

NONDISCRIMINATION/AFFIRMATIVE ACTION

The Holmdel Township 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, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, or nonapplicable handicap.

An affirmative action 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 including fringe benefits; employment 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 may occur in the future.

Harassment and Favoritism

The Holmdel Township 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 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 which constitute 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. 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 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. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. 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.

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 identify and location of the Affirmative Action Officer and for an annual report to the Board on the effectiveness of this policy and the implementing procedures.

**Source:** Regular Board Meeting

**Date:** August 20, 1986

**Revised:** September 28, 1994

**Revised:** February 22, 1995

**Revised:** January 24, 1996

<b>Legal References:</b>	<u>N.J.S.A.</u>	10:5	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, -6	Inquiry as to religion and religious tests prohibited . . .
	<u>N.J.S.A.</u>	18A:7D-1 <u>et seq.</u>	Quality Education Act
	<u>N.J.S.A.</u>	18A:18A-17	Facilities for handicapped persons
	<u>N.J.S.A.</u>	18A:26-1, -1.1	Citizenship of teachers, etc. . .
	<u>N.J.S.A.</u>	18A:29-2	Equality of compensation for male and female teachers
	<u>N.J.A.C.</u>	6:4-1.1 <u>et seq.</u>	Equality in educational programs
	<u>See particularly:</u>		
	<u>N.J.A.C.</u>	6:4-1.3, -1.6	
	<u>N.J.A.C.</u>	6:8-4.3	Quality assurance
	<u>N.J.A.C.</u>	6:8-4.10	State and Federally mandated programs and services

Executive Order 11246 as amended

Equal Pay Act of 1963 as amended, 29 U.S.C.A. 201

Title IX of the Education Amendments of 1972, 20 U.S.C.A. 1681

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972, 42 U.S.C.A. 2000e et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. 794 et seq.

Education of the Handicapped Act, 20 U.S.C.A. 1401 et seq.

Americans with Disabilities Act (ADA), U.S.C.A. 12101 et seq.

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:

- \*2224 Nondiscrimination/affirmative action
- \*3320 Purchasing procedures
- \*4211 Recruitment, selection and hiring
- \*4212.8 Nepotism
- \*5145.4 Equal educational opportunity
- \*6121 Nondiscrimination/affirmative action

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

