



# SAYREVILLE PUBLIC SCHOOLS

*MANDATED TRAINING  
2015-16*

Prepared for Presentation to All Staff by:  
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# AFFIRMATIVE ACTION

## Introduction

- ▶ In June 1972, congress passed Title IX on the Educational Amendments and in 1975, the State of New Jersey passed Title 6 requiring that all schools district develop and submit Resolutions on Equality in Education programs, Affirmative Action plan for Schools and classroom practices, and affirmative action plans for employment/contract practice, dealing with contractual and vendor compliance and regulations.
- ▶ In 1984 school districts were required to update their employment practice plans by the setting of minority employment goals to be self-monitored but regulated by the board of education.

## Introduction

- ▶ Focusing in particular on education and jobs, affirmative action policies required that active measures be taken to ensure that blacks and other minorities enjoyed the same opportunities for promotions, salary increases, career advancement, school admissions, scholarships, and financial aid that had been the nearly exclusive province of whites.
- ▶ Affirmative action is intended to promote equal opportunity. From the outset, affirmative action was envisioned as a temporary remedy that would end once there was a "level playing field" for all Americans.

# Affirmative Action Defined

- ▶ Affirmative action is:
  - ▶ policies that take factors including "race, color, religion, gender, sexual orientation or national origin" into consideration in order to benefit an underrepresented group, usually justified as countering the effects of a history of discrimination.



# Affirmative Action Defined

- ▶ Affirmative action refers to concrete steps that are taken not only to eliminate discrimination—whether in employment, education, or contracting—but also to attempt to redress the effects of past discrimination.
- ▶ The underlying motive for affirmative action is the Constitutional principle of equal opportunity, which holds that all persons have the right to equal access to self-development.
- ▶ In other words, persons with equal abilities should have equal opportunities.

# Types of Affirmative Action Programs

- ▶ The extent to which affirmative action programs attempt to overturn discrimination differs widely. Some programs simply institute reviews of the hiring process for women, minorities, and other affected groups.



# Affirmative Action Office

- ▶ New Jersey City Schools under the direction of the New Jersey Board of Education, established an Affirmative Action Office. The idea is to enforce Federal and State laws and maintain the obligation to hire and develop individuals who represent the State of New Jersey diverse Educational and other communities by embracing the following governing laws:





# Affirmative Action Governing Laws

- ▶ District Compliance of Title VI and VII of the Civil Rights Act, 1964
- ▶ Title IX of the Education Amendments, 1972
- ▶ Section 504 of the Rehabilitation Act, 1973
- ▶ The Americans with Disabilities Act, 1990 □ Individuals with Disabilities Education Act (I.D.E.A.) of 1997 □ Equal Pay Act of 1973
- ▶ Article I, Paragraph 5 of the N.J. State Constitution
- ▶ N.J.S.A. 18A:36-20, Equality in Educational Programs, Prohibition of Discrimination
- ▶ N.J.S.A.10:5 N.J. Law Against Discrimination
- ▶ N.J.A.C. 6A:7 Managing for Equality and Equity in Educational Programs
- ▶ N.J.S.A. 18A:35-1, History of the United States

# Proactive Affirmative Action Policies and Procedures

- ▶ If a public or private school wishes to remain proactive when it comes to affirmative action it is also necessary to provide the following:
- ▶ Comprehensive Policy prohibiting discrimination of any type, harassment of any type (especially sexual or racial) to any individual, and equal opportunity to education and employment.
- ▶ Administrative Procedures. It is vital that these policies are well-defined in administrative regulations

