1993)

Possible

Cross References: 4111

Selection and employment of personnel
4111.1 Equal educational opportunity
4111.11 Affirmative action
4111.12 Affirmative action and Chapter 504 Grievance procedures
4111.2 Elimination of discrimination on the basis of handicap in district
4111.3 Sexual harassment
4131/4131.1 Staff development; in-service education/ Visitations/conferences
4231/4231.1 Staff development; in-service education/ Visitations/conferences
5145.4 Student rights and responsibilities
6121 Affirmative action
6145 Extracurricular activities

Adopted: October 28, 1996

Revised: February 11, 2008