

Affirmative Action

Lyndhurst Schools Professional Development

2014-2015

Compliance

Title IX of the Education Amendments of 1972 and the New Jersey Administrative Code (NJAC) 6A: 7 ensures equal access to educational programs and services by district boards of education regardless of race, creed, color, national origin, ancestry, age, marital status, religion, gender, disability, affectional or sexual orientation, or socioeconomic status. This assurance applies to staff, students, vendors, volunteers, curricula, course materials and athletics.

Title IX

Title IX is the key federal law prohibiting sex discrimination against students and employees in educational programs and activities receiving federal assistance. Title IX benefits males and females and is at the heart of efforts to create gender equitable education. Under this law, males and females are expected to receive fair and equal treatment in all areas of schooling recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships, sexual harassment, and athletics.

Training

Completion of this training will fulfill the state requirement that school districts provide ongoing education for all school personnel to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of protected classes.

Protected Classes

Protected classes include those grouped by

- ▶ Race
- ▶ Creed
- ▶ Color
- ▶ National Origin
- ▶ Ancestry
- ▶ Age
- ▶ Marital Status
- ▶ Affectional or Sexual Orientation
- ▶ Gender
- ▶ Religion
- ▶ Disability
- ▶ Socioeconomic Status

AAO-AAT

Each New Jersey school district annually appoints Affirmative Action Officers (AAT) who are responsible for compliance with NJAC 6A:7 and Title IX.

Specific questions related to compliance or grievance procedures in your district should be directed to the Affirmative Action Officers in your district.

Definitions

Discrimination: Subjecting people to differential treatment based on legally recognized protected classes, which include race, color, religion, creed, national origin, ancestry, ethnic heritage, citizenship, age, gender, sexual preference or sexual orientation, marital status, disability, or veteran status.

Some examples of discrimination include:

- ▶ Refusing to hire or promote an individual or employee on the basis of protected class status
- ▶ Disciplining an individual or terminating an employee on the basis of protected class status
- ▶ Applying policies in an unequal and negative manner to an individual on protected class status

Definitions

Harassment: A repeated pattern of unprovoked behavior(s) of a physical, verbal and/or psychological nature that are unwelcome, unwanted or uncomfortable in the view of the recipient

Sexual Harassment: Unwelcome sexual advancements, requests for sexual favors, and other verbal or physical conduct of a sexual nature that causes unreasonable interference with an individual's performance or creates an intimidating, hostile or offensive environment

Some examples of harassment/sexual harassment include:

- ▶ Unwelcome, hurtful jokes or comments that belittle and are directed toward a protected class
- ▶ Inappropriate nicknames, comments or behaviors that show a lack of respect for a protected class
- ▶ Direct or subtle threats
- ▶ Offensive gestures
- ▶ Ignoring, isolating or segregating a person
- ▶ Biased language
- ▶ Ethnic stereotyping
- ▶ Sexual propositions
- ▶ Suggestive comments
- ▶ Discussions of or questions about one's sexual activity

Some examples of harassment/sexual harassment include:

- ▶ Foul or obscene language or gestures
- ▶ Leering or whistling
- ▶ Public displays of suggestive photographs, articles, objects or other printed or visual material
- ▶ Physical conduct such as petting, pinching, or brushing against another's body

Types of Harassment Claims

There are two types of harassment claims:

Quid pro Quo (This for That): Individual alleges that a specific position, benefit or activity was denied based on the claimant's refusal to acquiesce in the harassment

Hostile Environment: Individual alleges that the environment is intimidating, hostile or offensive. Factors considered when determining whether there is a hostile environment include:

- ▶ Whether the conduct is verbal or physical
- ▶ The frequency of the conduct
- ▶ The number of victims
- ▶ The number of alleged harassers
- ▶ The position of the harasser(s)

Determining Harassment

To determine if your behavior is unwanted or harassing, ask yourself the following:

- ▶ Would I want my behavior to be the subject of an announcement on the Internet, an article in the newspaper or a TV news flash?
- ▶ Would I behave the same way if my spouse, parent or significant other were standing next to me?
- ▶ Would I want someone else to act this way toward my spouse, parent or significant other?

A “no” response to any of the above questions or a “yes” response to the question below indicates potential harassment/bullying

- ▶ How do others react to my comments? Do they “shrink away” stop making eye contact, or laugh nervously?

Addressing Harassment

If you feel you are the target of harassment/bullying or you observe another individual being harassed/bullied, whether it be an administrator, staff member, student, vendor or volunteer in your building:

- ▶ Inform the offender that the behavior is unacceptable and insist that it stop. If it continues:
- ▶ Report the behavior to a building administrator and/or the district's Affirmative Action Officers.
- ▶ File your complaint in writing with a building administrator and/or the district's Affirmative Action Officers.

Confronting Harassment

When confronting an individual about harassment:

- ▶ Describe the behavior that bothers you
- ▶ Explain why the behavior is a problem (how it impacts you)
- ▶ Tell the individual what you would prefer s/he do instead

Example: I find it offensive when you use slang to refer to my ethnicity. Please describe me as a Polish American rather than a Polack

Supporting Communication

When hearing about harassment from another individual:

- ▶ Listen
- ▶ Encourage the person who has been harassed to communicate directly with the harasser
- ▶ Encourage the person who has been harassed to report the situation to a building administrator and/or the district's Affirmative Action Officers or report the situation yourself

Complaints / Grievance Procedures

In keeping with federal/state antidiscrimination legislation, each district's Board of Education has adopted a grievance procedure to provide "prompt and equitable" resolution of harassment complaints. Consult your district's Affirmative Action Officers for specific grievance procedures in your district

Any person who believes she/he has been discriminated against may also file a complaint with the Office of Civil Rights, the Department of Education and/or the New Jersey Division on Civil Rights. These filings may occur at the same time a grievance procedure is filed after the grievance process is completed or without using the school district grievance process at all

Teaching Tolerance

For all of our differences, we share one world. To be tolerant is to welcome differences and delight in the sharing.

Always maintain an atmosphere of respect, tolerance and equity in your building and classroom.

Websites

For additional information regarding Title IX, NJAC 6A:7, equity, harassment, or bullying please consult the following web sites:

- ▶ www.state.nj.us/education/equity
- ▶ www.dol.gov/oasam/regs/statues/titleIX.htm
- ▶ www.tolearance.org
- ▶ www.ncrc.Rutgers.edu
- ▶ www.education.com/bullying
- ▶ www.esrnational.org
- ▶ www.steinhardt.nyu.edu/metrocenter/FAC.html
- ▶ www.napequity.org
- ▶ www.state.nj.us/education/holocaust
- ▶ www.nea.org/webresurces/diversitylinks.html
- ▶ www.ushmm.org
- ▶ www.ed.gov/ocr
- ▶ www.njsba.com
- ▶ www.adl.org
- ▶ www.ancestry.com