



logo

North Arlington Board of Education

Home

< Prev

Next >

To Regulation

Search District
Policies

District Policies TOC

District Policy

5751- SEXUAL HARASSMENT (M)

Section: Students
Date Created: October, 2008
Date Edited: October, 2008

M

The Board of Education will not tolerate **sexual** harassment of pupils by school employees, other pupils, or third parties. **Sexual** harassment of pupils is a form of prohibited sex discrimination. School district staff will investigate and resolve allegations of **sexual** harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged **sexual** discrimination, including **sexual** harassment which may include quid pro quo harassment and hostile environment.

Definitions:

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed **sexual** advances, requests for **sexual** favors, or other favors, or other verbal, nonverbal, or physical conduct of a **sexual** nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile environment **sexual** harassment is **sexually** harassing conduct (which can include unwelcomed **sexual** advances, requests for **sexual** favors, or other favors, or other verbal, nonverbal, or physical conduct of a **sexual** nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This Policy protects any "person" from sex discrimination; accordingly both male and female pupils are protected from **sexual** harassment engaged in by school district employees, other pupils, or third parties. **Sexual** harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a **sexual** nature directed toward any pupil, regardless of the pupil's **sexual**

orientation, may create a **sexually** hostile environment and therefore constitute **sexual** harassment. Nonsexual touching or other nonsexual conduct does not constitute **sexual** harassment.

The regulation and grievance procedure shall provide a mechanism for discovering **sexual** harassment as early as possible and for effectively correcting problems.

The Superintendent, or designee, will take steps to avoid any further **sexual** harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of **sexual** harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This policy and regulation on **sexual** harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of **sexual** harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and the pupils understand what type of conduct can cause **sexual** harassment and that the staff know the school district policy and regulation on how to respond.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Superintendent, or designee, will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting **sexual** harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

United States Department of Education - Office of Civil Rights **Sexual** Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (1997)

Adopted: 20 October 2008





logo

North Arlington Board of Education

Home

< Prev

Next >

To Regulation

Search District
Policies

District Policies TOC

District Policy

3362- SEXUAL HARASSMENT (M)Section: Teaching Staff Members
Date Created: October, 2008
Date Edited: October, 2008**M**

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 Affirmative Action Officer 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

Adopted: 20 October 2008



logo

North Arlington Board of Education

Home

< Prev

Next >

To Regulation

Search District
Policies

District Policies TOC

District Policy

4352- SEXUAL HARASSMENT (M)Section: Support Staff
Date Created: October, 2008
Date Edited: October, 2008**M**

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 New Jersey Division on Civil Rights or to the United States Equal Employment Opportunity Commission. Complaints regarding **sexual** harassment shall be submitted following the procedures outlined in Regulation 1530, Equal Employment Opportunity.

The Superintendent shall instruct all employees 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

Adopted: 20 October 2008

