

**WATERFORD TOWNSHIP BOARD OF EDUCATION
REGULAR BOARD MEETING – January 21, 2026
WATERFORD ELEMENTARY SCHOOL**

DRAFT

V-A

I. MEETING CALLED TO ORDER 6:30 P.M.

This meeting was advertised in compliance with the Sunshine Law through the notice issued to the Courier-Post, filed with the clerk of the Township of Waterford, and posted on the district website, wtsd.org.

A. ROLL CALL OF ATTENDANCE

Members Present: Matthew DeNafo, Benjamin De Vuyst, Jason Galante, Rosemarie Hunter, Barbara Libak Fanz, Thomas Leach, Ehren O'Donnell,

Members absent: Michael McClintock, Stephen Umosella

Others present: Dr. Michael A. Nolan, Superintendent, Christopher Eberly, Business Administrator, Howard Long, Solicitor

B. MOTION TO APPROVE BUSINESS NOT ANTICIPATED AT THE TIME OF THE AGENDA PURSUANT TO BOARD POLICY

A motion was made by Ms. Hunter, seconded by Mr. Leach, and carried by unanimous voice consent to approve business not anticipated at the time of the agenda.

C. MOTION TO APPROVE THE RESOLUTION AUTHORIZING CLOSED SESSION

A motion was made by Mr. De Vuyst, seconded by Mr. Libak Fanz, and carried by unanimous voice consent to approve the resolution authorizing closed session at 6:31 p.m.

D. MOTION TO APPROVE THE RETURN TO OPEN SESSION

A motion was made by, Ms. Hunter, seconded by Mr. De Vuyst and carried by unanimous voice consent to return to open session at 6:42 p.m.

E. FLAG SALUTE

Mr. DeNafo led the Pledge of Allegiance.

F. MISSION STATEMENT

Mr. De Vuyst read the Mission Statement.

G. STATEMENT TO THE PUBLIC

Mr. DeNafo read the Statement to the Public.

II. COMMITTEE REPORTS

A. EDUCATION – Mr. O'Donnell gave an oral report

B. PERSONNEL– Mr. De Vuyst gave an oral report.

C. BUSINESS– Mr. Leach gave an oral report.

III. PRESENTATIONS

A. Code of Ethics- *Howard Long*

IV. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS ONLY

A. A motion was made by Ms. Libak Fanz, seconded by Ms. Hunter and carried by unanimous voice consent to open the meeting to the public.

None

B. A motion was made by Mr. Leach, seconded by Mr. Galante, and carried by unanimous voice consent to close the meeting to the public.

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V. MINUTES

A motion was made by Mr. O'Donnell, seconded by Mr. De Vuyst, and carried by unanimous voice consent to approve the minutes for the following meeting as submitted by the Business Administrator/Board Secretary. (Ms. Hunter abstained from items A & B.)

- A. Board Meeting December 17, 2025
- B. Closed Session December 17, 2025
- C. Reorganization Meeting January 5, 2026

VI. SUPERINTENDENT'S REPORT

Upon the recommendations of the Superintendent, a motion was made by Mr. De Vuyst seconded by Mr. Galante, and carried by a unanimous roll call vote to approve the following items:

A. Monthly District Reports-

- 1. Monthly Wellness Report
- 2. Fire/Security Drill Log

School Name	Drill Date	Drill Time	Weather Conditions	Type of Drill	# of Students Involved	# of Staff Involved
WES	12/01/25	9:10 AM	37 Degrees, cloudy	Fire	422	62
WES	12/02/25	14:45	N/A	Active Shooter	431	63
Atco	12.03.2025	10:14 AM	N/A	Active Shooter	226	35
Atco	12.18.2025	11:20 AM	44 degrees , sunny	Fire	230	44
TR	12.10.2025	11:07 AM	44 degrees, overcast	Fire	245	64
TR	12.17.2025	10:03 AM	N/A	Lockdown	246	64

B. Enrollment:

Grade	2024-2025 # of Students	2025-2026 # of Students
PK (3 yr. old)	79	69
PK (4 yr. old)	72	104
PK (5 yr. old)	1	2
Sub Total:	152	175
K	108	85
1 st	110	123
2 nd	109	121
3 rd	97	116
4 th	110	102
5 th	117	113
6 th	113	128
Sub Total:	764	788
Total:	916	963

C. Suspension Report:

Suspension:	TR	Atco	WES
In School Suspension	0	0	0
Out of School Suspension	0	0	6

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VIII.

**A. SUPERINTENDENT'S RECOMMENDATIONS
EDUCATION**

Upon the recommendations of the Superintendent, a motion was made by Ms. Libak Fanz, seconded by Mr. De Vuyst, and carried by a roll call vote to approve the items 1 through 7.

1. **Harassment, Intimidation and Bullying (HIB) Report:**
Acknowledge receipt/affirm HIB Investigations. (See Attachment A-1).

2. **Title I Summer Learning Academy Program 2025-2026:**
Approve Title I Summer Learning Academy Program for the 2025-2026 school year to support students in English Language Arts and Mathematics as follows:

Grades	Dates	Hours	Location
PK, K & 1	7/6/26-7/30/26 (M,T,W,Th)	9:20am-12:20pm	TR
2, 3, 4 & 5	7/6/26-7/30/26 (M,T,W,Th)	8:40am-11:40am	WES

3. **Special Education Extended School Year 2025-2026:**
Approve Extended School Year for the 2025-2026 school year as follows:

Grades	Dates	Hours	Location
PK, K & 1	7/6/26-7/30/26 (M,T,W,Th)	9:20am-12:20pm	TR
2, 3, 4 & 5	7/6/26-7/30/26 (M,T,W,Th)	8:40am-11:40am	WES

4. **Field Trips for the 2025-2026 School Year:**
Approve the following field trips for the 2025-2026 school year:

Location	Date	Grade	Staff	Total Adults/Students	Cost PP	Total
Johnson's Farm	5/21/26	PK	PK Staff	95/206 *31 adults riding bus	\$16	Admission: \$4320 Transportation: \$1360
Philadelphia Zoo	5/6/26	1	Grade 1 Staff, Hall, Kondas	47/130	\$15	Admission: \$2460 Transportation: \$1716
Franklin Institute	4/23/26	3	Grade 3 Staff	17/115	Students: \$14 Adults: \$17	Admission: \$1899 Transportation: \$1170
Citizens Bank Park	2/9/26	4	Grade 4 Staff	20/105	\$5	Admission: \$625 Transportation: \$882
Lincoln Financial Field	4/9/26	5	Grade 5 Staff, Ravenkamp	18/114	Students: \$20 Adults: \$30.67	Admission: \$2832.06 Transportation: \$1245
Six Flags Great Adventure	6/2/26	6	Grade 6 Staff	29/125	\$57.99	Admission: \$8898.40 Transportation: \$2600
Leadership Academy to HMS	2/4/26	6	Leadership Staff	50	N/A	Transportation: \$153.30
Leadership Academy to Atco & TR	3/13/26	6	Leadership Staff	50	N/A	Transportation: \$200
Team Up Day @ HMS	6/3/26	6	Grade 6 Staff	15/130	N/A	Transportation: TBD

5. **Approve the following policy for the first reading:**
n/a
6. **Approve the following policy for the second reading:**
a. Policy # 5117- Interdistrict Public School Choice
7. **Acknowledge receipt of the following regulations:**
n/a

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B. PERSONNEL

Upon the recommendations of the Superintendent, a motion was made by Mr. De Vuyst, seconded by Mr. Galante, and carried by a roll call vote to approve items 1 through 13, and addendum items 14, 17, and 18.

1. Lateral Moves – Certified Staff Members:

Approve the lateral move request for the following Certified Staff member on the salary guide Effective 2.01.26:

Name	Credential (from)	Credential (to)	Step (from)	Step (to)	Salary (from)	Salary (to)
Chance, Patricia	MA	MA + 15	13	13	\$94,817	\$96,092
Michelini, Candice	MA	MA + 15	12	12	\$85,552	\$86,827

2. Lateral Move – Support Staff:

Approve the lateral move request for the following Support Staff member on the salary guide Effective 2.01.26:

Name	Position (from)	Position (to)	Step (from)	Step (To)	Hrly Rate (from)	Hrly Rate (to)
Kelton, Emma	Paraprofessional	Paraprofessional (Highly-Qualified)	1	1	\$16.95	18.25

3. Resignation of Support Staff Member(s):

Approve the resignation of the following staff member(s):

Name	Location	Position	UPC	Effective Date
Buonadonna, Gina	Atco	Paraprofessional	20-40-EX / ASX	2.18.26
Marzili, Christy	Atco	Paraprofessional (MD Classroom)	20-40-EX / AOB	1.19.26

4. Appointment of Certified Staff for the 2025-2026 School Year:

Approve the following Certified Staff member(s) for the 2025-2026 school year, pending receipt of the required documentation:

Name	Assignment	Loc	From	To	Step	Salary	UPC	FTE
Poulton, Paige	Teacher (ICR – Grade 3)	WES	12.18.25	6.30.25	6 BA	\$63,625	30-50-S2 / BDG	1.0

5. Rescind Position Change of Support Staff Member:

Approve to rescind the position change approved at the 12.17.25 Board of Education meeting for the following Support Staff member:

Name	Curr Pos.	Curr UPC	Curr Loc	Curr Step	Curr Rate/Hr	Curr Hrs/Day	Curr Days/Yr	New Pos.	New UPC	New Loc	New Step	New Rate/Hr	New Hrs/Day	New Days/Yr	Eff. Date
Wyld, B.	Parapro	20-40-EX / BDK	Atco	1	18.88	4	185	Parapro	20-50-EX / BCY	WES	1	18.88	6	185	1.02.26

6. Transfer of Support Staff Members for the 2025-2026 School Year:

Approve the transfer of the following Support Staff member(s) for the 2025-2026 school year.

