

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 2224

EQUAL OPPORTUNITY/NONDISCRIMINATION/HARASSMENT

The Cherry Hill Board of Education is committed to providing all students and employees with equal opportunity access to school district facilities, courses, programs, activities and services in accordance with State and federal law.

The Cherry Hill Board of Education commits to providing all staff and students maximum opportunity to achieve their potential regardless of race, color, creed, national origin, ancestry, age, sex, affectional, sexual orientation, or gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, Limited English Proficiency, social or economic condition, pregnancy, childbirth, parenthood or family status, or disability.

I. EMPLOYMENT PRACTICES

It is the policy of the Cherry Hill Board of Education to promote diversity and equal access to all categories of employment, including retention and advancement in the District, through a positive continuing program or specific practices designed to ensure the full realization of equal employment opportunity without regard to the prohibited factors set forth above.

Equal employment opportunity is not only the law, but it is a principle of the Cherry Hill Board of Education's operation. All employees are expected to cooperate in achieving this goal and the Board stands behind this principle. To implement this policy, the Board will continue to:

- A. Recruit, hire, train and promote persons in all job classifications without regard to the prohibited factors set forth above;
- B. Insure that all personnel actions, including but not limited to, compensation, promotions, demotions, benefits, transfers, layoffs, return from layoffs, District sponsored training, education, tuition assistance, social and recreational programs will be administered without regard to the prohibitive factors set forth above; and
- C. Refrain from doing business with any vendor who fails to comply with the principles of nondiscriminatory employment practices required by New Jersey law for public contracts.

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II. ACADEMIC AND CLASSROOM PRACTICES

The Board of Education requires equal educational opportunity for all students enrolled in the educational and vocational programs and activities of the School District, including but not limited to: course offerings, athletic programs, guidance and counseling, and tests and procedures, regardless of the prohibited factors set forth above.

Staff members are required to maintain professional relationships with students at all times. Staff members must respect the individual rights and dignity of all students.

Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to his/her program, consistent with District goals and with equal opportunities for students. This goal shall be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all students;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Treating all pupils with consistent fairness; and
- D. Maintaining a learning/educational environment that is free of hostility, discrimination and favoritism.

Similarly, students shall respect the rights of other students to receive an education in an atmosphere that is conducive to learning and free from discriminatory practices. No student, therefore, shall have the right to abridge another student's rights, as delineated in the policy.

III. HARASSMENT/INTIMIDATION

It is the policy of the Cherry Hill Board of Education that all employees and students shall have the right to a work and learning environment that is free of intimidation, harassment, and hostility. The Board holds all of its employees responsible and accountable for maintaining a work and learning environment that is free of harassment and discriminatory practices, including expressions of hate and bias.

The forms of prohibited harassment may include, but are not limited to, the following:

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- A. Verbal harassment, such as epithets, degrading or derogatory comments or questions by either gender, jokes, slurs, telephone calls, invitations, negative stereotyping, or threatening, intimidating, or hostile acts;
- B. Physical harassment, such as unnecessary or offensive touching, assaulting or impeding or blocking movement; (and Visual harassment, such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, gestures, or symbols.)
- C. Non-Verbal, such as the distribution, display or discussion, of any written or graphic material (including email) that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race, religion, age, gender, sexual orientation, pregnancy, appearance disability, marital status, citizenship or other protected status.
- D. Sexual harassment including, but not limited to, unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature that is made a term or condition of employment, is the basis for decisions affecting employment and assignment or education, substantially interferes with an individual's work or school performance or creates a hostile environment. The Board's sexual harassment policy is more particularly set forth in Policy 4111.1/4211.1: Sexual Harassment of Employees/Students, which is incorporated herein by reference.

Administrators and supervisors are directed to make it clear to all employees that all conduct that reasonably may lead an individual to believe that he/she is being harassed or discriminated against, or that results in a hostile work/learning environment, is strictly prohibited. This includes all inappropriate behavior, as defined above: (1) between an employee and a student, (2) among and between students, (3) among and between employees, and/or (4) among employees, students, and any vendor, contractor, consultant and/or agent having business with the School District.

