



MONROE TOWNSHIP AFFIRMATIVE ACTION TRAINING

2018-2019 School Year

Who does affirmative action protect?

- Teachers
- Administrators
- Secretaries
- Custodians
- Support Staff
- Drivers
- Students



Everyone is protected!

Who is the Affirmative Action Officer and how can I contact her?

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What is affirmative action?

Affirmative action is a belief, a conviction that all staff and students have a right to be treated with equal fairness to have the maximum opportunity to reach their full potential.

What is the function of the affirmative action officer?

- Oversee the district affirmative action plan
- Provide annual training for all staff
- Distribute information about affirmative action and grievance procedures
- Monitor compliance to the laws
- Investigate grievances and provide solutions
- Maintain records and reports
- Attend conferences and training
- Has full knowledge of the district's grievance procedures and employment practices



The History of Affirmative Action

In June 1972, Congress passed the Title IX of the Education Amendments, a law that prohibits discrimination on the basis of sex for every educational institution that receives federal funding. The State of New Jersey, in 1975, passes Title VI, Equality in Educational Programs, which expanded on Title IX, thereby banning discrimination on the basis of sex, affectional or sexual orientation (real or perceived), race, color, creed, religion, ancestry, national origin, or social or economic status.

What does affirmative action cover?

Sexual Harassment

- Unwelcome sexual attention. This has nothing to do with mutual attraction or friendship...sexual harassment has to do with humiliation or offense to the victim.
- It can include the following: physical touching, suggestive comments or jokes, requests for sex, or displays of clearly sexual material or photos.
- Sexual harassment **does not** have to be repeated or ongoing to be against the law.

What else does affirmative action cover?

Harassment

- To disturb persistently, torment, pester, or persecute
- To irritate or torment persistently
- Humiliating or abusive behavior that gives a victim torment. This can be verbal comments, actions, or gestures.
- Hate speech - comments that are provably false that are targeted towards a particular person or group.
- Harassment is based on the victim's point of view.

What else does affirmative action cover?

Intolerance

- Unwillingness or refusal to tolerate or respect contrary opinions or beliefs of different races or backgrounds.
- This can be with religions, groups, races, ethnic backgrounds.

Behaviors that are considered harassment

Quid-pro-quo: You do this for me and you will advance or get a better grade.


Hostile environment: Can be created by inappropriate language of a sexual, racial, or demeaning nature. Or it may be cartoons, sexual jokes, or graffiti.

Favoritism: Offering advancement or better grades to a person based on being the favorite.

REMEMBER-Harassment is based on the person being harassed.

Some penalties levied against NJ school employees in recent cases of harassment

- Dismissal
- Loss of wages
- Withholding of salary increments
- Suspension
- Loss of Pension
- Professional certificates revoked



Did you know that it is illegal in the State of New Jersey to have a sexual/romantic relationship with any students regardless if they are eighteen or more years old?

Social Networking

Inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a non-tenured staff member or to certify tenure charges against a tenured staff member to the Commissioner of Education.

Case Study

A New Jersey teacher was fired for posting on Facebook that “I’m not a teacher-I’m a warden for future criminals” and that her first grade students should go to a “scared straight program.” The teacher sued the district, seeking reinstatement on First Amendment free speech grounds, but was unsuccessful.

Another Case

A NJ teacher mocked a student's name because a syllable sounded like a common curse word. The teacher wrote on Facebook "How do you think I feel when I have to address him???? I literally can't stop laughing! I have to go all year with this !!!" The school district found her comments violated the district's HIB policy. The teacher resigned her teacher position and the State Board of Examiners suspended her certificate for one year. The State Board reasoned that "regardless of whether or not she intended her comments to be made public, [the teacher's] conduct was immature and hurtful and falls below the 'role model' status that is expected of teachers."

Grievance Procedure

Grievance must be in writing. Forms will be available on the district website.

Once a grievance is received, the affirmative action officer will conduct an investigation.

Once the investigation is concluded and the claim has been confirmed, the affirmative action officer will recommend any disciplinary actions to the superintendent.

The complainant will receive notification of the conclusion.

District policies

- [EQUAL OPPORTUNITY/NON-DISCRIMINATION/SEXUAL HARASSMENT POLICY Policy #3362](#)
- Other policies related to AA:
 - [#3282 Use of Social Networking Sites](#)
 - [#1523 Comprehensive Equity Plan](#)
 - [#2260 Affirmative Action Program for School and Classroom Practices](#)
 - [#4352 Equal Opportunity/Non-Discrimination/Sexual Harassment – Support Staff](#)
 - [#5750 Equal Education Opportunity](#)
 - [#5751 Sexual Harassment – Students](#)
 - [#5755 – Equity in Educational Programs and Services](#)
 - [#1140 Affirmative Action Program](#)
 - [#1550 Affirmative Action for Employment](#)

POLICY AND REGULATIONS

- The Monroe Township Board of Education is committed to offer programs, activities, and resources equally to male and female pupils.
- Additionally, the Board commits to offer equal opportunities to employment without regard to sex, race, religion, national origin, ancestry, nationality, color, marital status, domestic partnership status, civil union status, gender identity or expression, affectional/sexual orientation, age, handicap (and/or disability), service in the armed forces, atypical hereditary cellular or blood trait, genetic information, refusal to submit to genetic tests, refusal to make available results of genetic tests, or any other unlawful category of discrimination.