Name	Current Location	Current Assignment	Current UPC	New Location	New Assignment	New UPC	Effective Date
Erasmus, S.	Atco	Paraprofessional (MD Room)	20-40-EX / BBM	Atco	Paraprofessional (Gr. 1 –ICR)	20-40-EX / AXW	1.12.26
Marzili, C.	Atco	Paraprofessional (BD Room)	20-40-EX / AOB	Atco	Perm Parapro	23-80-PP . BAQ	1.12.26

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7. **Leave-of-Absence Request / Acknowledge:**
 Acknowledge the request for a leave-of-absence for the following staff member:

Staff Member	Dates	Classification
5011	3.30.26 – 6.30.26 TBD* – 10.02.26 *Students first day of school	PTO / FMLA / NJFLA NJFLA

8. **Appointment of Substitutes for the 2025-2026 School Year:**
 Approve the following Substitutes for the remainder of the 2025-2026 school year, pending receipt of the required documents:

Name	Substitute Position	Rate (Gr. 1-6)	Rate (Gr. PreK - K)
Atkins, Linda	Paraprofessional	\$18.75 / hr	\$20.63 / hr
Bober, Tracey	Teacher	\$143.44 / day	\$157.79 / day

9. **Appointment of Homebound Instructors for the 2025-2026 School Year:**
 Approve the following Certified Staff members to provide home instruction to students on an as- needed basis for the remainder of the 2025-2026 school year:

Name	Hourly Rate	Number of Hours
Devine, Barbara	55.00	Based on student need

10. **Appointment of Certified Staff for the 2025-2026 School Year:**
 Approve the following staff member for the position listed below:

Name	Assignment	From	To	Step	Salary	FTE
McKinney, Mackenzie	Teacher (PreK – Gr. 3 / BD)	3.13.26	6.30.26	2	\$61,225	1.0

11. **Approve the following policy for the first reading:**
 n/a

12. **Approve the following policy for the second reading:**
 a. Policy # 1620- Administrative Employment Contracts
 b. Policy # 1648.15- Recordkeeping for Healthcare Settings in School Buildings-Covid 19-ABOLISH

13. **Acknowledge receipt of the following regulations:**
 n/a

14. **Retirement of Certified Staff Member:**
 Approve the retirement of Mary Low, Elementary Education Teacher, with gratitude and appreciation for her years of service to our district, effective July 1, 2026.
 (UPC:30-50-G3 / BDH)

15. **Create / Abolish Support Staff Positions for the 2025-2026 School Year:**
 Approve the created / abolished Certified and Support Staff positions for the 2025-2026 school year:

Position	Loc.	Create/ Abolish	UPC	FTE	Account Number	Eff. Date
Permanent Teacher Substitute	District	Create	28-10-S8 / BAH	1.0	11-120-100-101-00-00-000	1.20.26
TOTAL				+1.0		

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16. Appointment of Support Staff for the 2025-2026 School Year:

Approve the following Support Staff member for the 2025-2026 school year:

Name	Assignment	UPC	Loc	Step	Rate / Hour	Hours / Day	Days / Year	FTE	Effective Date
Sorce, Alyssa	Permanent Teacher Substitute	28-10-S8 / BAH	Distr	1	\$20.19	6.75	185	1.0	1.20.26

17. Appointment of Certified Staff for the 2025-2026 School Year:

Approve the following staff member for the position listed below:

Name	Assignment	From	To	Step	Salary	FTE
Sorce, Alyssa	Long-Term Substitute (Elem. K-6: Kdg)	2.09.26	6.30.26	1 BA	\$61,025 (prorated)	1.0

18. Appointment of Substitutes for the 2025-2026 School Year:

Approve the following Substitute for the remainder of the 2025-2026 school year, pending receipt of the required documents:

Name	Substitute Position	Rate (Gr. 1-6)	Rate (Gr. PreK - K)
Lewis, Sheila	Paraprofessional Non-Instructional Aide (café)	18.75 / hr 17.66 / hr	20.63 / hr 19.42 / hr

C. BUSINESS

Upon the recommendation of the Superintendent, a motion was made by Mr. Galante, seconded by Ms. Hunter, and carried by a roll call vote to approve items 1 through 11. (Ms. Libak Fanz and Mr. O'Donnell abstain from item 4.)

1. Board Secretary's Certifications for the month of November 2025 (See Attachment C-1):

In accordance with 18A:17-9 for the month of November 2025, the Cash Reconciliation Report and the Board Secretary's report are in agreement. In accordance with 18A:17-9 for the month of November 2025, the Board Secretary certifies that no line item has been over-expended in violation of N.J.A.C. 23A-16.10(c)3 and that sufficient funds are available to meet the district's financial obligations for the remainder of the fiscal year. The Board Secretary, in accordance with N.J.A.C. 6A:23A-16.10(c)2, certifies that the following changes in anticipated revenue amounts and revenue sources.

2. Board of Education Monthly Financial Certification:

Pursuant to N.J.A.C. 6A:23A-16.10(c) 4, the Waterford Township Board of Education certifies that as of November 2025 and after review of the Secretary's Monthly Financial Report and upon consultation with the appropriate district officials, to the best of the Board's knowledge, no major account or fund has been over-expended in violation of N.J.A.C. 6A:23A-16.10(a)1 and that sufficient funds are available to meet the district's financial obligations for the remainder of the fiscal year.

3. Financial Reports for the month November 2025 (as per attached):

- a. Investment report.
- b. Report of the Board Secretary in accordance with 18A:17-36 and 17A:17-9
- c. Student Activity Fund General Ledger.
- d. Nutri-Serve Food Management/Waterford Township School District Financial Statement.
- e. Transfers by transfer number

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4. Approval of Expenditures (as per attached):

Approve the payment of bills and claims:

- Bills List #1- \$ 2,010,905.99
- Bills List #2- \$ 24,054.16
- Bills List #3- \$ 52,243.38
- Bills List #4- \$ 750.00
- Nutri-Serve- \$ 40,291.32

5. Contracts:

6. Tuition Contracts:

7. Grants:

Grantor	School	Amount	Staff Member	Purpose	Attachment
H&SA	WES	\$202.58	Borman	Metal Locking Cabinet	N/A
H&SA	Atco	\$1716	Kondas	Busing Grade 1 Field Trip	N/A

8. Transportation:

a. Motion to approve the following transportation contract, on file with the School Business Administrator/Board Secretary, in accordance with the McKinney-Vento Act:

- 1. A.V., L.V., and M.V. of \$357.95 per diem effective 1/5/26-4/15/26 (67 days \$23,982.65). Transportation from Bellmawr, NJ to Waterford/Hammonton Schools.

9. Out of District Professional Development:

Approve the following Out of District Professional Development for the 2025-2026 school year:

Name	Date Submitted	Date of Workshop	Location	Topic	Cost	Account #
Kin-Leavey, S.	12/11/2025	03/27/2026	West Windsor, NJ	NJPBSIS Leadership Forum 2026	Free	N/A
Kondas, H.	12/19/2025	03/27/2026	West Windsor, NJ	NJPBSIS Leadership Forum 2026	Free	N/A
Holwell, G.	12/19/2025	03/27/2026	West Windsor, NJ	NJPBSIS Leadership Forum 2026	Free	N/A
Biggs, M.	1/13/2026	4/23/2026	West Windsor, NJ	NJPIEP Preschool Inclusion Leadership Conference	\$45.00	20-218-200-580-58-02-060

10. Facilities:

a. Use of Facilities for the 2025-2025 School Year:

Approve the Use of Facilities for the 2025-2026 school year:

Organization	Facility	Date & Time	Event	Cost
Boy Scouts of America -Cub Scouts	Atco Teachers' Lounge & All Purpose Room	6:30PM - 8:00PM 2026 Dates 1/26, 2/2, 2/9, 2/23, 3/2, 3/9, 3/16, 3/23, 3/30, 4/13, 4/20, 4/27, 5/4, 5/11, 5/18, 6/1	Meeting	\$0

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11. Business-Related Policies:

- a. Approve the following policies for the first reading:
n/a
- b. Approve the following policies for the second reading:
 - 1. Policy #6111- Special Education Medicaid Initiative (SEMI) Program
 - 2. Policy #6220- Budget Preparation
- c. Acknowledge receipt of the following regulations:
n/a

D. BYLAWS

A motion was made by Ms. Libak Fanz, seconded by Ms. Hunter and carried by unanimous voice consent to approve the Bylaws.

- 1. Approve the following policy for the first reading :
n/a
- 2. Approve the following policy for the second reading :
 - a. Policy #0143- Board Member Election and Appointment
 - b. Policy #0177- Professional Services
 - c. Policy #0174- Legal Services
 - d. Policy #0173- Duties of Public School Accountant
- 3. Acknowledge receipt of the following regulations:
n/a

VIII. REPORTS

- a. **Legislation-** -Mr. Leach gave an oral report.
- b. **Camden County School Boards Association-** Mr. O'Donnell- no report.
- c. **New Jersey School Boards Association-** - no report.
- d. **Camden County Educational Services Commission-** – Mr. De Vuyst gave an oral report.
- e. **Hammonton—**Ms. Hunter gave an oral report.
- f. **Board President's Report-** Mr. DeNafo gave an oral report.

IX. BOARD OF EDUCATION BUSINESS

A. OLD BUSINESS
None

B. NEW BUSINESS
None

X. COMMENTS FROM MEMBERS OF THE PUBLIC ON GENERAL TOPICS

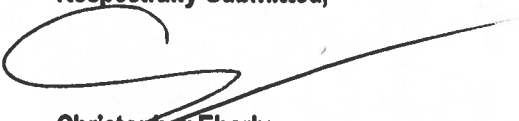
- A. A motion was made by Ms. Libak Fanz, seconded by Mr. O'Donnell and carried by unanimous voice consent to open the meeting to the public.

none
- B. A motion was made by Mr. O'Donnell, seconded by Mr. Leach and carried by unanimous voice consent to close the meeting to the public.

XI. MEETING ADJOURNMENT at 7:43 p.m.

A motion was made by Ms. Hunter seconded by Mr. Galante and carried by unanimous voice consent to adjourn the meeting.

Respectfully Submitted,


Christopher Eberly
Business Administrator/Board Secretary

Waterford Township School District

August 2026- June 2027

Aug. 2026						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

0(3)

Sept. 2026						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

21(21)

Oct. 2026						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

21(21)

Nov. 2026						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25*	26	27	28
29	30					

14(14)

Dec. 2026						
S	M	T	W	TH	F	S
		1	2*	3*	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23*	24	25	26
27	28	29	30	31		

16(17)

	=School Closed
*	=Early Dismissal

August

19-20 New Teacher Orientation

25-27 Professional Development Day

September

1 First Day for Students

7 Labor Day

October

12 Columbus Day

November

2 Fall Break- Staff & Students

3 Election Day

4 Veteran's Day Observed

5-6 NJEA Convention

25 Early Dismissal-Staff & Students

26 & 27 Thanksgiving Recess

December

2-3 Early Dismissal- Parent Conferences

4 PD Day/Parent Conferences

23 Early Dismissal- Staff & Students

24-1 Winter Recess

January

4 School Reopens

18 Martin Luther King, Jr. Day

February

12 Professional Development Day

15 Presidents' Day

March

25 Early Dismissal-Staff & Students

26-31 Spring Recess

April

1-2 Spring Recess

May

31 Memorial Day

June

10-15 Early Dismissal-Teacher PLC

16 Early Dismissal Last Day of School-Students/Staff

18 Juneteenth Observed

19(19)

Jan. 2027						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

18(19)

Feb. 2027						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

19(19)

March 2027						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25*	26	27
28	29	30	31			

20(20)

April 2027						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

20(20)

May 2027						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

13(13)

June 2027						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10*	11*	12
13	14*	15*	16*	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Numbers represent student days(teacher days)

Calendar subject to revision due to emergency closing of schools. In the event of a school closing, the 1st day will be made up on June 17th. Each day after will be made up during Spring Break.