# Proactive Affirmative Action Policies and Procedures

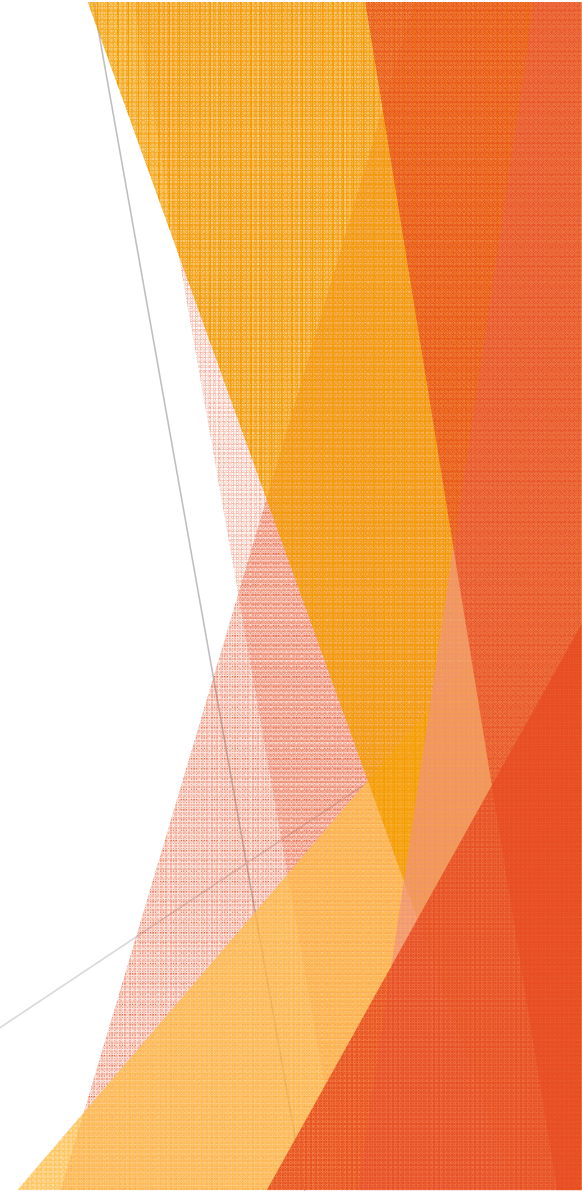
- ▶ Communication to all students, staff, and the public-at-large.
- ▶ Personnel development on an annual basis of the policy and procedures to protect all individuals from discrimination, whether it is in employment, activities and programs, or services.
- ▶ An Affirmative Action or Equity Plan.



# Diversity for Employees

# Why is Diversity Important?

- ▶ The world has changed and organizations and employers must compete.
- ▶ Diversity and affirmative action are often used interchangeably, but it is important to understand how they differ.
- ▶ Affirmative action is the legal obligation designed to rectify years of discrimination regarding the hiring and promotion of minorities and women.
- ▶ Diversity, on the other hand, is recognizing the value added by the differences between people.



