
SEXUAL HARASSMENT

The West Morris Regional Board of Education recognizes that sexual harassment is a form of sexual discrimination prohibited by federal and state law. The Board wishes to provide a learning and working environment where all employees and students may be free from sexual harassment in any form and where the offending employees and students are subjected to appropriate disciplinary procedures.

For the purposes of the policy:

1. Sexual harassment may be committed by both employees and students.
2. Acts which constitute sexual harassment shall include but not be limited to:
 - a. unwelcome sexual advances including verbal or written comments of a sexually provocative nature
 - b. fondling, touching, or other physical contact of a sexual nature
 - c. the use of language, the presence of print and/or audio-visual materials, and/or gestures that may be sexually oriented and/or offensive

When any employee or student feels that he/she is being sexually harassed, he/she should immediately tell the offending party to stop the specific offensive behavior. In addition, he/she should immediately report the offensive behavior to the immediate supervisor of the offending employee, or if a student, the student should report the offensive behavior of the other student to the building principal and/or his/her designee. All incidents of alleged sexual harassment shall be reported to the Chief School Administrator or his designee through recognized administrative channels.

The administration will inform all employees and students that sexual harassment is prohibited in the educational setting. Specifically no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupil's standing in the school setting. Employees are forbidden to harass pupils or other staff members or vendors or volunteers through conduct or communications of sexual nature within the school setting. Furthermore, students are prohibited from sexually harassing other students.

Any employee may file a formal grievance related to sexual harassment. The board of education and district's affirmative action officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the individual making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the individual's employment status.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Legal References:

N.J.S.A. 2C:33-4

N.J.S.A. 10:5 Law Against Discrimination

N.J.S.A. 10:5-1, et seq.

N.J.S.A. 18A:36-20

N.J.S.A. 18A:38-5.1

Title IX of the Educational Amendments of 1972

Title VII of the Civil Rights Act of 1964, as amended by The Equal Employment Opportunity Act of 1972

Saxe v. State College Area School Dist. 240 F.3d 200 (3d Cir. 2001)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Meritor Savings Bank v. Vinson U.S. Supreme Court 1985

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