Approved by the Board of Education: --- 2/11/26

POLICY GUIDE

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Resource Materials
Dec 25

[See POLICY ALERT No. 236]

2530 RESOURCE MATERIALS

The Board of Education shall provide resource materials to implement the school district's ~~and school~~ educational goals and objectives ~~to meet~~ as student needs dictate ~~and as district resources permit~~. Resource ~~Such~~ materials include, but are not limited to, reference materials ~~books~~; fiction and nonfiction books; maps; audio and audio-visual materials; pamphlets; periodicals; pictures; online references; other supplementary titles; ~~maps, library print and non-print materials~~, and other sources of information for use by students that are not designated as textbooks. Resource materials are not library material as defined in N.J.S.A. 18A:34A-3 and Policy and Regulation 2535.

~~The Superintendent shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:~~

- ~~1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served;~~
- ~~2. Wherever possible, materials will provide major opposing views on controversial issues so that students may develop under guidance the practice of critical reading and thinking;~~
- ~~3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;~~
- ~~4. Materials will be factually accurate and of genuine literary or artistic value;~~
- ~~5. Materials will be of a quality and durability appropriate to their intended uses and longevity;~~
- ~~6. Materials will relate to, support, and enrich the courses of study adopted by the Board.~~



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Resource Materials

The Superintendent will develop regulations for the selection of resource materials **pursuant to Regulation 2530** that provide for the effective consultation of teaching staff members at all appropriate levels,; ensure that the Board's budgetary allotment for resource materials is efficiently spent and **appropriately** ~~wisely~~ distributed throughout the instructional program and the district,; and ensure an inventory of resource materials that is well balanced ~~and well rounded~~ ~~in coverage of subject, types of materials, and variety of content.~~

The Superintendent will evaluate ~~the continuing effectiveness and utility of~~ resource materials and recommend to the Board the removal of ~~resource~~ **these** materials that no longer meet the standards set forth in ~~this Ppolicy and~~ **Regulation 2530**. Any request **by an individual** for the removal of resource materials will be governed by Policy and **Regulation 9130** ~~on public complaints.~~

Adopted:



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Library Material
Dec 25
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[See POLICY ALERT No. 236]

2535 LIBRARY MATERIAL

The Board of Education believes the freedom to read is a human right, constitutionally protected by the First Amendment of the United States Constitution, and individuals have the right to free inquiry and the right to form their own opinions. The freedom to read does not require an individual to agree with topics or themes within a material, but instead allows a reader to explore and engage with differing perspectives to form and inform their own views pursuant to the "Freedom to Read Act" N.J.S.A. 18A:34A-1 through N.J.S.A. 18A:34A-7.

In accordance with N.J.S.A. 18A:34A-4, the purpose of Regulation 2535 and this Policy is to: provide standards for the curation of library material, establish criteria for the removal of existing school library material or library material selected for inclusion in the school library, and provide protection against attempts to censor library material.

A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Policy and Regulation 2535:
 - a. "Board of Education" means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.
 - b. "Censorship" means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.
 - c. "Diverse and inclusive material" means any material that reflects any protected class as enumerated in the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.; material



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produced by an author who is a member of a protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; and material that contains the author’s points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.

- d. “Individual with a vested interest” means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.
- e. “Library material” means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.
- f. “School library staff member” means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

B. Library Material Curation – N.J.S.A. 18A:34A-4

- 1. The Board of Education shall have control over the content of this Policy, except this Policy shall at a minimum:
 - a. Recognize that library material should be provided for the interest, information, and enlightenment of all students and should present diverse points of view in the collection as a whole;



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- b. Acknowledge that library material shall not be removed from a school library because of the origin, background, or views of the library material or those contributing to its creation;
 - c. Recognize the importance of school libraries as centers for voluntary inquiry and the dissemination of information and ideas;
 - d. Promote the free expression and free access to ideas by students by prohibiting the censorship of library material;
 - e. Acknowledge that a school library media specialist is professionally trained to curate and develop the school library collection that provides students with access to the widest array of developmentally appropriate library material available to schools; and
 - f. Establish a procedure for a school library staff member to review library material within a school library on an ongoing basis, which shall include, but not be limited to:
 - (1) The library material's relevance;
 - (2) The condition of the library material;
 - (3) The availability of duplicates;
 - (4) The availability of more recent developmentally appropriate library material; and
 - (5) The continued demand for the library material.
2. The Board of Education, in consultation with school library staff members, shall have discretion in selecting, purchasing, or acquiring library material for inclusion in the school library. Nothing in N.J.S.A. 18A:34A-4 or this Policy shall be construed to require the Board of Education to purchase, or otherwise acquire, library material for a school library.



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3. Nothing in N.J.S.A. 18A:34A-4 and this Policy shall be construed to restrict the Board of Education's authority to select textbooks and school supplies related to the curriculum.

C. Library Material Recommendation and Selection Process

1. The school library staff member in each school building will accept the written requests of teaching staff members for new and revised library material. Each request should include:
 - a. The name and originator of the library material;
 - b. The publisher or distributor;
 - c. A brief description of the library material; and
 - d. The reason for the request, including the relevance of the library material to the instructional program.
2. The school library staff member shall review each recommendation against the standards for selection in B.1.f. above and the amount budgeted for library material in the current or succeeding school year, as appropriate.
3. The school library staff member shall present to the Superintendent or designee a list of recommended purchases of library material. The list will include multiple copies of library material when a high level of interest and need is anticipated.
4. Standards to be applied in the selection of library material shall relate to, support, and enrich the courses of study adopted by the Board of Education.

D. Censorship of School Library Material Prohibited, Right to Reserve, Check Out – N.J.S.A. 18A:34A-6

1. The Board of Education shall not remove library material from a school library in the district because of the origin, background, or views of the library material or those contributing to its creation, and shall not engage in censorship of library material.



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2. The Board of Education shall allow a student to reserve or check out any developmentally appropriate library material, including diverse and inclusive material, regardless of the origin, background, or views of the library material or those contributing to its creation.

E. Removal Request Procedure

Any request by an individual with a vested interest to have library material removed from a school library in the district shall follow the grievance procedure outlined in Regulation 2535 in accordance with N.J.S.A. 18A:34A-5.

F. Immunity, School Library Staff – N.J.S.A. 18A:34A-7

A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 and B. through E. above shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6 and B. through E. above.

N.J.S.A. 18A:34A-1 through N.J.S.A. 18A:34A-7

Adopted:



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[See POLICY ALERT No. 236]

R 2530 RESOURCE MATERIALS

A. Definition

"Resource materials" **means** ~~are~~ all those sources of information for the use of students that have not been designated as textbooks and generally must be shared by individual students. Resource materials include, **but are not limited to**, reference **materials** ~~books~~; fiction and nonfiction books; maps; audio and audio-visual materials; ~~CD-ROM's~~; pamphlets; periodicals; pictures; ~~and~~ on-line references; **other supplementary titles; and other sources of information for use by students that are not designated as textbooks.** Resource materials **are not library material as defined in N.J.S.A. 18A:34A-3 and Policy and Regulation 2535** ~~may be maintained in classroom library collections and/or in the school library or media center.~~

B. Selection Process

1. **The teaching staff member shall submit written requests for new resource materials to the Principal or designee in the teaching staff member's school building.** ~~The _____ in each school building will accept the written requests of teaching staff members for new and revised reference materials.~~ Each **written** request should include the:

- a. **The nName** and originator of the **resource material**; ~~work~~;
- b. **The Its** publisher or distributor;
- c. A brief description of the **resource** material; and
- d. The reason for the request, including the relevance of the **resource** material to the instructional program;



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2. All written requests ~~recommendations~~ will be forwarded to the Superintendent or designee _____ for consideration; ~~and. The _____ will attempt to review each requested work or, alternatively, to consult with other educational institutions that have used the material.~~
3. ~~The _____ may consult such selection aids as booklists, school library journals, previews, school library catalogs, and subject bibliographies prepared by specialists in the field.~~
34. The Superintendent or designee _____ shall evaluate ~~will measure~~ each written request recommendation against the selection standards ~~for selection as outlined in (see C. below paragraph C)~~ and the amount budgeted for resource materials in the current or succeeding school year, as appropriate.
45. The _____ will ~~present to the Superintendent or designee will develop~~ a list of recommended purchases, ~~no later than _____ each year. The list may will include multiple copies of resource materials when for which~~ a high level of interest and need is anticipated.

C. Selection Standards

Standards to be applied in the selection of resource materials are those set forth **below: in Policy 2530, repeated here.**

1. **Resource mMaterials** will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served.
2. Wherever **appropriate possible, resource** materials will provide major opposing views on controversial issues so that students may develop, under guidance, the practice of critical reading and thinking.



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3. Wherever **appropriate possible**, resource materials will **include the basic tenets of multiculturalism in accordance with N.J.A.C. 6A:7-1.7** ~~represent the many religious, ethnic, and cultural groups and their contributions to American heritage.~~
4. **Resource mMaterials** will be factually accurate, **as appropriate**, and of genuine literary or artistic value.
5. **Resource mMaterials** will be of a quality and durability appropriate to their intended uses ~~and longevity.~~
6. **Resource mMaterials** will relate to, support, and enrich the **curriculum** ~~courses of study~~ adopted by the Board of Education.
7. **Resource materials** will support the New Jersey Student Learning Standards.
8. _____
9. _____
10. _____

D. Periodic Removal of **Resource Reference** Materials

1. The Superintendent or designee _____ shall will conduct a periodic review of **resource materials** ~~reference collections~~ for their:
 - a. Continuing usefulness;;
 - b. Relevance to the curriculum **and the New Jersey Student Learning Standards**;;
 - c. Representation of the needs and interests of all grade levels, subject areas, and departments;; and
 - d. Balance of content, types of **resource** materials, and manner of presentation.



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- e. _____
- f. _____
- 2. Standard **resource** materials subject to frequent use that are worn or missing should be replaced periodically.
- 3. Outdated **resource** materials and **resource** materials no longer relevant to the curriculum may be withdrawn from the collection on Board of **Education** approval.
- 4. **Any request by an individual for the removal of resource materials will be governed by** ~~A complaint about reference materials shall be handled in accordance with~~ Policy and Regulation 9130.