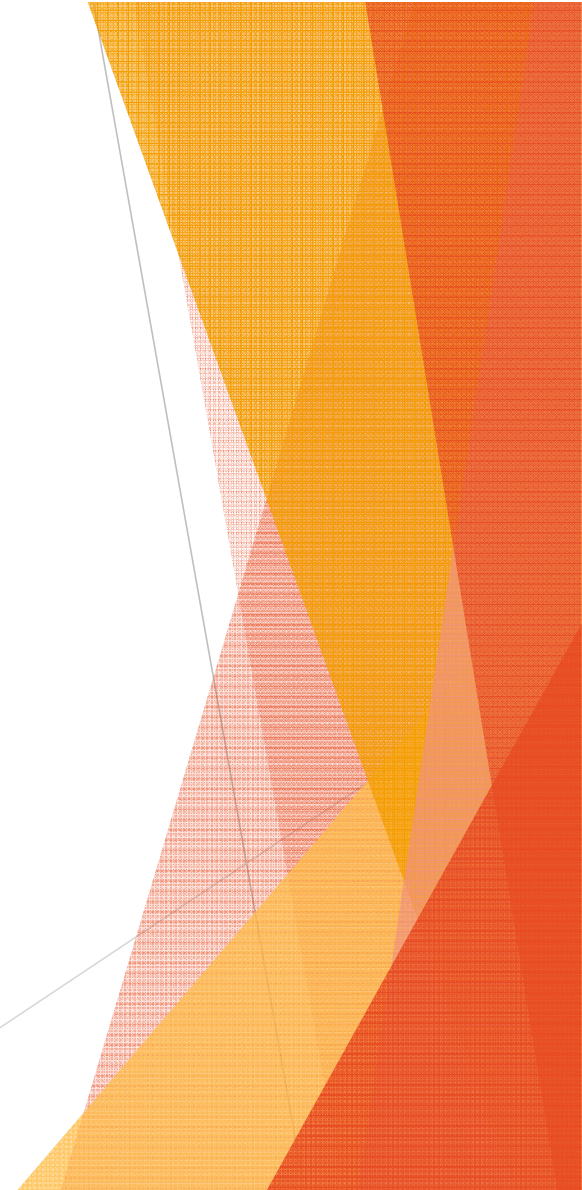
# Implementing Diversity

- ▶ Diversity is first and foremost about teaching employees respect and inclusion.
- ▶ Implementing diversity is about teaching managers how to effectively manage this diverse population.
- ▶ It is about actively developing a culture where a diverse population can thrive; creating a welcoming environment and a reputation which attracts top talent.



# Creating Opportunities for Success

- ▶ Diversity is about helping a person learn the culture of your organization and about you learning the culture of new employees.
- ▶ It is about gaining from your staff's cultural experience and using this experience to leverage new markets.



# Learning about Different Cultures

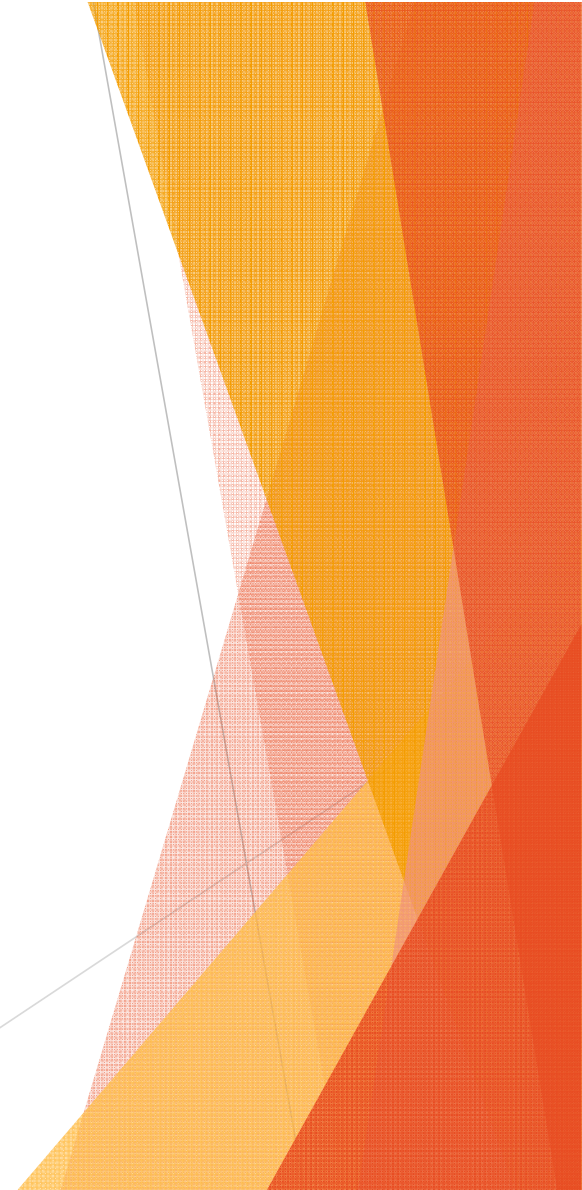
- ▶ The focus of diversity is to gain understanding and help each person open his or her mind to the various cultures.
- ▶ It would be impossible for any program to teach you about all potential cultures; rather, the goal is to teach employees to be respectful, to listen, to watch, to pay attention, and to be willing to learn.





## Using your listening skills

- ▶ Each employee must listen and learn from others. They must be willing to learn about different cultures, and in return, be prepared to share their own unique culture.
- ▶ New employees should be educated on the culture of their department and the culture of the workplace as a whole.
- ▶ Understanding workplace culture is important to the integration and success of the new employee.



# Respect is the Universal Language

- ▶ Employees need to be respectful and accepting of different cultures.
- ▶ When you respect and learn about others, you will find that your relationship with others will be reciprocated.



