



# Affirmative Action



# 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



# NJAC 6A:7

Section 6A:7 of the New Jersey Administrative Code is the key state legislation that provides management for equality and equity in education in all New Jersey educational programs.



# 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



# Affirmative Action Officer

- Each New Jersey school district annually appoints an Affirmative Action Officer (AAO) who is responsible for compliance with NJAC:7 and Title IX.
- Specific questions related to compliance or grievance procedures in your district should be directed to the Affirmative Action Officer (Mr. John Englishmen).



# 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 based on protected class status



Offensive Actions: 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.



# Examples of Affirmative Action complaints 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
- Sexual innuendos
- Suggestive comments
- Discussions of, or questions about one's sexual activity
- 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 Affirmative Action Claims

There are two types of 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 Affirmative Action

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

- Would I want my behavior to be the subject of an announcement on the internet, a posting on social media 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 questions below indicates potential complaint.*

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



# Addressing Affirmative Action

If you feel you or another individual are the target of prejudice, bias, etc., 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 or the district's Affirmative Action Officer
  - File your complaint in writing with a building administrator or the district's Affirmative Action Officer



# Confronting Affirmative Action

When confronting an individual about an offensive behavior:

- 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 a suspected Affirmative Action complaint from another individual:

- Listen
- Encourage the person who has been offended to communicate directly with the offender
- Encourage the person who has been offended to report the situation to a building administrator, the district's Affirmative Action Officer, 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 Affirmative Action complaints. Consult your district's Affirmative Action Officer 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.



# Web Sites

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

- <http://www.state.nj.us/education/equity>
- <http://www.dol.gov/oasam/regs/statues/titleIX.htm>
- <http://www.tolerance.org/>
- <http://www.ncrc.rutgers.edu/>
- <http://www.education.com/bullying>
- <http://www.esrnational.org/>
- <http://www.steinhardt.nyu.edu/metrocenter/FAC.html>
- <http://www.napequity.org/>
- <http://www.state.nj.us/education/holocaust>
- <http://www.nea.org/webresurces/diversitylinks.html>
- <http://www.ushmm.org/>
- <http://www.ed.gov/ocr>
- <http://www.nisba.com/>
- <http://www.adl.org/>
- <http://www.ancestry.com/>



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

Teaching Tolerance:

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



# “When in doubt, check it out...”

- Be sensitive to controversial issues.
- Be aware of religious and cultural holidays and celebrations.
- If you are not sure about teaching or discussing a particular topic, please consult with:
  - Colleagues
  - Guidance
  - Building Administrator
  - Instructional Supervisor
  - Affirmative Action Officer



*If you have any questions or concerns, please contact a school or district administrator. Thank you!*