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[See POLICY ALERT No. 236]

R 2535 LIBRARY MATERIAL

Any individual with a vested interest requesting to have library material removed from a school library in the district shall follow the grievance procedure outlined below in accordance with the provisions of N.J.S.A. 18A:34A-5.

A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Policy 2535 and this Regulation:

- a. “Board of Education” means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.
- b. “Censorship” means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.
- c. “Diverse and inclusive material” means any material that reflects any protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; material produced by an author who is a member of a protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; and material that contains the author’s points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.



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- d. "Individual with a vested interest" means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.
 - e. "Library material" means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.
 - f. "School library staff member" means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.
- B. The following procedure shall be adhered to any time an individual with a vested interest submits a complaint requesting removal of library material from any of the district's school libraries.
- 1. Complaints about library material shall be made on a request for removal form and submitted to the Principal of the school building in which the library material is challenged to initiate a review of the material.
 - 2. The individual with a vested interest shall complete and sign a request for removal form available in the Principal's office. The request for removal form shall include:
 - a. The title, author, and publisher of the library material at issue;



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- b. Sections of the library material to which the individual with a vested interest objects; and
 - c. An explanation of the reasons for the objection.
- 3. Within five working days of the receipt of the request for removal form, the Principal or designee shall forward the request for removal to the Superintendent.
- 4. Upon receipt of the request for removal form, the Superintendent or designee shall appoint a review committee consisting of:
 - a. The Superintendent or designee;
 - b. The Principal or designee of the school in which the library material is challenged;
 - c. The school library media specialist or a school library staff member;
 - d. A representative selected by the Board of Education;
 - e. At least one grade-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the request for removal form;
 - f. A parent of a student enrolled in the school district, provided the parent selected is not the individual who submitted the request for removal form;
 - g. If appropriate, and at the discretion of the Superintendent, in cases where a student enrolled in the district in grades nine through twelve filed the request for removal form, a student enrolled in the district in grades nine through twelve may volunteer to serve on the review committee if that student did not file the request for removal form. The Superintendent shall consult with the Principal of the school involved in the removal request in making this determination; and



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- h. Any additional members the Superintendent or designee deem necessary.
- 5. The challenged library material shall remain within the school library and available for a student to reserve, check out, or access until there is a final decision reached by the Board of Education pursuant to N.J.S.A. 18A:34A-5.b.(5) and B.7. below.
- 6. The review committee members shall evaluate the request for removal form and review the challenged library material in its entirety. The review committee shall meet to discuss the library material and concerns raised and make a recommendation on whether the challenged library material should be removed from circulation, retained, or limited in use. The review committee shall submit its written report with recommendations to the Board of Education no later than sixty school days from the date of the next regularly scheduled Board of Education meeting after receipt of the request for removal form:
 - a. A copy of the review committee's report shall also be provided to the individual with a vested interest who filed the request for removal form and the Principal who received the request for removal form.
- 7. The Board of Education shall review the review committee's report and make a final determination on whether the library material is to be removed from the school library or limited in use. The Board of Education shall provide a written statement of reasons for:
 - a. The removal, limitation, or non-removal of a library material; and
 - b. Any final determination that is contrary to the recommendations of the review committee.
- 8. The written statement of reasons shall be posted on the Board of Education's website in a prominent and easily accessible location within thirty days of the determination.



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9. All decisions on whether to remove from circulation, retain, or limit in use library material shall be based on the library material as a whole, not isolated passages.
10. All request for removal forms and outcomes shall be maintained in accordance with other similar records in the district.
11. Library material that has been challenged pursuant N.J.S.A. 18A:34A-5.b.(1) through 18A:34A-5.b.(5), Policy 2535, and this Regulation shall not be subject to challenge for at least one year in accordance with N.J.S.A. 18A:34A-5.b.(6).
12. The district may consolidate requests for removal of the same challenged library material in accordance with N.J.S.A. 18A:34A-5.b.(7).
13. The Board of Education's determination issued in accordance with N.J.S.A. 18A:34A-5, Policy 2535, and this Regulation which denies a request for removal shall not constitute a controversy or dispute pursuant to N.J.S.A. 18A:6-9. However, an individual with a vested interest, as defined in N.J.S.A. 18A:34A-3, may file a petition of appeal of the Board of Education's final determination to remove library material to the Commissioner of Education through the Office of Controversies and Disputes in accordance with N.J.S.A. 18A:6-9 and the procedures set forth in State Board of Education regulations.
14. Nothing in N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation.
15. A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6.

Adopted:



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Public Complaints and Grievances

Dec 25

[See POLICY ALERT No. 236]

9130 PUBLIC COMPLAINTS AND GRIEVANCES

The Board of Education shall establish procedures for the hearing and settlement of ~~Any person or group having a legitimate interest in the schools of this district may present a request, suggestion, or~~ complaints concerning district staff members ~~personnel~~, the educational program, instructional or resource materials, or the operations of the district. **Complaints regarding library material as defined in N.J.S.A. 18A:34A-3 shall be addressed in accordance with Policy and Regulation 2535.** ~~The Board directs the establishment of procedures for the hearing and settlement of requests and complaints shall that provide a means for resolving complaints them fairly and impartially; and permit appropriate resolution redress, and protect district personnel from unnecessary harassment.~~

The grievance procedure outlined in Regulation 9130 shall not be utilized by a district staff member or Board member unless the district staff member or Board member is doing so in their capacity as a parent of a student currently enrolled in the district.

When a Board member is confronted with a complaint concerning district staff members, the educational program, instructional or resource materials, or the operations of the district ~~an issue~~, the Board member ~~he/she~~ will withhold comment, ~~commitment, and/or opinion~~ and refer the complaint ~~or inquiry~~ to the Superintendent **in accordance with N.J.S.A. 18A:12-24.1.j.**, who shall review the complaint **in accordance with Regulation 9130** ~~according to established procedures.~~

~~Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall communications and complaints be referred to the Board for resolution.~~

Any misunderstandings or disputes between the public and ~~school~~ district staff members should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. ~~A complaint about a school program or personnel should be addressed to the Building Principal; a complaint about instructional or resource materials should be addressed to the Superintendent.~~



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Public Complaints and Grievances

The Superintendent shall establish procedures for the resolution hearing of requests and complaints regarding district staff members personnel, the educational program, instructional and resource materials, and the operations of the school district shall. Procedures will be governed by Regulation 9130. the following guidelines:

1. The matter will be resolved initially, wherever possible, by informal discussions between or among the interested parties.
2. A matter that cannot be resolved informally may be appealed at successive levels of authority, up to and including the Board of Education.
3. The complaint and its immediate resolution be reduced to writing at the first and at each successive level of appeal.
4. A reasonable period of time, not to exceed _____ working days, will be permitted for the filing of an appeal in writing at each successive level. A decision at each level of appeal must be rendered no later than _____ working days after the appeal is filed, except that the Board shall have thirty calendar days to make its decision.
5. In the case of complaints about instructional or resource materials, the initial complaint must set forth in writing the author, title, and publisher of the materials as well as those specific portions of the material or the work to which objection is taken; the complainant's familiarity with the work; the reasons for the objection; and the use of the work in the schools. The Superintendent shall appoint a committee of professional staff members and community representatives to review the challenged material against the standards for the selection of resource materials established by Board policy. The committee will report its findings to the Board. No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board of Education, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.



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Public Complaints and Grievances

6. ~~A complainant shall be notified that a decision of the Board may be appealed to the Commissioner of Education.~~

Adopted:



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[See POLICY ALERT No. 236]

1552 SEXUAL HARASSMENT – STAFF

The Board of Education (employer) recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school district and intolerable in a workplace to which the children of the district are exposed.

A. Title VII of the Civil Rights Act of 1964 – 29 CFR 1604

1. Sexual Harassment – 29 CFR 1604.11

a. Definition of Sexual Harassment – Title VII

(1) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.



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- b. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless the employer can show that it took immediate and appropriate corrective action.
- c. The employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
- d. The employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.
 - (1) The employee may submit a complaint, under 29 CFR 1604 to the Affirmative Action Officer.
 - (2) Upon receipt of the complaint the employer shall initiate the grievance procedure in accordance with Regulation 1552.
- e. Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other individuals who were qualified for but denied that employment opportunity or benefit.



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2. Job Opportunities Advertising – 29 CFR 1604.5

It is a violation of Title VII for a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female," will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

3. Pre-Employment Inquiries as to Sex – 29 CFR 1604.7

A pre-employment inquiry may ask "Male....., Female....."; or "Mr. Mrs. Miss," provided that the inquiry is made in good faith for a nondiscriminatory purpose. Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification, or discrimination as to sex shall be unlawful unless based upon a bona fide occupational qualification.

4. Fringe Benefits – 29 CFR 1604.9

- a. "Fringe benefits," as used in 29 CFR 1604.9, Regulation 1552, and this Policy, includes medical, hospital, accident, life insurance and retirement benefits; profit-sharing and bonus plans; leave; and other terms, conditions, and privileges of employment.
- b. It shall be an unlawful employment practice for the employer to discriminate between men and women with regard to fringe benefits.
- c. Where the employer conditions benefits available to employees and their spouses and families on whether the employee is the "head of the household" or "principal wage earner" in the family unit, the benefits tend to be available only to male employees and their families. Due to the fact



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that such conditioning discriminatorily affects the rights of women employees, and that “head of household” or “principal wage earner” status bears no relationship to job performance, benefits which are so conditioned will be found a prima facie violation of the prohibitions against sex discrimination contained in Title VII of the Civil Rights Act of 1964 (Act).

- d. It shall be an unlawful employment practice for the employer to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees which are not made available for male employees. An example of such an unlawful employment practice is a situation in which wives of male employees receive maternity benefits while female employees receive no such benefits.
 - e. It shall not be a defense under Title VII to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other.
 - f. It shall be an unlawful employment practice for the employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex, or which differentiates in benefits on the basis of sex.
5. Employment Policies Relating to Pregnancy and Childbirth – 29 CFR 1604.10
- a. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy, childbirth or related medical conditions is in prima facie violation of Title VII.



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- b. Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy, childbirth or related medical conditions on the same terms and conditions as they are applied to other disabilities.
- c. Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination violates the Act if it has a disparate impact on employees of one sex and is not justified by business necessity.
- d. Any fringe benefit program implemented after October 31, 1978, must comply with the provisions of 29 CFR 1604.10(b) upon implementation.

