

NON-DISCRIMINATION/AFFIRMATIVE ACTION

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, gender identity and expression affectional or sexual orientation, marital or civil union status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, pregnancy, 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 Old Tappan 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.

The Board authorizes the Superintendent 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 Superintendent 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.

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;

NON-DISCRIMINATION/AFFIRMATIVE ACTION (continued)

- 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, students and vendors that harassment is prohibited. Sexual harassment (See Board Policy 2224.1 Sexual Harassment) shall be specifically addressed in the affirmative action inservice programs required by law for all staff.

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 indicated in policy and/or as determined and imposed by the Superintendent/Board. Law enforcement shall be summoned when appropriate. This policy statement on harassment shall be distributed to all staff members. Staff or students 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.

Pregnancy

The Board prohibits discrimination against pregnant women and those who suffer medical conditions related to pregnancy and childbirth. The Superintendent/designee shall ensure that reasonable accommodations are made that will allow pregnant women to maintain a healthy pregnancy or recovery from childbirth, without being removed from their positions, placed on unpaid leave, or fired.

The District shall provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.

Requested accommodations that cause the District an undue hardship are not required by law and shall not be provided.

School and Classroom Practices

In implementing affirmative action, the District shall:

- A. Identify and correct the denial of equality of educational opportunities for students solely on the basis of any classification protected by law;
- B. Continually reexamine and modify, as may be necessary, its school and classroom

NON-DISCRIMINATION/AFFIRMATIVE ACTION (continued)**School and Classroom Practices (continued)**

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 students to all extracurricular programs.

These topics are included in the student 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 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 contacts with District staff and students;
- 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 inservice 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, #4111.1 and #4211.1.

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 students, employees and members of the community as intended by Section 504 and as specified in the administrative code.

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.

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:16-1 <u>N.J.S.A.</u> 2C:33-4 <u>N.J.S.A.</u> 10:5-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:6-5 <u>N.J.S.A.</u> 18A:6-6 <u>N.J.S.A.</u> 18A:18A-17 <u>N.J.S.A.</u> 18A:26-1 <u>N.J.S.A.</u> 18A:26-1.1 <u>N.J.S.A.</u> 18A:29-2 <u>N.J.S.A.</u> 18A:37-14 through -19 <u>N.J.S.A.</u> 18A:36-20 <u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u> <u>N.J.A.C.</u> 5:23-7.1 <u>et seq.</u>	Bias intimidation Harassment Law Against Discrimination Inquiry as to religion and religious tests prohibited No sex discrimination Facilities for handicapped persons Citizenship of teachers, etc. Residence requirements prohibited Equality of compensation for male and female teachers Harassment, intimidation, and bullying defined; definitions Discrimination; prohibition Domestic Partnership Act Barrier free subcode of the uniform construction code
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NON-DISCRIMINATION/AFFIRMATIVE ACTION (continued)**Legal References: (continued)**

- N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
 See particularly:
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.7, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 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 - NON-DISCRIMINATION/AFFIRMATIVE ACTION IX of the Education Amendments of 1972
- 42 U.S.C.A. 2000e et seq. - NON-DISCRIMINATION/AFFIRMATIVE ACTION 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)
- State v. Mortimer, 135 N.J. 517 (1994)
- Taxman v. Piscataway Bd. of Ed. 91 F. 3d 1547 (3d Cir. 1996)
- Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
- Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)
- The Comprehensive Equity Plan, New Jersey State Department of Education
- New Jersey State Department of Education Division of Student Services Office of Bilingual Education and Equity Issues

Cross References:

- *3320 Purchasing procedures
 *4111 Recruitment, selection and hiring
 *4111.1 Nondiscrimination/affirmative action
 *4131/4131.1 Staff development; inservice education/visitations/conferences
 *4211 Recruitment, selection and hiring
 *4211.1 Nondiscrimination/affirmative action
 *4231/4231.1 Staff development; inservice education/visitations/conferences
 *5145.4 Equal educational opportunity
 *6121 Nondiscrimination/affirmative action
 *6145 Extracurricular activities

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

Key Words

Affirmative Action, Discrimination, Americans With Disabilities Act, Access, Nondiscrimination, Sexual Harassment, Harassment, Equal Educational Opportunity

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