

SEXUAL HARASSMENT

1. Statement of Policy

Sexual harassment in any form directed at staff or children is against the law and will not be tolerated by the Sayreville Board of Education (the “Board”). The Board is committed to the belief that all of its employees and pupils have the right to enjoy an environment free of inappropriate conduct and communications based on employees’ or pupils’ gender. The Board thus opposes sexual harassment in any form, whether by any member of the Board, by any employee of the Board, by any vendor doing business with the Board, by any parent, by any other party having business-related interaction with a representative of the Board, by any person acting in a voluntary capacity, or by any pupil, and regardless of whether the victim is male or female. You should know that such conduct will not be tolerated, and that the provisions of this policy set forth below will be vigorously enforced. You are urged to become thoroughly familiar with this policy, and place its prohibition against sexual harassment into practice on a daily basis. Violation of any of the provisions of this policy is a serious matter, and will be dealt with accordingly.

2. What Are The Consequences of Sexual Harassment?

Sexual harassment is not only offensive and degrading to the employees and/or pupils subjected to it, and detrimental to the morale of co-workers and/or pupils, but it is also illegal, being contrary to both state and federal laws against discrimination. Any employee found to have engaged in or participated with another in, sexual harassment will be subject to disciplinary action including but not limited to the following: oral reprimand, written reprimand, suspension with or without pay, reassignment to another position, adverse effect on compensation, and termination from employment. A pupil who engages in sexual harassment of an employee or of another pupil will be subject to disciplinary action. An individual who engages in, or participates with another in, sexual harassment may also be subject to personal financial liability to the victim of the conduct at issue.

Pending the investigation of any complaint of sexual harassment, as described in Section 6 below, the Board retains discretion to impose a temporary reassignment of any of the parties involved if the circumstances disclosed so warrant.

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3. What will the Board Do to Avoid the Occurrence of Sexual Harassment?

The Board will publicize this policy to all employees, pupils, vendors and volunteers, and enforce the policy with respect to these persons. The Board will also provide periodic mandatory information and training sessions to all of its employees in order to deter and avoid any incidents of sexual harassment. These sessions will typically review the prohibition against sexual harassment, give concrete examples of the types of conduct which constitute sexual harassment, and provide time for questions and discussion. Any employee who fails to attend any mandatory training session will be subject to appropriate discipline. This policy will be disseminated to all employees and placed in the Sayreville Board of Education Policy Manual, which is accessible to all employees. The Policy Manual is available in the office of the Superintendent of Schools. All new employees will be provided with a copy of this policy upon employment.

All parents will be advised of the existence of this policy and provided with a copy of the policy upon request. Additionally, the Superintendent of Schools shall direct that all teachers and principals inform pupils of this policy in an age-appropriate terms, provide a summary of this policy to all pupils' grades 5 to 12, and advise pupils of the prohibition against sexual harassment, the consequences of engaging in such inappropriate conduct and their right to be free from sexual harassment. Pupils shall also be encouraged to report any incident of sexual harassment to any teaching staff member.

4. What Conduct is Prohibited?

Sexual harassment occurs when one employee, typically a supervising employee, attempts to make another employee's submission to unwelcome sexual demands or overtures a condition to: his or her continued employment; the terms, conditions or the benefits thereof; or an employment decision of any kind affecting that employee. This type of sexual harassment typically involves a promise of favorable employment action in exchange for sexual favors, or an implicit or explicit threat that if the employee does not give in to the sexual demands or overtures, the employee will lose his or her job, receive unfavorable performance reviews, be passed over for promotion, or suffer other adverse employment consequences.

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Additionally, sexual harassment occurs if a teacher attempts to make a pupil submit to such unwelcome sexual demands or overtures as a condition of a pupil's evaluation, promotion, opportunities, privileges and/or other benefits of education.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. If a "reasonable person" of the victim's gender would consider the conduct intimidating, hostile, or as creating an offensive working environment for an employee, then sexual harassment has occurred.

Such conduct often consists of unwelcome sexual touching and comments. For example, such conduct would include:

- unwelcome contact such as hugging another or placing one's arm around the other;
- unwelcome sexual flirtations, advances, and propositions;
- sexual degrading words used in reference to an individual;
- comments on the speaker's sexual abilities or those of co-workers;
- display of offensive pictures or objects such as posters or calendars which are of a sexual nature;
- unwelcome teasing, jokes and remarks of a sexual nature;
- unwelcome comments of a sexual nature on, or staring at, an individual's physical attributes;
- unwelcome questions about sexual conduct;

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- repeated unwelcome requests for a date after prior requests have been refused, or the proposed invitee has stated that he or she is not interested in such social contact;
- unwanted pressure for sexual favors; and
- other harassment of a non-sexual nature that is engaged in due to the gender of the individual.

