

POLICY

MCSSSD

SERIES 5000 PUPILS

No.5145.4

EQUAL EDUCATIONAL OPPORTUNITY

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, social or economic condition, or disability. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

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

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

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

The board of education guarantees all pupils equal access to all academic programs within the learning environment.

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

Harassment

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

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

No pupil or staff member may harass any pupil of this district sexually or in any area covered by the statement in paragraph one of this policy. Such harassment is a denial of equal educational opportunity.

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

Sexual Harassment

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

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

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

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

through conduct or communications of a sexual nature within the school setting.

Procedures shall be made available for pupils and/or parents/guardians to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer. No person shall suffer reprisals because of participation in the grievance procedure

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

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

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

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

Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

Implementation

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

The chief school administrator shall also ensure that staff and pupils participate in educational

programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The chief school administrator shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Date Adopted: September 4, 1991
 Date Revised: May 5, 1993
 Date Revised: October 10, 1995
 Date Revised: May 22, 2007

Legal References: N.J.S.A. 2C:33-4 Harassment
 N.J.S.A. 10:5-1 et seq. Law Against Discrimination
 N.J.S.A. 18A:36-20 Discrimination; prohibition
 N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.
 N.J.A.C. 6:8-2.1 Quality assurance annual report
 N.J.A.C. 6:8-4.1 Review of mandated programs and services
 N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
 See particularly:
 N.J.A.C. 6A:7-1.4,-1.7
 N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
 N.J.A.C. 6A:17-1.1 et seq. Students At-Risk of Not Receiving a Public Education
 N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

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

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

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

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

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

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Manual for the Evaluation of Local School Districts (September 2002)

Multi-Year Equity Plan for the Academic Years 2000-2001 through 2002-2003,
New Jersey State Department of Education Division of Student Services
Office of Bilingual Education and Equity Issues

Possible

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

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