B. Title IX of the Education Amendments of 1972 – 34 CFR 106

1. Definitions – Title IX – 34 CFR 106.2 and 34 CFR 106.30

- a. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - (1) An employee of the employer conditioning the provision of an aid, benefit, or service of the employer on an individual’s participation in unwelcome sexual conduct;



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- (2) Unwelcome conduct determined by a reasonable individual to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the employer's education program or activity; or
 - (3) "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8), or "stalking" as defined in 34 USC 12291(a)(30).
 - b. "Program or activity" and "program" means all of the operations of a local educational agency (as defined in 20 USC 8801), system of vocational education, or other school system.
 - c. "Title IX" means Title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except sections 904 and 906 thereof; 20 USC 1681, 1682, 1683, 1685, 1686.
2. Effect of Employment Opportunities – 34 CFR 106.7
- The employer's obligation to comply with 34 CFR 106, Regulation 1552, and this Policy is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.
3. Designation of Title IX Coordinator and Notice to Employees – 34 CFR 106.8
- a. The employer must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under 34 CFR 106, which employee must be referred to as the "Title IX Coordinator."



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- b. The employer must notify applicants for employment, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the employer, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
 - (1) Any individual may report sex discrimination, including sexual harassment (whether or not the individual reporting is the individual alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the individual's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
 - (2) Sexual harassment may take place electronically or on an online platform used by the school, including, but not limited to, computer and internet networks; digital platforms; and computer hardware or software owned or operated by, or used in the operations of the school.
- c. Dissemination of Policy
 - (1) Notification of Policy
 - (a) The employer must notify applicants for employment, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the employer, that the employer does not



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discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and 34 CFR 106 not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX and 34 CFR 106 to such employer may be referred to the employer's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

(2) Publications

- (a) Each employer must prominently display the contact information required to be listed for the Title IX Coordinator and this Policy on its website, if any, and in each handbook or catalog that it makes available to applicants for employment, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the employer.
- (b) The employer must not use or distribute a publication stating that the employer treats applicants for employment or employees differently on the basis of sex except as such treatment is permitted by Title IX or 34 CFR 106.

4. Discrimination on the Basis of Sex and Employment in Education Programs or Activities Prohibited – 34 CFR 106 Subpart E

a. Employment – 34 CFR 106.51



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(1) General

- (a) No individual shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by the employer which receives Federal financial assistance.
- (b) The employer shall make all employment decisions in any education program or activity operated by such employer in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.
- (c) The employer shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by 34 CFR 106 Subpart E, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the employer.
- (d) The employer shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of 34 CFR 106.



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- (2) 34 CFR 106 Subpart E applies to:
- (a) Recruitment, advertising, and the process of application for employment;
 - (b) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
 - (c) Rates of pay or any other form of compensation, and changes in compensation;
 - (d) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;
 - (e) The terms of any collective bargaining agreement;
 - (f) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for individuals of either sex to care for children or dependents, or any other leave;
 - (g) Fringe benefits available by virtue of employment, whether or not administered by the employer;
 - (h) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;
 - (i) Employer-sponsored activities, including those that are social or recreational; and



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- (j) Any other term, condition, or privilege of employment.

b. Employment Criteria – 34 CFR 106.52

- (1) The employer shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on individuals on the basis of sex unless:

- (a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and
- (b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

c. Recruitment – 34 CFR 106.53

(1) Nondiscriminatory Recruitment and Hiring

The employer shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where the employer has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the employer shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.

(2) Recruitment Patterns

The employer shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of 34 CFR 106.53.



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d. Compensation – 34 CFR 106.54

(1) The employer shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

e. Job Classification and Structure – 34 CFR 106.55

(1) The employer shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify individuals on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in 34 CFR 106.61.



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f. Fringe Benefits – 34 CFR 106.56

- (1) For the purpose of 34 CFR 106, “fringe benefits” means: Any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of 34 CFR 106.54.
- (2) The employer shall not:
 - (a) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee’s sex;
 - (b) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by the employer for members of each sex; or
 - (c) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

g. Marital or Parental Status – 34 CFR 106.57

- (1) The employer shall not apply any policy or take any employment action:
 - (a) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats individuals differently on the basis of sex; or



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- (b) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.
- (2) The employer shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- (3) The employer shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.
- (4) In the case of the employer which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, the employer shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which the employee held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.



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h. Effect of State or Local Law or Other Requirements –
34 CFR 106.58

- (1) The obligation to comply with 34 CFR 106.58 is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.
- (2) The employer which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

i. Advertising – 34 CFR 106.59

The employer shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide occupational qualification for the particular job in question.

j. Pre-Employment Inquiries – 34 CFR 106.60

- (1) The employer shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.”
- (2) The employer may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by 34 CFR 106.



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k. Sex as a Bona-Fide Occupational Qualification – 34 CFR 106.61

The employer may take action otherwise prohibited by 34 CFR 106 Subpart E provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. The employer shall not take action pursuant to 34 CFR 106.61 which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the employer, employees, students, or other individuals, but nothing contained in 34 CFR 106.61 shall prevent the employer from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

5. Effect of Other Federal Provisions – 34 CFR 106.6(a)

- a. The obligations imposed by 34 CFR 106 are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 USC 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 USC 2000e et seq.); the Equal Pay Act (29 USC 206 and 206(d)); and any other Act of Congress or Federal regulation.
- b. Nothing in 34 CFR 106 may be read in derogation of any individual's rights under Title VII of the Civil Rights Act of 1964, 42 USC 2000e et seq. or any regulations promulgated thereunder.

C. Grievance Procedures

- 1. Upon receiving a complaint alleging sexual harassment, the employer shall review the alleged conduct to determine whether to apply the grievance procedure for Title VII or Title IX outlined in Regulation 1552. When making this determination, the



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Superintendent or designee should consult with the Board Attorney to determine which definition of sexual harassment (Title VII, Title IX, or both), applies to the alleged conduct. If the alleged conduct is addressed by both definitions, the employer shall proceed with the grievance procedure outlined for Title IX in Section B. of Regulation 1552.

- a. Title VII of the Civil Rights Act of 1964 – 29 CFR 1604
 - (1) Upon receipt of a complaint of sexual harassment under Title VII, the employer shall follow the grievance procedure outlined in Section A. of Regulation 1552.
- b. Title IX of the Education Amendments of 1972 – 34 CFR 106
 - (1) Upon receipt of a complaint of sexual harassment under Title IX, the employer shall follow the grievance procedure outlined in Section B. of Regulation 1552.
 - (2) The employer must provide to applicants for employment, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the employer notice of the employer's Title IX grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the employer will respond.

29 CFR 1604
34 CFR 106

Adopted:



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TEACHING STAFF MEMBERS

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Sexual Harassment

Dec 25

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[See POLICY ALERT No. 236]

3362 SEXUAL HARASSMENT

The Board of Education recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school district and intolerable in a workplace to which the children of this district are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

The sexual harassment of any employee of this district is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this district will be subject to discipline which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor. An employee may complain of any failure of the Board to take corrective action by recourse to the procedure by which a discrimination complaint is processed. The employee may appeal the Board's action or inaction to the United States Equal Employment Opportunity Commission or the New Jersey Division of Civil Rights. Complaints regarding sexual harassment shall be submitted following the procedures outlined in Regulation No. 1530, Equal Employment Opportunity.

The _____ shall instruct all employees and agents of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

29 C.F.R. 1604.11

Cross reference: Policy Guide No. 3211

Adopted:



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Employment of Chief School Administrator

Dec 25

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[See POLICY ALERT Nos. 184, 186, 209, and 236]

1220 EMPLOYMENT OF CHIEF SCHOOL ADMINISTRATOR

The Board of Education vests the primary responsibility for the administration of this school district in a Superintendent of Schools and recognizes the appointment of a person to that office is one of the most important functions this Board can perform. The Superintendent shall have a seat on the Board **employing the Superintendent of Education** and the right to speak on **all** matters at meetings of the Board (~~pursuant to N.J.S.A. 18A:17-20.a or N.J.S.A. 18A:17-20.b~~), but shall have no vote **pursuant to N.J.S.A. 18A:17-20.b**.

[Optional

The Superintendent shall devote **themselves** ~~himself or herself~~ exclusively to the duties of the office.]

Recruitment Procedures

The Board shall actively seek the best qualified and most capable candidate for the position of Superintendent. The Board may use a consultant service to assist in the recruitment process. Recruitment procedures may include, but are not limited to, the following activities:

1. The preparation of a new or a review of an existing written job description;
2. **The p**Preparation of informative material describing the ~~school~~ district and its educational goals and objectives;
3. ~~Where feasible, T~~he opportunity for applicants to visit the district, **where feasible**;
4. **An Establish an** interview process that encourages the candidate and the Board members to have a meaningful discussion of the ~~school~~ district's needs and expectations. The Board members shall review and discuss the candidate's credentials, qualifications, educational philosophy, and other qualities and expertise **the candidate** ~~he/she~~ can offer to the district;



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5. Solicitation of applications from a wide geographical area; and
6. Strict compliance with law and Policy 1530 on equal employment opportunity.

Qualifications

The candidate must possess or be eligible for a valid New Jersey administrative certificate endorsed for school administrator or a provisional school administrator's endorsement in accordance with N.J.A.C. 6A:9B-12.4 et seq. and must qualify for employment following a criminal history record check.

[Optional]

The candidate shall

☒ meet criteria established by the Board.

OR

Choose one or more of the following:

___ have earned a doctoral degree from a duly accredited institution of higher education as defined in N.J.A.C. 6A:9-2.1.

___ have _____ years of demonstrated success in public school administration of which at least _____ years have been in the capacity of

___ school Principal.

___ central office administrator.

___ Assistant Superintendent.

___ _____.
(Insert other locally adopted requirements regarding background, experience, personal qualities, and individual achievements.)



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_____.
(Insert locally adopted requirements regarding verification of competency including: resumes, records of past experience, college transcripts, certification test, evaluation reports, internship evaluations, etc.)

_____. submit at least _____ letters of recommendation from persons who have supervised **the candidate's his/her** administrative performance.]

Employment Contract

A person appointed Superintendent must enter **into** an employment contract with the Board.

An employment contract for the Superintendent ~~of Schools~~ shall be reviewed and approved by the Executive County Superintendent in accordance with the provisions of N.J.A.C. 6A:23A-3.1 and Policy 1620. Any action(s) by the Executive County Superintendent undertaken pursuant to N.J.A.C. 6A:23A-3.1 may be appealed to the Commissioner pursuant to the procedures set forth in N.J.A.C. 6A:3 **pursuant to N.J.A.C. 6A:23A-3.1(f)**.

The employment contract with the Superintendent must be approved with a recorded roll call majority vote of the full membership of the Board at a public Board meeting.

