

**NON-DISCRIMINATION / AFFIRMATIVE ACTION – CERTIFIED STAFF**

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, gender identity and expression, affectional or sexual orientation, marital or civil union status, familial status, pregnancy, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, non-applicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job. Further state and federal protections are extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

Reasonable accommodations, not directly affecting the educational and/or instructional program, shall be made to accommodate employment conditions to the needs of qualified persons with handicaps/disabilities.

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 including sexual 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 including sexual harassment and favoritism. This material shall be included in the legally mandated affirmative action inservice 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.

**Report on Implementation**

The Superintendent 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.

**"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;

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- 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

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

Comprehensive Equity Plan New Jersey State Department of Education

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**Cross References:** \*2224 Nondiscrimination/affirmative action  
\*3320 Purchasing procedures  
\*4111 Recruitment, selection and hiring  
\*4111.2 Sexual Harassment  
\*4111.3 "Whistleblower Protection"  
\*4112.8 Nepotism  
\*4147 Employee safety  
\*5145.4 Equal educational opportunity  
\*6121 Nondiscrimination/affirmative action

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

**Key Words**

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action, Whistleblower

Approved: April 28, 2008

Revised: September 8, 2014, January 6, 2016, October 24, 2016