In order to constitute sexual harassment, the conduct need not be sexual in nature, provided that it is occurring solely because of the victim's sex. For example, with respect to women, this would include comments about the lesser abilities, capacities, or the "proper role" of members of the female sex. It would also include subjecting a woman or a man to non-sexual harassment solely because of his or her gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite-sex or same-sex harassment.

The conduct described above may constitute prohibited sexual harassment even if the actor did not intend to injure or harass the victim. It is no excuse or justification for the conduct that the actor was only "joking". The conduct would still constitute sexual harassment even if the victim is strong enough to endure it without any emotional or psychological impact, harm, or damage. The types of conduct described above need not even be directed at a particular individual for that individual to be the victim of sexual harassment; this is because the working environment in which an employee exists and works is directly affected by the treatment of co-workers if they are the subject of sexual harassment.

5. What Will the Board Do Upon Being Advised of any Claim of Sexual Harassment?

Upon being advised of any claim of sexual harassment, the Affirmative Action Officer, or in his/her absence, such other appropriate individual as selected by the Superintendent of Schools (hereafter sometimes referred to as the "Investigator"), will promptly and thoroughly investigate the matter. If the investigation confirms that sexual harassment has, in fact, occurred, appropriate and swift remedial action will be taken.

In order to further the investigation of any claim of sexual harassment as noted above, all employees and pupils are encouraged to report any incident of sexual harassment to

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which they are subject, or which they have witnessed, pursuant to the Complaint procedures described in the next section. The matter will then be investigated by communicating not only with the parties involved, but also with those who have witnessed it or otherwise have knowledge of it.

a. Confidentiality

It is the Board's goal, both during the investigation and thereafter, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, 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.

b. No Retaliation

All employees and pupils should be aware that no retaliation whatsoever will be permitted against one who complains of any incident of sexual harassment, 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 shall be subject to appropriate discipline.

After the matter is concluded, and if a determination is made that sexual harassment has occurred, in addition to imposing the appropriate discipline on the actor involved and/or implementing any other resolution of the matter, the Investigator will 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 sexual harassment by the original actor, or by anyone else in retaliation for the complaint made.

6. What is the Complaint Procedure to be Followed?

Any employee who has been subjected to sexual harassment, or who has witnessed any incident of sexual harassment (hereinafter the "complainant"),

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should report the matter without delay to either of the following: the School Principal or the Affirmative Action Officer.

Any pupil who has knowledge of, or feels victimized by, sexual harassment should immediately report his/her allegations to any one of the following: any teaching staff member, the School Principal, or the Affirmative Action Officer.

Any employee who receives a report of sexual harassment of a pupil, or who has independent cause to suspect that a pupil has been subjected to sexual harassment, shall promptly notify the School Principal, who shall immediately refer the matter to the Affirmative Action Officer. In his/her absence, the matter should be reported to such other appropriate individual as designated by the Superintendent of Schools. The individual notified will promptly initiate an investigation in accordance with this policy. If either of these individuals is the subject of the complaint, the matter should be immediately referred to the Superintendent of Schools. The Superintendent will then designate an appropriate person to conduct the investigation.

An act of sexual harassment that appears to constitute institutional child abuse (which is abuse alleged to have taken place in a school or other institutional setting by school personnel, compensated and uncompensated (volunteer) shall be immediately reported to the New Jersey Institutional Abuse Investigation Unit (IAIU) weekdays between 9:00 am and 5:00 pm at (609) 292-0617, weekends, holidays or after hours at (800) 792-8610 in accordance with Child Abuse Policy No. 807.

Any supervisory employee who receives a complaint of sexual harassment must promptly refer the matter to the Affirmative Action Officer for investigation, and in his/her absence, to such other appropriate individual as designated by the Superintendent of Schools. As stated above, once a complaint is made, the Affirmative Action Officer or, in his/her absence, the Assistant Board Secretary, will begin a prompt and thorough investigation. If either of these individuals is the subject of the complaint, the matter should be immediately referred to the Superintendent of Schools. The Superintendent will then designate an appropriate person to conduct the investigation.

The complainant should be prepared to provide full and complete information regarding the incident. Based upon the information provided by the complainant,

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a written statement of complaint in the form of an Affidavit or Certification will be prepared by the Investigator, which the complainant will be asked to sign.

A similar investigation will be undertaken with the actor alleged to have engaged in the conduct at issue. A statement either in the form of an Affidavit or Certification will also be taken from that person. 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, 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 whether a determination that sexual harassment has occurred is warranted. If discipline is warranted, the Investigator will make a recommendation to the Board as to the appropriate discipline. If other corrective action is warranted, the Investigator will likewise make a recommendation to the Board as to the appropriate action and resolution of the situation. If a determination that sexual harassment occurred is warranted, the Board shall review the Investigator's recommendation, and make a final determination based upon the investigation materials, supplemented by further investigation, if deemed necessary. Any discipline or other action that may then be found appropriate by the Board will be promptly implemented.

At the conclusion of the investigation, each of the parties involved will be advised of the decision and of the discipline, if any, to be imposed upon the actor.

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