# Show Respect in All You Do

- ▶ Be willing to understand and view the world from a broader perspective.
- ▶ Consider the impact of your words and actions.
- ▶ Before you approach a co-worker, or even send an e-mail, think about your words and how they might affect the other person.



# Put Yourself in the Shoes of Others

- ▶ Always speak with kindness.
- ▶ Think about the damage that can come from just ONE derogatory comment or email and think about how long it will take to repair the damage.
- ▶ If you feel that discrimination is taking place, speak with your Assistant Superintendent of Human Resources.

## Conclusion

- ▶ Valuing diversity in the workplace is essential to success in this expanding global economy.
- ▶ A diverse workforce brings about innovation through varied viewpoints and experiences.
- ▶ Learning to effectively, and respectfully, communicate with co-workers enhances productivity and supports positive growth.

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# SEXUAL HARASSMENT

# Respectful Workplace

- ▶ A workplace is supposed to be a respectful and cohesive environment where employees can be free to perform their job without harassment.
- ▶ Both employers and employees should work to prevent sexual harassment in the workplace before it begins through education about appropriate workplace behaviors and about the employer's policies for handling inappropriate situations in the event they do occur.

# Sexual Harassment Defined

- ▶ Sexual harassment is a form of sex discrimination.
- ▶ According to the U.S. Equal Employment Opportunity Commission, the legal definition is as follows:
  - ▶ Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature constitute sexual harassment when one or all of the following are present.



# Sexual Harassment Defined

- ▶ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- ▶ Submission to or rejection of the conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of the individual's employment; or
- ▶ The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

## Quid Pro Quo Defined

- ▶ There are two basic kinds of sexual harassment: quid pro quo and hostile environment.
- ▶ Quid pro quo harassment occurs when one person pressures another for sexual favors with either the promise of some positive employment decision or the threat of negative employment action, regardless of whether the promise or threat can be or is carried out.

## Quid Pro Quo Defined

- ▶ This category of sexual harassment includes: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- ▶ Quid pro quo in Latin literally translates to “this for that”, and occurs when this conduct is tied either explicitly or implicitly to the employee’s employment.
- ▶ In other words, accepting or rejecting the harassment effects employment decisions regarding the employee, such as promotion, pay raise, better assignments and schedules, more lucrative sales accounts, etc.

## Examples of Quid Pro Quo

- ▶ Examples may include the requirement to submit to sexual requests or you will be “fired, demoted, intimidated, passed over for a promotion or in some other way made miserable on the job.”



## Hostile Environment Defined

- ▶ Hostile environment harassment occurs when a person engages in conduct such as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.



# Hostile Environment Defined

- ▶ Since hostile environment sexual harassment can be subtle, it can be difficult to distinguish it from appropriate work behavior.
- ▶ Hostile work environments can be created by subtle pressure for sexual activity; unnecessary physical brushes or touches; verbal commentary about an individual's body, looks, sexual prowess or sexual deficiencies; and sexual graffiti.

