

# REGULATION

## Monroe Township

### School District

Section: Teaching Staff Members

#### 3362. EQUAL OPPORTUNITY / NON-DISCRIMINATION / SEXUAL HARASSMENT COMPLAINT PROCEDURE

Date Created: February, 2008

Date Edited: October, 2019

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##### R 3362 EQUAL OPPORTUNITY / NON-DISCRIMINATION / SEXUAL HARASSMENT COMPLAINT PROCEDURE

#### 1. Purpose

The following procedures are designed to provide for an orderly and complete response to alleged unlawful discrimination.

#### 2. Confidentiality

It is the goal of the Board, both during an investigation and thereafter, to maintain confidentiality to the fullest extent possible, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any individual who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

#### 3. No Retaliation

All employees and pupils should be aware that no retaliation whatsoever will be permitted against one who complains of any incident of unlawful harassment or discrimination, or who assists in the investigation thereof. Any individual who is found to have committed a retaliatory act against an employee or pupil who has complained of harassment or participated in an investigation of harassment will be subject to appropriate discipline.

After the matter is concluded, and if a determination is made that unlawful harassment or discrimination has occurred, the investigator will make a recommendation to the Superintendent of Schools regarding the appropriate discipline of the actor involved and/or will implement any other resolution of the matter. The investigator will also follow up with the person who was subject to the harassment to determine whether the inappropriate conduct at issue has ended, and to ensure that there has been no new occurrence of unlawful harassment or discrimination by the original actor, or by anyone else in retaliation for the complaint made.

#### 4. Definitions

- (a) complainant: Any person alleging discrimination under the law or Board policies.
- (b) School Affirmative Action Officer: The individual at the school building level who has been assigned by the Board of Education to be the Affirmative Action Officer for the building or school.
- (c) District Affirmative Action Officer: The individual appointed by the Board of Education to be the District's Affirmative Action Officer and who is identified to the

New Jersey Department of Education as being responsible for affirmative action activities within the District.

## 5. Initiation

Complaints of discrimination may be initiated by people in the following categories:

- (a) Employees
- (b) Students
- (c) Parents or guardians of students in attendance in Board programs
- (d) Other individuals as required by law

## 6. Complaints

Any employee who believes he or she has been subjected to unlawful harassment or discrimination, or who has witnessed any incident of unlawful harassment or discrimination (hereinafter the "complainant"), should report the matter without delay to any of the following: the School Affirmative Action Officer, the District Affirmative Action Officer, the School Principal, an Assistant Superintendent, or the Superintendent of Schools. Any supervisory employee who receives a complaint of unlawful harassment or discrimination must promptly refer the matter to the Superintendent of Schools, and in his/her absence, to the District Affirmative Action Officer.

Any pupil who has knowledge of, or feels victimized by, unlawful harassment or discrimination should immediately report his/her allegations to any teaching staff member or the School Affirmative Action Officer. The School Affirmative Action Officer shall immediately refer the matter to the Superintendent of Schools, and in his/her absence, to the District Affirmative Action Officer.

Any employee who receives a report of unlawful harassment or discrimination of a pupil, or who has independent cause to suspect that a pupil has been subjected to unlawful harassment or discrimination, shall promptly notify the School Principal, who shall immediately refer the matter to the Superintendent of Schools, and in his/her absence, to the District Affirmative Action Officer.

The complaint may be filed in single copy. If the complainant does not file additional copies, the complainant shall be provided with a copy of the complaint. The complaint shall be filed on the printed form provided for such complaint, or may be typewritten or clearly printed on paper no less than 8" x 11". The complaint shall include:

- (a) the full name of all complainants;
- (b) a statement of what unlawful category of discrimination is alleged;
- (c) a statement setting forth the facts deemed to demonstrate the alleged discrimination;
- (d) a statement describing whether or not any action has been instituted;
- (e) signature of the complainant(s); and
- (f) the date the complaint is filed

## 7. Investigation Process

The Board will investigate the matter by communicating not only with the parties involved, but also with those who have witnessed it or otherwise have knowledge of it, if appropriate. The complainant should be

prepared to provide full and complete information regarding the incident.

A similar investigation will be undertaken with the individual alleged to have engaged in the conduct at issue. If appropriate, the investigator will then discuss with each of the parties the information and responses obtained from each of them, as well as other evidence compiled, if necessary, in order to obtain any further pertinent information from the complainant and from the alleged actor.

Thereafter, and based on all of the information obtained in the investigation, the investigator will decide as to whether or not a determination that unlawful harassment or discrimination has occurred is warranted. If discipline is warranted, the investigator may make a recommendation as to the appropriate discipline. In the event that a determination that unlawful harassment or discrimination occurred is warranted, the determination will be based upon the investigation performed by the investigator, supplemented by further investigation, if deemed necessary. When the investigation has concluded, the investigator shall report his/her determination to the Superintendent of Schools, who will subsequently advise the Board of said determination. Any discipline or other action which may then be found appropriate will be promptly implemented in accordance with law. If a complaint is filed against a member of the Central Office Administrative staff, the Board President will authorize the Board's attorney to investigate such complaint.

Adopted: 27 February 2008

Reaffirm: 16 October 2019