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IV. IMPLEMENTATION/ENFORCEMENT

The Superintendent shall be responsible for development of procedures regarding the implementation of this policy to include: sanctions, protection of individual rights to confidentiality, due process, and notification procedures. The Superintendent shall insure annually, that all staff and all students (in means and terms that are age-appropriate) shall be thoroughly informed of this policy, their right to file a grievance under this policy and of the procedures relative to filing. The Board shall annually appoint a certificated staff member to serve as the District's Affirmative Action Officer. The Affirmative Action Officer will ensure that District grievance procedures are followed and shall oversee the District's affirmative action team. In conjunction with the Affirmative Action Officer, the affirmative action team is responsible for developing and overseeing a comprehensive equity plan, coordinating employee training programs and monitoring the District's compliance with State and federal law. The Board shall through its Administration annually inform employees and students of the Affirmative Action Officer's identity.

Further, the Superintendent shall be responsible for the development, dissemination and implementation of a grievance procedure, by which any aggrieved individual may file a complaint. All such complaints shall be thoroughly investigated. Throughout all investigations, confidentiality shall be protected. Thereafter, the Affirmative Action Officer will confer with the Superintendent to determine the appropriate course of action, and the Superintendent shall recommend same to the Board. A post-determination investigation shall be conducted to determine whether the corrective action, if any, was satisfactory. No individual will suffer reprisals for reporting any violation of this policy or making any complaint hereunder.

Any individual who is found to be responsible for harassment or other prohibited discriminatory conduct shall be subject to appropriate discipline. The severity of the disciplinary action will be based upon the circumstances of the infraction, and may result, among other things, in dismissal (for employees) and suspension or expulsion (for students).

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The Board hereby directs the Superintendent of Schools to develop, periodically review and update, and implement appropriate administrative procedures consistent with this policy, including but not limited to: (1) the appointment of an Affirmative Action Officer for the School District; (2) development, dissemination and enforcement of appropriate grievance procedures; (3) provision of appropriate inservice training activities for staff, and the periodic evaluation of all employment, academic and classroom practices.

V. PROTECTION AGAINST RETALIATION:

The Board shall not take any punitive action against an employee or student who discloses an activity or practice reasonably believed to violate federal law, State law or Board policy. The Board shall provide notice to employees regarding their rights under the Conscientious Employee Protection Act.

Legal References:

<u>N.J.S.A. 10:5-1 et seq.</u>	<i>Law Against Discrimination</i>
<u>N.J.S.A. 18A:4A-1 et seq.</u>	<i>New Jersey Commission on Holocaust Education</i>
<u>N.J.S.A. 18A:18A-17</u>	<i>Facilities for handicapped persons</i>
<u>N.J.S.A. 18A:35-1</u>	<i>Course in history of the United States in high school</i>
<u>N.J.S.A. 18A:36-20</u>	<i>Discrimination; prohibition</i>
<u>N.J.A.C. 6A:7-1.1 et seq.</u>	<i>Managing for Equality and Equity in Education</i>
<i>See particularly:</i>	
<u>N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9</u>	
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	<i>Evaluation of the Performance of School Districts</i>
<u>N.J.A.C. 6A:32-12.1</u>	<i>Reporting requirements</i>
<u>N.J.A.C. 6A:32-14.1</u>	<i>Review of mandated programs and services</i>
<u>20 U.S.C.A. 1681 et seq.</u> - <i>Title IX of the Education Amendments of 1972</i>	
<u>29 U.S.C.A. 794 et seq.</u> - <i>Section 504 of the Rehabilitation Act, of 1973</i>	
<u>20 U.S.C.A. 1401 et seq.</u> - <i>Individuals with Disabilities Education Act (IDEA)</i>	
<u>42 U.S.C.A. 12101 et seq.</u> - <i>Americans with Disabilities Act (ADA)</i>	
<u>No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.</u>	
<u>Gebser v. Lago Vista Indep. School Dist.</u> 524 U.S. 274 (1998)	
<u>Davis v. Monroe County Bd. of Ed.</u> 526 U.S. 629 (1999)	
<i>The Comprehensive Equity Plan, New Jersey State Department of Education Executive Order 11246 as amended</i>	

Related Policy and Procedure:

Policy 4111.1/4211.1: Sexual Harassment of Employees/Students
Procedure G-2: Grievance Procedure for Alleged Violation
Procedure G-10: Rehab Act '73, Grievance Proc. (504 Sec)

Adopted: 08/21/95

Amended: 9/18/95, 7/25/00, 2/22/05, 5/27/08,5/24/11