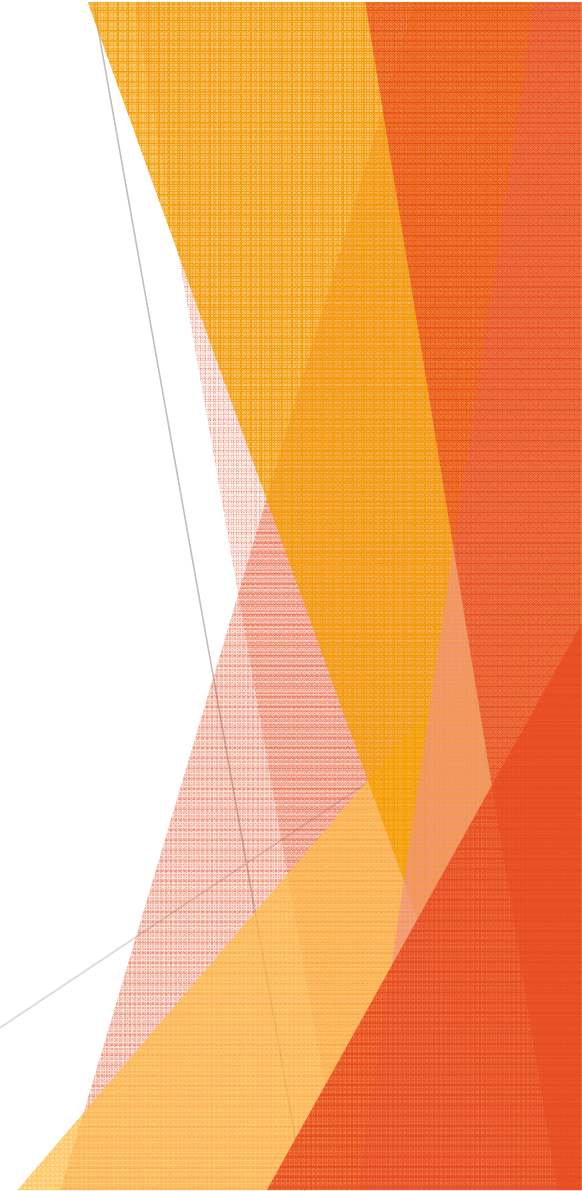


## Examples of Hostile Environment Behaviors

- ▶ Other hostile work environment behaviors may include repeated requests or pressure for dates; disparaging sexual remarks about one's gender; physical aggression such as pinching or patting; verbal sexual abuse disguised as fun; sexual innuendoes; offensive sexual jokes; leering or whistling; and display of sexually suggestive objects or pictures.
- ▶ Also, sexual harassment may occur between two employees of the same sex regardless of the sexual orientation of the victim or the harasser.

# How to Determine Hostile Environment Sexual Harassment

- ▶ Whether the behavior has become severe enough or pervasive enough to create hostile environment sexual harassment may depend on whether the conduct was physical or verbal or both; how frequently the conduct was repeated; and whether the conduct was hostile and blatantly offensive.





# How to Determine Hostile Environment Sexual Harassment

- ▶ No one factor controls.
- ▶ An assessment is made after a thorough investigation and based upon the totality of the facts and circumstances.
- ▶ Sexual conduct becomes unlawful only when it is unwelcome.
- ▶ The conduct must be unwelcome in the sense that the victim did not seek the behavior, and in the sense that the victim regarded the conduct as undesirable or offensive, keeping in mind that the victim may not be the direct recipient of the conduct.

# How to Determine Hostile Environment Sexual Harassment

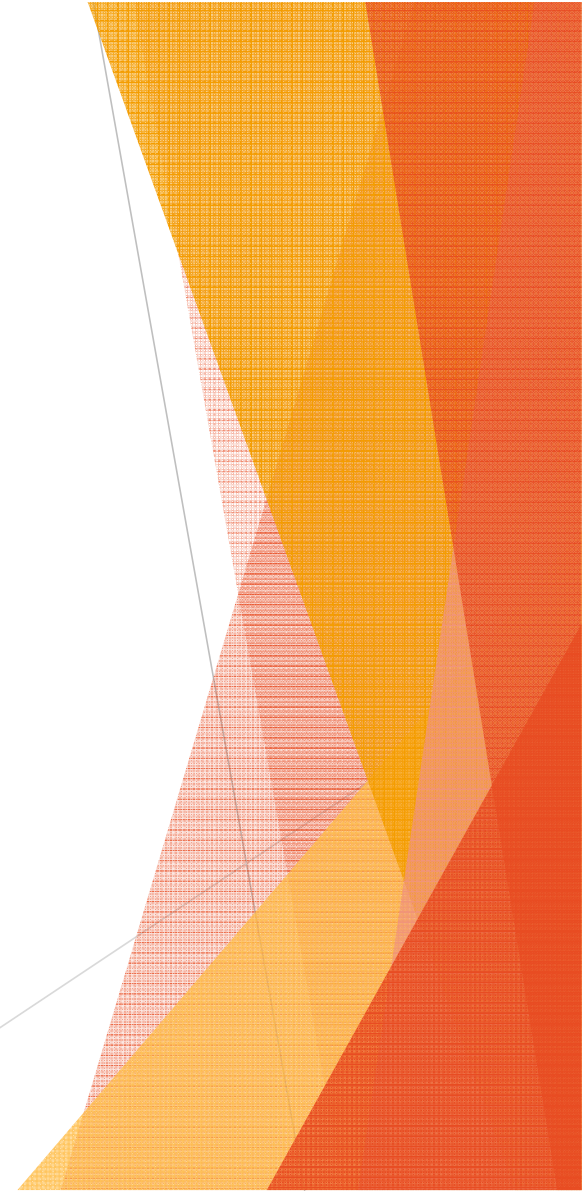
- ▶ Only unwelcome conduct can be sexual harassment.
- ▶ Conduct is unwelcome if the employee does not request or invite the conduct, and views it as offensive or undesirable.
- ▶ The unwelcome conduct must be severe, persistent, or pervasive to constitute sexual harassment.
- ▶ Consensual dating, joking, and touching, while potentially inappropriate in the workplace, may not amount to harassment if they are not unwelcome or offensive.