In the event there is a Superintendent vacancy at the expiration of the existing contract, only the Board seated at the time of the expiration of the current Superintendent's contract may appoint and approve an employment contract for the next Superintendent.

In the event there is a Superintendent vacancy prior to the expiration of the existing contract, the Board seated at the time the position becomes vacant may appoint and approve an employment contract for the next Superintendent.



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Employment of Chief School Administrator

The contract for the Superintendent who does not acquire tenure, but who holds tenure during the term of **the Superintendent's his/her** employment contract will include: a term of not less than three nor more than five years and expiring July 1; a beginning and ending date; the salary to be paid and benefits to be received; a provision for termination of the contract by the Superintendent; an evaluation process pursuant to N.J.S.A. 18A:17-20.3; and other terms agreed to between the Board and the Superintendent.

During the term of the contract, the Superintendent shall not be dismissed or reduced in compensation except for inefficiency, incapacity, **or** conduct unbecoming a Superintendent; or other just cause and **then only in the manner prescribed by N.J.S.A. 18A:6 Article 2 Subarticle B pursuant to N.J.S.A. 18A:17-20.2** ~~by the Commissioner of Education pursuant to the tenure hearing laws.~~

At the conclusion of the term of the initial contract or of any subsequent contract, in accordance with N.J.S.A. 18A:17-20.1, the Superintendent shall be deemed reappointed for another contracted term of the same duration as the previous contract unless either: the Board by contract reappoints the Superintendent for a different term which shall **be not be** less than three nor more than five years, in which event reappointments thereafter shall be deemed for the new term unless a different term is again specified; or the Board notifies the Superintendent in writing the Superintendent will not be reappointed at the end of the current term, in which event **the Superintendent's his/her** employment shall cease at the expiration of that term. In the event the Board notifies the Superintendent **they he/she** will not be reappointed, the notification shall be given prior to the expiration of the first or any subsequent contract by a length of time equal to thirty days for each year in the term of the current contract.

Pursuant to N.J.S.A. 18A:17-20.2a, the Board shall submit to the Commissioner **of Education** for prior approval an early termination of employment agreement that includes the payment of compensation as a condition of separation. **As used** ~~In accordance with~~ N.J.S.A. 18A:17-20.2a, "compensation" includes, but is not limited to, salary, allowances, bonuses and stipends, payments **for of** accumulated sick or vacation leave, contributions toward the costs of health, dental, life, and other types of insurance, medical reimbursement plans, retirement plans, and any in-kind or other form of remuneration.



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An early termination of an employment agreement **of the Superintendent** shall be limited in its terms and conditions as outlined in N.J.A.C. 6A:23A-3.2. The Commissioner shall evaluate ~~the such~~ agreements in accordance with the provisions of N.J.S.A. 18A:17-20.2a and N.J.A.C. 6A:23A-3.2 and ~~shall have~~ **has** the authority to disapprove the agreement **if the payment of compensation has a condition of separation from service is found to be excessive pursuant to N.J.S.A. 18A:17-20.2a.** The agreement shall be submitted to the Commissioner by the district by certified mail, return receipt requested. The determination shall be made within thirty days of the Commissioner's receipt of the agreement from the ~~school~~ district.

Disqualification

Any candidate's misstatement of fact material to qualifications for employment or the determination of salary will be considered by this Board to constitute grounds for dismissal.

Certificate Revocation

All Superintendent contracts shall include, pursuant to N.J.S.A. 18A:17-15.1, the required provision that states that the contract is null and void in the event the Superintendent's certificate is revoked in accordance with N.J.A.C. 6A:23A-3.1(e)13.

~~In accordance with N.J.A.C. 6A:23A-3.1(e)(12), in the event the Superintendent's certificate is revoked, the Superintendent's contract is null and void.~~

N.J.S.A. 18A:16-1; 18A:17-15; 18A:17-20; 18A:17-20.1;

18A:17-20.2; 18A:17-20.2a; 18A:17-20.3

N.J.A.C. 6A:9B-12.3; 6A:9B-12.4; 6A:23A-3.1; 6A:23A-3.2

Adopted:



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Dec 25

[See POLICY ALERT No. 236]

R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

All complaints and ~~grievances~~ addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Superintendent for consideration in accordance with the following procedures.

A. Complaints Regarding a Teaching Staff Member Other Than an Administrator or Supervisor

1. First Level

- a. The complainant will be directed to address the **complaint matter** to the **teaching** staff member.
- b. The **teaching** staff member will ~~be directed to discuss the matter directly with the complainant and to make every reasonable effort to~~ **address the complaint** ~~explain the difficulty and/or~~ **and** take appropriate action, **if necessary**, in accordance with district **policies and** regulations and within the **teaching staff member's** ~~his/her~~ authority and ~~district regulations~~.
- c. The **teaching** staff member will report the **complaint in writing matter**, and whatever action **that** may have been taken to resolve the **complaint matter**, to the **teaching staff member's** Principal or supervisor.

2. Second Level

- a. If the **complaint matter** cannot be satisfactorily resolved to the **complainant's satisfaction at A.1. above the first level**, the complainant **may appeal the teaching staff member's resolution to** ~~may discuss the matter with the~~ **teaching staff member's** Principal or supervisor.



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- b. The Principal or supervisor will take all reasonable and prudent steps to resolve the complaint **and meet with the complainant to discuss the Principal or supervisor's resolution to the complaint** ~~or to explain to the complainant why the matter cannot be resolved as the complainant wishes.~~

3. Third Level

- a. If the **complaint matter** cannot be satisfactorily resolved to the complainant's satisfaction at **A.2. above the second level**, the complainant may, within **five** ~~three~~ working days ~~(see Policy 9130)~~ of ~~their~~ **his/her** meeting with the **teaching staff member's Principal or supervisor**, submit **a written request for a conference** to the Superintendent ~~a written request for a conference~~. The **written** request shall, at a minimum, include: **the specific nature of the complaint and a statement of the facts giving rise to it.**

~~(1) The specific nature of the complaint and a brief statement of the facts giving rise to it,~~

~~(2) The respect in which it is alleged that the complainant or the complainant's child has been unfairly treated or adversely affected, and~~

~~(3) The remedy sought by the complainant.~~

- b. A copy of the **complainant's written** request for a conference will be **submitted** ~~sent~~ to the Board of Education **by the Superintendent.**

- c. Within seven working days ~~(see Policy 9130)~~ of the **Superintendent's** receipt of the **written** request **for a conference**, the Superintendent shall conduct **the** a conference, at a time convenient to the complainant **and the Superintendent**, and attempt to resolve the **complaint matter** informally. ~~The time for conference will be extended if the complainant is unable to schedule a convenient meeting.~~



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- d. The Superintendent shall record in writing **their** ~~his/her~~ disposition of the complaint and shall, within ten working days (~~see Policy 9130~~) of the conference, **submit** ~~provide~~ a copy of **their** ~~the~~ written disposition to the complainant and to the Board.

4. Fourth Level

- a. A complaint that is not resolved **to the complainant's satisfaction** by a conference with the Superintendent at **A.3.c. above** or that seeks a remedy beyond the Superintendent's ~~jurisdiction~~ **authority** may be appealed **by the complainant** to the Board of Education.

- (1) The complainant shall, within three working days of their receipt of the Superintendent's written disposition, submit a written request with supporting documentation to the Superintendent for an informal hearing before the Board. The complainant's request, along with the Superintendent's disposition at A.3.d. above, shall be provided to the Board.

- ~~b. The complainant may, within three working days (see Policy 9130) of his/her receipt of the Superintendent's written disposition, submit a written request for a hearing before the Board. The request will include a copy of the Superintendent's disposition at Level 3.~~

- ~~be. The Board shall, decide whether to grant or deny within forty-five calendar days (see Policy 9130) of the receipt of the complainant's request for conduct an informal hearing and provide their decision in writing to the complainant within five working days upon receiving the request for an informal hearing before a committee of Board members, in which the complainant will present his/her complaint. The Board may, on the petition of the complainant, permit the examination of witnesses. The Board may permit the teaching staff member complained of to testify in his/her own behalf.~~



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- (1) If the Board denies the request for an informal hearing, the Board shall render a decision on the appeal and provide the decision in writing to the complainant within ten working days.
- (2) If the Board grants the request for an informal hearing, the Board shall schedule the informal hearing within forty-five working days upon receiving the request for an informal hearing. At the conclusion of the informal hearing, the Board shall render a decision and provide the decision in writing to the complainant within ten working days at the conclusion of the informal hearing.
 - (a) The Board may designate a committee of the Board to conduct an informal hearing with the complainant.
 - (b) The Board may permit the complainant to present witnesses.
 - (c) The Board will comply with the provisions of the Open Public Meetings Act and Bylaw 0162 regarding any public complaints, where applicable.
- d. ~~The Board shall, within ten calendar days (see Policy 9130) of the hearing, advise the complainant in writing of the Board's disposition of the complaint.~~
- e. ~~The complainant will be advised that the Board's decision may be appealed to the Commissioner of Education.~~
5. Reasonable efforts will be made to expedite **time sensitive** a complaints ~~that arises at the end of the school year so that the matter can be resolved before the interruption of summer vacations.~~



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~~B. — Complaints About an Administrative Staff Member~~

- ~~1. — The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the administrator.~~
- ~~2. — A complaint about a Principal or a central office administrator will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Superintendent in accordance with A3.~~

BC. Complaints Regarding a Support Staff Member

1. The **complaint** procedure set forth in A.1. above will be followed and the complainant will be directed to discuss the **complaint** first with the support staff member, **if appropriate**.
2. If the complaint cannot be resolved to the complainant's satisfaction at A.1. above, the complainant may follow the complaint procedure set forth in A.2. above.
3. If the complaint cannot be resolved to the complainant's satisfaction at A.2. above, the complainant may, within three working days of their meeting with the support staff member's supervisor, submit to the Superintendent a written request for a conference in accordance with A.3. above.
4. A complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed to the Board of Education in accordance with A.4. above.

C. Complaints Regarding an Administrative Staff Member or Supervisory Staff Member

1. The complainant shall discuss the complaint first with the administrative staff member or supervisory staff member who is the subject of the complaint.



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2. An appeal of the discussion with the administrative staff member or supervisory staff member will be made directly to the Superintendent in accordance with A.3. above.
3. A complainant wanting to appeal the Superintendent's written disposition to the Board of Education shall follow the appeal procedures as outlined in A.4. above.

D. Complaints **Regarding** ~~About~~ a Program, Practice, or Operation

1. A complaint **regarding** ~~directed to a matter of~~ district or school policy;; procedure;; program;; or operation, including entitlement programs established by Sstate or Ffederal law, should be addressed, initially, to the Superintendent who will refer the complaint to the appropriate administrator or supervisor ~~department head most directly concerned with the matter, in accordance with A.1.~~
2. A complaint that cannot be satisfactorily resolved to the complainant's satisfaction at D.1. above ~~at the first level~~ may be appealed to the Superintendent and, thereafter, the Board of Education in accordance with the procedures set forth in A.3. and A.4.

