

## 1599 - Complaints of Discrimination on the Basis of Sex

The Board of Education of the Glassboro School District is committed to providing an educational and work environment that is free from sex discrimination. Title IX of the Education Amendments of 1972 (Title IX), states that “[n]o person in the United States shall, on the basis of sex, be excluded from participating in, be denied the benefit of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” The Board prohibits discrimination on the basis of sex in its educational program, co-curricular and extra-curricular activities, and in the workplace, as required by law. The Board seeks to establish expectations for behavior that promote a safe and nurturing school environment and provide direction for students, employees, and third parties in recognizing and reporting sexual discrimination in accordance with this policy and with local, state and federal requirements. The District is committed to taking steps to end all sex discrimination and harassment and to eliminate any hostile environment, prevent its recurrence, and remedy the discriminatory effects on the victim(s) and others, if appropriate.

Discrimination on the basis of sex is defined as follows: treating one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service; providing different aid, benefits, or services or providing aid, benefits, or services in a different manner; denying any person any such aid, benefit, or service; subjecting any person to separate or different rules of behavior, sanctions, or other treatment; apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition; aiding or perpetuating discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees; or otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity. Examples of sex discrimination include: sexual harassment; the failure to provide equal opportunity in athletics; discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Sexual harassment is characterized as unwelcome conduct of a sexual nature that interferes with a student’s ability to learn, study, work, achieve, or participate in school activities or with an employee’s/third party’s term, condition, or privilege of employment/relationship with the school system. Sexual harassment can be committed by a student, employee or third party. Sex discrimination takes many forms including, but not limited to, sexual harassment, sexual assault and sexual violence. Sexual harassment may include offensive language, derogatory posters or drawings, unwelcome sexual advances, or pressuring an individual for sexual activity. Sexual assault may include unwanted touching of a person’s body in a sexual way without that person’s consent. Sexual violence may include any contact that occurs without the explicit consent of the recipient such as sexual battery, rape or molestation, for example.



Employees, students and third parties may be subject to disciplinary action or consequences for conduct prohibited by this policy, including inappropriate behavior of a sexual nature, even when that behavior does not rise to the level of sexual harassment as defined by prevailing federal and state laws. Disciplinary sanctions imposed against employees may include suspension with or without pay, termination, or a requirement that the employee obtain counseling. Disciplinary sanctions imposed against students may include suspension, expulsion, or a requirement that the student attend counseling. Disciplinary action against third parties will be taken in accordance with relevant Board policies and other applicable state and federal laws. Remedies available to victims of sex discrimination may include counseling, the imposition of an order against the guilty party prohibiting further contact with complainant, reinstatement of employment to complainant, or any other remedy as is just and services the interest of reinstating the complainant to his or her position prior to the occurrence of sex discrimination.

The District has an obligation to promptly investigate all complaints of sex discrimination in order to determine the facts relating to what transpired and then to take appropriate steps to resolve the situation when it knows or reasonably should know that possible discrimination has occurred. A “preponderance of the evidence” standard will be used for investigating alleged sex discrimination, sexual harassment, sexual assault and sexual violence complaints and making findings related to the allegations. All complaints and information relating to investigations of complaints will be kept strictly confidential by District staff to the greatest extent possible. Responsible employees are expected to promptly report sexual harassment that they observe or learn about. Retaliation is prohibited against any individual who files a sex discrimination complaint under Title IX or participates in a complaint investigation in any way.

The following procedure applies to complaints alleging all forms of sex discrimination, including sexual harassment, sexual assault and sexual violence, against employees, students or third parties and ensures that these complaints are investigated adequately, reliably and impartially and resolved promptly and equitably:

- After the incident of harassment occurs, the reporting party (a student, the student’s parent/guardian, an employee, or a third party) reports the incident to the principal, or directly to the Anti-Bullying Specialist/Title IX Coordinator.
- The principal informs the parents or guardians.
- The principal then initiates an investigation by the Anti-Bullying Specialist/Title IX Coordinator within one school day of the report. The principal may appoint others to assist.
  - Contact information for the Anti-Bullying Specialist/Title IX Coordinator is as follows:
    - Danielle Sochor  
Beach Administration Building  
560 Joseph Bowe Blvd.

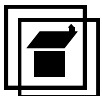


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- The principal completes an alleged incident report.
- A written report must be made within 2 days of when the reporting party or employee witness received reliable information about the incident. The Anti-Bullying Specialist/Title IX Coordinator completes this form.
- The impartial investigation is conducted no later than 10 school days from the date of the initial report made by the reporting party.
- Both parties shall have the opportunity to present witnesses and other evidence during the investigation.
- The results of the investigation must be given to the Superintendent of Schools within 2 school days of completing the investigation. The Superintendent decides what action should be taken next (e.g., intervention services, training, discipline, counseling, etc.).
- The Superintendent then must report to the Board of Education at the next Board meeting or within 30 calendar days, following the completion of the investigation.
- The District must provide information to both parties about the investigation and findings within 5 school days after the investigation results are given to the Board.
- Either party may request a confidential hearing before the Board of Education, which must occur within 10 calendar days of the request. Witnesses and evidence may be presented.
- The Board must issue a decision, in writing, to affirm, reject or modify the Superintendent's decision at the next Board meeting following receipt of the report or within 30 calendar days. The decision will be provided to both parties.
- The Board's decision may be appealed to the Commissioner of Education within 90 calendar days, and the appeal will be conducted in an impartial manner.
- Either party may file a civil rights complaint with the NJ Division of Civil Rights within 180 calendar days of the incident, or in state or federal court, if the incident is based on a characteristic protected under state or federal law.
- An individual may file a complaint with the Executive County Superintendent if the individual believes that the District did not adequately address a complaint of sex discrimination. This is separate and apart from the District's grievance procedure process for investigating complaints of sex discrimination.



# POLICY

## GLASSBORO BOARD OF EDUCATION

Should the parties agree to participate in an informal resolution mechanism, such as informal mediation or resolving the issue directly with each other, they may but are not required to do so. However, there are instances when the informal resolution mechanism may be inappropriate, for example, cases involving sexual assault, and those involving a student complaining of sexual harassment against an employee in a position of authority over the student. Should the parties agree to an informal process, the complainant will be notified of their right to end the process at any time and initiate the formal complaint process.

Additionally, during the pendency of an investigation of sex discrimination, the parties can obtain counseling and academic assistance, and additional certain interim measures may be taken to appropriately accommodate the parties in a way that will not disproportionately impact the parties, such as reasonable separation.