# Gender Neutral and Bias Free Behavior

- ▶ Persons accused of harassment are often surprised at how others perceive their behavior.
- ▶ To mitigate the perception that a behavior is sexual harassment, review your attitudes and actions toward others.
- ▶ Examine how others respond to what you do and say.
- ▶ Is your behavior gender-neutral and bias free?

# Gender Neutral and Bias Free Behavior

- ▶ Be aware of others' feelings to sexual behavior and language. Your behavior may cause others to experience vulnerability, powerlessness and anger.
- ▶ Do not assume that others will tell you if they are offended - or harassed - by what you say or do, even if you invite them to do so.
- ▶ They are not required to do so for actions to be considered sexual harassment and they may be uncomfortable doing so.



# Can this Behavior be Considered Sexual Harassment?

- ▶ Both women and men may be victims of sexual harassment. The victim of harassment does not have to be the direct or intended recipient of the conduct, but could be anyone affected by the offensive conduct.
- ▶ If you are not sure whether the behavior you have experienced or witnessed is sexual harassment, ask yourself these questions:
  - ▶ Is the behavior sexual in nature?
  - ▶ Is the conduct offensive to me?
  - ▶ Is the other person initiating the behavior? Is the conduct so offensive that it interferes with my job OR makes my environment unpleasant?

## Report Behavior if it Makes You Uncomfortable

- ▶ Ignoring sexually harassing behavior will not make it disappear. Anything of a sexual nature that makes you or someone else feel uncomfortable should be reported immediately.
- ▶ It is often easier to deal with the situation if it is brought to the employer's attention early on.
- ▶ Often, people worry that they did something to provoke the unwanted behavior. However, it is important not to blame yourself and report the matter immediately.

# Freedom from Retaliation

- ▶ If you report sexual harassment, there will not be any negative consequences.
- ▶ No retaliation is allowed against an individual because she/he has filed a complaint, participated in an investigation, or otherwise opposed sexual harassment.
- ▶ Any employee found to have retaliated against an individual for reporting possible sexual harassment will be subject to disciplinary action, up to, and including, termination of employment.

# Good Faith Reporting

- ▶ It is important that any employee who makes a report of alleged sexual harassment, do so in good faith.
- ▶ If an employee is found to have falsely or maliciously made such a report, most employers will impose some form of disciplinary action, up to, and including termination of employment on that employee.





# Prevention of Sexual Harassment

- ▶ Sexual harassment can arise from any unwanted attention of a sexual nature by a manager, supervisor, co-worker or non-employee (a customer) in the workplace that causes discomfort or interferes with work performance.
- ▶ Any language or behavior of a sexual nature is ordinarily inappropriate at work and the safest thing you can do is avoid it altogether.
- ▶ Preventing sexual harassment is an on-going obligation and requires the dedication and commitment of employers and employees alike.

## District Affirmative Action Officer

- ▶ The Affirmative Action Officer for Sayreville Public Schools is Mrs. Tamika Reese, Assistant Superintendent for Personnel, Operations and Compliance
- ▶ She is located in Selover School, and be reached at (732) 525-5200, extension 5529
- ▶ Please contact her immediately if you wish to file an Affirmative Action grievance.