E. Complaints **Regarding Textbooks, About** Instructional Supplies, and Resource Materials

1. Complaints **regarding** ~~about~~ textbooks, library books, reference works, and other instructional supplies, and resource materials used in the district ~~shall will~~ be submitted ~~made~~ in writing by the complainant and ~~submitted~~ to the Superintendent.
2. ~~The complainant will complete and sign a complaint form available in the Principal's office.~~ The written complaint form shall, at a minimum, will include:
 - a. The title, author, and publisher of the material at issue; ~~work complained of,~~



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- b. **Sections of the material to which the complainant objects** ~~The specific portions or language complained of~~ (by page(s) and item(s));;
 - e. ~~The complainant's familiarity with the work objected to,~~
 - cd. **An explanation of t**The reason(s) for the objection;;
 - de. The students or class for whom the **material work** is intended;; and
 - ef. The way in which the **material work** is used or presented to students.
3. Within seven working days of the receipt of the **written** complaint ~~form~~, the Superintendent shall appoint a review committee consisting of:
- a. The head of the department in which the **material work** is being used;;
 - b. **A teaching staff member** ~~teacher~~ in the subject area of the **material; work**;
 - e. ~~A library staff member,~~
 - cd. **A Board of Education** member;;
 - e. ~~A lay person knowledgeable in the area of the work, and~~
 - df. The Principal of ~~the~~ a school in which the **material work** is used or presented;; and
 - e. **Any other staff member designated by the Superintendent.**
4. The review committee will meet to evaluate the complaint and review the material **at issue** objected to. ~~The standards used by the committee will be those set forth in Policy 2530.~~



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- a. The standards used by the review committee to review textbooks will be those set forth in Regulation 2510.
 - b. The standards used by the review committee to review instructional supplies will be those set forth in Regulation 2520.
 - c. The standards used by the review committee to review resource materials will be those set forth in Regulation 2530.
5. The review committee will report its findings and recommendations to the Superintendent Board within fifteen working days upon the appointment of the review committee.
6. The Superintendent will submit the review committee's findings and recommendations to the Board at the next regularly scheduled Board meeting.
76. ~~The Board will receive the report of the committee.~~ If the Board acts to remove the **material at issue work** ~~complained of~~ or to limit access to the **material at issue work**, its action will be accompanied by a statement of reasons for the removal or limitation.
- a. The Board shall render its decision within forty-five working days of receipt of the review committee's findings and recommendations.
87. A copy of the review committee's findings and recommendations ~~report~~ and the Board's action, if any, will be given to the complainant **within five working days of the Board's action.**
98. The complainant will be informed, **in writing**, that a decision of the Board may be appealed to the Commissioner of Education **as permitted by law.**

Issued:



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Dec 25
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[See POLICY ALERT No. 236]

R 1552 SEXUAL HARASSMENT – STAFF

The Board of Education will not tolerate sexual harassment of employees by other school employees or third parties. The employer shall investigate and resolve allegations of sexual harassment pursuant to Title VII of the Civil Rights Act of 1964 (29 CFR 1604); Title IX of the of the Education Amendments of 1972 (34 CFR 106); Policy 1552; and this Regulation.

A. Title VII of the Civil Rights Act of 1964 – 29 CFR 1604

1. Sexual Harassment – 29 CFR 1604.11

a. Definition of Sexual Harassment – Title VII

- (1) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.



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- b. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.
- c. The employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action.
- d. The employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.
 - (1) The employee may submit a complaint, under 29 CFR 1604 to the Affirmative Action Officer.
 - (2) Upon receipt of the complaint the employer shall initiate the grievance procedure in accordance with Regulation 1552.
- e. Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other individuals who were qualified for but denied that employment opportunity or benefit.

2. Grievance Procedure for Title VII Complaints

The following grievance procedure shall be used for an allegation(s) of sexual harassment:



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a. Reporting of Sexual Harassment Conduct

- (1) Any individual with any information regarding actual and/or potential sexual harassment of an employee must report the information to the Principal, their immediate supervisor, the Title IX Coordinator, or the Affirmative Action Officer. The employer's Title IX Coordinator and the Affirmative Action Officer may be the same individual.
- (2) The employer can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or a telephone call.
- (3) The report may be made: in person; in writing; verbally by telephone; by mail to the office address; or by electronic mail. The report may be reported during business or non-business hours.
- (4) A report to the Principal or an immediate supervisor will be forwarded to the Superintendent or designee and Affirmative Action Officer within one working day, even if the Principal or immediate supervisor feels sexual harassment conduct was not present.
- (5) In the event the report alleges conduct by the Principal or the Affirmative Action Officer, the report shall be submitted to the Superintendent who will designate a school official to assume the Principal's or Affirmative Action Officer's responsibilities.

b. Affirmative Action Officer's Investigation

- (1) Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual



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harassment, whether or not a formal grievance is filed, and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

- (2) When an employee provides information about possible sexual harassment, the Affirmative Action Officer will initially discuss what actions the employee seeks in response to the sexual harassment.
- (3) The investigation may include, but is not limited to, interviews with all individuals with potential knowledge of the alleged conduct, interviews with any employee(s) who may have been sexually harassed in the past by the employee, and any other reasonable methods to determine if sexual harassment conduct existed.
- (4) The Affirmative Action Officer may request an employee involved in the investigation to assist in the investigation.
- (5) The Affirmative Action Officer will provide a copy of Policy 1552 and this Regulation to all individuals who are interviewed with potential knowledge, upon request, and to any other individual the Affirmative Action Officer feels would be served by a copy of such documents.
- (6) Any individual interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- (7) The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if the conduct could potentially be criminal in nature.



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- (8) The employer may take interim measures during an investigation of a complaint.
- (9) The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.

c. Investigation Results

- (1) Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the individual(s) providing notice to the employer and the employee(s) who was alleged to be sexually harassed.
- (2) The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
- (3) If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
- (4) If the Affirmative Action Officer determines that sexual harassment has occurred, the employer shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.



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- (5) In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The employer may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the employee that was sexually harassed, dissemination of information, distribution of new policy statements or other steps to communicate the message that the employer does not tolerate sexual harassment and will be responsive to any employee that reports such conduct.
- (6) In some situations, the employer may need to provide other services to the employee that was sexually harassed, if necessary, to address the effects of the sexual harassment on that employee. Depending on the type of sexual harassment found, these additional services may include an independent reassessment of the work performance of the employee that was sexually harassed, counseling, and/or other measures that are appropriate to the situation.
- (7) The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the employee who made the complaint, was the subject of the sexual harassment, or against those who provided the information or were witnesses.
 - (a) The Affirmative Action Officer will inform the employee that was sexually harassed to report any subsequent problems and will make follow-up inquiries to see if there have been any new incidents or retaliation.
- (8) All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.



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d. Affirmative Action Officer's Investigation Appeal Process

- (1) Any individual found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any individual who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent.
 - (a) The Superintendent will make their determination within ten working days of receiving the appeal.
- (2) Any individual who is not satisfied with the Superintendent's determination may appeal in writing to the Board.
 - (a) The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

3. United States Equal Employment Opportunity Commission (EEOC) Case Resolution

Individuals not satisfied with the resolution of a Title VII allegation of sexual harassment by the employer may request the EEOC to investigate the allegations.

- a. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the employer to the EEOC.
- b. Any individual may report an allegation of sexual harassment to the EEOC at any time. If the EEOC is asked to investigate or otherwise resolve incidents of sexual harassment of employees, the EEOC will consider whether:
 - (1) The employer has a policy prohibiting sexual harassment and a grievance procedure;



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- (2) The employer has appropriately investigated or otherwise responded to allegations of sexual harassment; and
- (3) The employer has taken immediate and appropriate corrective action responsive to quid pro quo or hostile environment sexual harassment.

B. Title IX of the of the Education Amendments of 1972 – 34 CFR 106

1. Definitions – 34 CFR 106.30

a. For the purpose of Section B. of this Regulation and in accordance with 34 CFR 106:

- (1) “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - (a) An employee of the employer conditioning the provision of an aid, benefit, or service of the employer on an employee’s participation in unwelcome sexual conduct;
 - (b) Unwelcome conduct determined by a reasonable individual to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the employer’s education program or activity; or
 - (c) “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8), or “stalking” as defined in 34 USC 12291(a)(30).
- (2) “Complainant” means an employee currently employed by the employer who is alleged to be the victim of conduct that could constitute sexual harassment.



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- (3) “Decision-maker” (34 CFR 106.45(b)(7)) means an employee(s) who is not the Title IX Coordinator or the employee who conducted the investigation, designated by the Superintendent, to objectively evaluate the relative evidence and reach conclusions about whether the respondent is responsible for the alleged sexual harassment in accordance with the provisions of 34 CFR 106.
- (4) “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the employer investigate the allegation of sexual harassment. The phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the employer) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the individual filing the formal complaint.
- (5) “Investigator” (34 CFR 106.45(b)(5)) means an employee(s) who may be the Title IX Coordinator and who is not a decision-maker designated by the Superintendent to investigate alleged sexual harassment in accordance with 34 CFR 106. The investigator may be the employer’s Affirmative Action Officer only if the Affirmative Action Officer is not the Title IX decision-maker.
- (6) “Program or activity” and “program” (34 CFR 106.2(h)(2)(ii)) means all of the operations of a local educational agency (as defined in 20 USC 8801), system of vocational education, or other school system.
 - (a) “Education program or activity” (34 CFR 106.44(a)) includes locations, events, or circumstances over which the employer exercised substantial control over both the respondent and the context in which the sexual harassment occurs.



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- (7) “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- (8) “Title IX Coordinator” (34 CFR 106.8(a)) means an individual designated and approved by the employer to coordinate its efforts to comply with its responsibilities under 34 CFR 106, Policy 1552, and this Regulation. The individual must be referred to as the “Title IX Coordinator” and may also be the investigator but cannot be the decision-maker.

2. Employer’s Response to Sexual Harassment – 34 CFR 106.44

- a. The employer with actual knowledge of sexual harassment in an education program or activity of the employer against an individual in the United States, must respond promptly in a manner that is not deliberately indifferent.
 - (1) The employer has “actual knowledge” when an employee receives a complaint of sexual harassment or an employee is aware of behavior that could constitute sexual harassment.
 - (a) Any school employee who receives a complaint of sexual harassment or is aware of behavior that could constitute sexual harassment is required to report that information to the Title IX Coordinator.
 - (2) The employer is deliberately indifferent only if the employer’s response to sexual harassment is clearly unreasonable in light of the known circumstances, pursuant to 34 CFR 106.44(a).

