

EQUAL EDUCATIONAL OPPORTUNITY

The Holmdel Township Board of Education shall provide an equal opportunity for all enrolled children to achieve their maximum potential through the program offered in these schools regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, social or economic condition or disability. Enforcement of other district affirmative action policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members are expected to maintain a professional relationship with pupils at all times and to develop wholesome and constructive relationships with pupils. Staff members shall be expected to regard each pupil as an individual and to accord each the rights and respect that is their due.

Staff members shall strive to provide a learning environment that promotes fulfillment of each pupil's potential in regard to his/her program, consistent with district goals and with optimum opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of academic accomplishment for all pupils;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of pupils; and
- D. Treating all pupils with consistent fairness.

The Board of Education guarantees to all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupil shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one--including pupils, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/discrimination of any kind against any member of the school community on any of the grounds as prohibited by law.

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Harassment is defined as a repeated pattern of unprovoked aggressive behaviors of a physical and/or psychological nature carried out by an individual or a group against an individual or group with the effect of causing harm or hurt. Harassing behaviors are all those behaviors that are unwelcome, unwanted, and uncomfortable in the view of a reasonable person. They all have the effect of creating a hostile environment.

Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Sexual Harassment

Particularly, the Board of Education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges, and other benefits of education.
- B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil.
- C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupil's standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of sexual nature within the school setting.

Any member of the student body may file a formal grievance related to sexual harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status nor affect future grades or class assignments.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

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Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation will be made to the Superintendent.

Violations of this policy or its related procedures shall be cause for disciplinary or appropriate legal action.

Implementation

The Superintendent shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The Superintendent shall insure that, annually, all staff and all pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's affirmative action officer(s) and how they may be contacted.

The Superintendent shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of an educational environment.

In order to carry out the intent of this policy, the Board directs the Superintendent to develop systematic programs and procedures for Board approval and subsequent implementation. These procedures will involve a periodic review of programs in operation and the initiation, through affirmative action, of new programs or procedures where appropriate. These will include but not be restricted to such areas as:

- A. Equal employment and promotional procedures for district personnel;
- B. Orientation of new personnel;
- C. Inservice training and staff development;
- D. Curriculum content and teaching techniques;
- E. Counseling and other supportive services for pupils; and
- F. Attendance and disciplinary procedures.

Source: Regular Board Meeting

Date: August 20, 1986

Revised: September 28, 1994

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Legal References:	<u>N.J.S.A.</u>	10:5	Law Against Discrimination
	<u>N.J.S.A.</u>	18A:36-20	Discrimination; prohibition
	<u>N.J.S.A.</u>	18A:38-5.1	No child to be excluded from school because of race, etc.
	<u>N.J.A.C.</u>	6:4-1.3	Policy development
	<u>N.J.A.C.</u>	6:4-1.5	School and classroom practices
	<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

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

Section 504 of the Rehabilitation Act of 1973, 20 U.S.C.A. 794 et seq.

Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) -- Part B, 20 U.S.C.A. 1400 et seq.

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

Manual for the Evaluation of Local School Districts (June 1993)

Possible

Cross References:	*2224	Nondiscrimination/affirmative action
	*4111.1	Nondiscrimination/affirmative action
	*4211.1	Nondiscrimination/affirmative action
	*5134	Married/pregnant pupils
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6171.4	Special education

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