POLICY AND REGULATIONS

- Administrators and Supervisors will make clear to all staff, pupils, and vendors that unlawful harassment and discrimination are **PROHIBITED** by law.
- All new employees will be provided with a copy of district policy upon employment. Parents will be provided with a copy upon request. Additionally, a copy will be kept in the Superintendent's office.

POLICY AND REGULATIONS

- Teachers and principals should inform pupils of the policy in age appropriate terms and advise pupils that unlawful harassment and discrimination are prohibited. Students should be encouraged to report any incident of harassment and discrimination to any teaching staff member.

POLICY AND REGULATIONS

- Formal grievances may be placed by staff or pupils regarding harassment. The Board's Affirmative Action Officer will receive complaints and carry out an investigation, protecting the rights of the person making the complaint and the alleged harasser.
- Findings of discrimination/harassment will result in disciplinary action.

POLICY AND REGULATIONS

AFFIRMATIVE ACTION

- The Board conducts a continuing re-examination and modification of school and classroom programs, location and use of facilities, curriculum development and instructional materials, availability of programs for pupils, and equal access to extracurricular programs.
- The Board makes certain that all recruitment, hiring, evaluation, training, promotion, personnel management practices, and collective bargaining agreements avoid discrimination.

POLICY AND REGULATIONS

EQUAL OPPORTUNITY/NON-DISCRIMINATION

- It is the policy of the Board to seek and employ the best person qualified for a position without regard to any unlawful category of discrimination.
- It is the policy of the Board not to discharge, require to retire from employment, or discriminate against any individual based on unlawful categories.

POLICY AND REGULATIONS

ANTI-HARASSMENT/DISCRIMINATION

- It is the Board's position that all individuals who work or attend school in the *Monroe Township School District* should have the right to an environment free of inappropriate conduct and communications. The Board opposes harassment or discrimination in any form whether by an employee, a pupil, or any other party having school or business-related interaction with the Board.
- Any individual subjected to harassment or discrimination or who has witnessed harassment or discrimination should report the matter immediately.



POLICY AND REGULATIONS

SEXUAL HARASSMENT

The Board believes all employees and pupils have the right to an environment free of inappropriate conduct based on employees' or pupils' gender.

The Board opposes sexual harassment in any form, by any party, regardless of whether the victim is male or female.

POLICY AND REGULATIONS

CONSEQUENCES OF SEXUAL HARASSMENT

Sexual harassment is detrimental to morale of co-workers and/or pupils and is also illegal, according to state and federal laws.

Disciplinary action against employees can include but is not limited to: oral reprimand, written reprimand, suspension, and termination from employment. Pupils who engage in sexual harassment may be subject to disciplinary action.



POLICY AND REGULATIONS

PROHIBITED CONDUCT

Unwelcome sexual demands/overtures;

Employment/promotion decisions based on sexual conditions;

Teachers' grading decisions, student opportunities or privileges based on sexual demands;

Harassing another solely because of the victim's gender.

POLICY AND REGULATIONS

- **EXAMPLES OF CONDUCT THAT COULD SUGGEST HARASSMENT:**
 - hugging or putting an arm around someone
 - sexual flirtation, advances, propositions
 - sexually degrading words
 - comments on sexual abilities or those of co-workers or pupils
 - display of offensive pictures/objects such as posters/calendars
 - obscene teasing, jokes, sexual remarks
 - repeated requests for a date after having been refused or stating disinterest
 - pressure for sexual favors
 - E-mails or web sites containing offensive or sexual language/pictures
 - other non-sexual harassment engaged in due to gender of the individual
 - Comments about lesser abilities, capacities, or “proper role” of members of a particular sex

POLICY AND REGULATIONS

- Harassment can be opposite sex or same sex.
- “Joking” is not an excuse or justification for harassment.
- Comments do not need to be directed at a specific individual to constitute harassment.



POLICY AND REGULATIONS

WHAT WILL THE BOARD DO?

Appoint an investigator (School and District Affirmative Action Officers) who will thoroughly investigate the matter.

If harassment has occurred, swift remedial action will be taken.

MAKING A COMPLAINT

MAKING A COMPLAINT

Confidentiality will be maintained.

Anyone who compromises confidentiality will be disciplined.

No retaliation will be permitted against anyone who complains of an incident of harassment or who assists in a harassment investigation.

When the matter is concluded, and if harassment is determined to have occurred, the investigator will recommend appropriate discipline to the Superintendent of Schools.

Follow-up will be made with the original complainant.



POLICY AND REGULATIONS

Any supervisory employee who receives a complaint of harassment or discrimination must immediately refer the matter to the Superintendent of Schools. In the absence of the Superintendent, incidents should be reported to the District Affirmative Action Officer.

POLICY AND REGULATIONS

COMPLAINTS

The complainant shall be provided with a copy of the complaint which shall include:

- the full name of all complainants;
- a statement of what unlawful category of discrimination is alleged;
- a statement of facts to demonstrate the alleged discrimination;
- a statement describing whether or not any action has been instituted;
- signature of the complainant;
- date complaint has been filed

POLICY AND REGULATIONS

INVESTIGATION

The Board will investigate with the parties involved and any witnesses or anyone who has knowledge of the incident.

The investigator will decide whether harassment or discrimination has occurred and will make a recommendation for appropriate discipline.

A report will be made to the Superintendent, who will advise the Board of his/her decision.

Discipline will be implemented in accordance with the law.

If the complaint is filed against Central Office staff, the Board President will request that the Board attorney investigate the complaint.