The United States Department of Education Office of Civil Rights may not deem the employer to have satisfied the employer’s duty to not be deliberately indifferent under 34 CFR 106 based on the employer’s restriction of rights protected under the United States Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.



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b. Informal Resolution – 34 CFR 106.45

- (1) The employer may not require as a condition of employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. Similarly, the employer may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the employer may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the employer:

- (a) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided; however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- (b) Obtains the parties' voluntary, written consent to the informal resolution process.

3. Grievance Process - 34 CFR 106.45

- a. The employer will use the grievance process outlined in 34 CFR §106.45 and this Regulation to address formal complaints of sexual harassment.



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- b. Parents, students, unions and associations, and staff members shall receive notice of the grievance procedures and the Title IX Coordinator's name or title, office, address, email address, and telephone number in accordance with 34 CFR 106.8(a).
- c. The employer's grievance process may, but need not, provide for a hearing pursuant to 34 CFR 106.45(b)(6)(ii).
- d. The Title IX Coordinator must promptly contact the complainant in accordance with 34 CFR 106.44(a).
- e. In response to a formal complaint, the employer will follow a grievance process that complies with 34 CFR 106.45.
 - (1) Upon receipt of a formal complaint, the Title IX Coordinator shall provide written notice to the parties who are known in accordance with 34 CFR 106.45(b)(2)(i).
 - (2) The Title IX Coordinator shall provide the investigator with a copy of the formal complaint if the Title IX Coordinator is not the investigator.
 - (3) The investigator shall investigate the allegations contained in a formal complaint pursuant to 34 CFR 106.45(b).
- f. The investigator shall create an investigative report in accordance with the provisions of 34 CFR 106.45(b)(5)(vii).
 - (1) The investigator will attempt to collect all relevant information and evidence.
 - (2) While the investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation.



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- (3) While all evidence gathered during the investigative process and obtained through the exchange of written questions will be considered, the decision-maker may in their discretion grant lesser weight to last minute information or evidence introduced through the exchange of written questions that was not previously presented for investigation by the investigator.
 - (4) To the greatest extent possible, and subject to Title IX, the employer will make reasonable accommodations in an investigation to avoid potential re-traumatization of a complainant.
 - (5) The investigative report shall be provided to the decision-maker in accordance with the provisions of 34 CFR 106.45(b)(6)(ii).
- g. The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility pursuant to 34 CFR 106.45(b)(7).
- (1) To reach this determination, the decision-maker will apply

[Select One Option Below]

- ___ the preponderance of the evidence standard,
- ___ clear and convincing evidence standard,]

which shall be the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment pursuant to 34 CFR 106.45(b)(1)(vii).



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- (2) The decision-maker will facilitate a written question and answer period between the parties.
 - (a) Each party may submit their written questions for the other party and witnesses to the decision-maker for review.
 - (b) The questions must be relevant to the case and the decision-maker will determine if the questions submitted are relevant and will then forward the relevant questions to the other party or witnesses for a response.
 - (c) The decision-maker shall then review all the responses, determine what is relevant or not relevant, and issue a decision as to whether the respondent is responsible for the alleged sexual harassment.
 - (d) The decision-maker will issue a written determination following the review of evidence. The written determination will include:
 - (i) Identification of allegations potentially constituting sexual harassment as defined in Policy and Regulation 1552 and 34 CFR 106.30;
 - (ii) A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;
 - (iii) Findings of fact supporting the determination, conclusions regarding the application of this formal grievance process to the facts; and



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- (iv) A statement of and rationale for the result as to each allegation, including any determination regarding responsibility, any disciplinary sanctions the decision-maker imposed on the respondent that directly relate to the complainant, and whether remedies designed to restore or preserve equal access to the employer's education program or activity will be provided to the complainant; and procedures and permissible bases for the parties to appeal the determination.
- (e) The written determination will be provided to the parties simultaneously.
- (f) Notwithstanding a temporary delay of the grievance procedure or the limited extension of the grievance procedure time frames with good cause, the written determination shall be provided within sixty calendar days from receipt of the complaint.
- (i) The sixty calendar day time frame does not include the appeal process.

4. Appeals – 34 CFR 106.45(b)(8)

- a. The employer will offer both parties an appeal from a determination regarding responsibility, and from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein in accordance with 34 CFR 106.45(b)(8)(i).
- b. As to all appeals, the employer will comply with the requirements of 34 CFR 106.45(b)(8).
- c. The Superintendent shall designate an appeal officer for each appeal filed.



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- (1) The appeal officer shall not be the same individual as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator in accordance with 34 CFR 106.45(b)(8)(iii)(B).
 - (2) Ensure that the appeal officer complies with the standards set forth in 34 CFR 106.45(b)(1)(iii).
- d. The employer shall give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- e. The employer shall administer the appeal process, but is not a party and will not advocate for or against any appeal.
- f. A party may appeal only on the following grounds and the appeal shall identify the reason(s) why the party is appealing:
 - (1) There was a procedural error in the hearing process that materially affected the outcome;
 - (a) Procedural error refers to alleged deviations from employer policy, and not challenges to policies or procedures themselves;
 - (2) There is new evidence that was not reasonably available at the time of the hearing and that could have affected the outcome;
 - (3) The decision-maker had a conflict of interest or bias that affected the outcome;
 - (4) The determination regarding the policy violation was unreasonable based on the evidence before the decision-maker;



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- (a) Appealing on this basis is available only to a party who participated in the hearing; and
 - (5) The sanctions were disproportionate to the hearing officer's findings.
 - (6) The employer may offer an appeal equally to both parties on additional bases.
- g. The appeal must be submitted in writing to the Title IX Coordinator within ten calendar days following the issuance of the notice of determination.
- h. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal.
- i. The Title IX Coordinator shall notify the other party of the appeal, and that other party shall have an opportunity to submit a written statement in response to the appeal, within ten calendar days.
- j. The Title IX Coordinator shall inform the parties that they have an opportunity to meet with the appeal officer separately to discuss the proportionality of the sanction.
- k. The appeal officer shall decide the appeal considering the evidence presented at the hearing, the investigation file, and the appeal statements of both parties.
- l. In disproportionate sanction appeals, input the parties provided during the meeting may also be considered.
- m. The appeal officer shall summarize their decision in a written report that will be sent to the complainant and respondent within twenty calendar days of receiving the appeal.



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5. Supportive Measures – 34 CFR 106.30

- a. “Supportive measures” mean non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed pursuant to 34 CFR 106.30(a).
- b. The employer’s response must treat complainants and respondents equitably by offering supportive measures as defined in 34 CFR 106.30 to a complainant, and by following a grievance process that complies with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in 34 CFR 106.30, against a respondent.
- c. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in 34 CFR 106.30, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
 - (1) Supportive measures shall be available to the complainant, respondent, and as appropriate, witnesses or other impacted individuals.
- d. The Title IX Coordinator shall maintain consistent contact with the parties to ensure that safety, emotional well-being and physical well-being are being addressed.
- e. Generally, supportive measures are meant to be short-term in nature and will be re-evaluated on a periodic basis.
 - (1) To the extent there is a continuing need for supportive measures after the conclusion of the resolution process, the Title IX Coordinator will work with appropriate employer resources to provide continued assistance to the parties.



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f. The employer is required to offer supportive measures to the complainant even if the respondent ceased being employed by the employer prior to the filing of a formal complaint.

(1) If the respondent ceases to be employed by the employer after a formal complaint is filed, the employer may dismiss the complaint, but must still offer supportive measures to the complainant pursuant to 34 CFR 106.45(b)(3)(ii).

6. Remedies - 34 CFR 106.45

a. The Title IX Coordinator shall be responsible for effective implementation of any remedies in accordance with 34 CFR 106.45(b)(7)(iv).

b. Following receipt of the written determination from the decision-maker, the Title IX Coordinator will facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process.

(1) Emergency Removal

Nothing in 34 CFR 106 precludes the employer from removing a respondent from the employer's education program or activity on an emergency basis, provided that the employer undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.



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(2) Administrative Leave

Nothing in 34 CFR 106 Subpart D precludes the employer from placing an employee on administrative leave during the pendency of a grievance process that complies with 34 CFR 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

- c. The Superintendent or designee, after consultation with the Title IX Coordinator, will determine the sanctions imposed and remedies provided, if any.
 - (1) The imposition of sanctions or provisions of remedies will be revisited by the Title IX Coordinator following the appeal officer's decision, as appropriate.
- d. The Title IX Coordinator must provide written notice to the parties simultaneously.
- e. The employer must disclose to the complainant the sanctions imposed on the respondent that directly relate to the complainant when such disclosure is necessary to ensure equal access to the employer's education program or activity.
 - (1) Remedies and supportive measures that do not impact the respondent should not be disclosed in the written determination; rather the determination should simply state that remedies will be provided to the complainant.
- f. It is important to note that conduct that does not meet the criteria under Title IX may violate other Federal or State laws or employer policies regarding employee misconduct or may be inappropriate and require an immediate response in the form of supportive measures and remedies to prevent its recurrence and address its effects.



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7. Recordkeeping – 34 CFR 106.45(b)(10)
 - a. The employer must maintain for a period of seven years records of:
 - (1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under 34 CFR 106.45(b)(6)(i), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the employer's education program or activity;
 - (2) Any appeal and the result therefrom;
 - (3) Any informal resolution and the result therefrom; and
 - (4) All materials used to train Title IX Coordinators, investigators, decision-makers, and any individual who facilitates an informal resolution process. The employer must make these training materials publicly available on its website, or if the employer does not maintain a website the employer must make these materials available upon request for inspection by members of the public.
 - b. For each response required under 34 CFR 106.44, the employer must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the employer must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the employer's education program or activity. If the employer does not provide a complainant with supportive measures, then the employer must document the reasons why such a response was not clearly unreasonable in light of the known



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circumstances. The documentation of certain bases or measures does not limit the employer in the future from providing additional explanations or detailing additional measures taken.

8. Compliance

The Superintendent or designee shall consult with the Board Attorney to ensure the employer's response to any allegations of sexual harassment and the employer's grievance process are in accordance with 34 CFR 106.44 and 34 CFR 106.45.

9. Training

a. The Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, appeal officers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45(b)(1)(iii).

(1) The employer must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in 34 CFR 106.45(b)(6).

(2) The employer also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in 34 CFR 106.45 (b)(5)(vii). Any materials used to train Title IX Coordinators, investigators, decision-makers, and any individual who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Adopted:

