

PERSONNEL
EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity

Grievance Procedure Discrimination/Harassment

The Association will not permit, tolerate, or condone harassment against any individual for any reason, including, but not limited to comments, conduct, or innuendoes that might be perceived by others as offensive or harassing are wholly inappropriate and are to be strictly avoided. This policy applies to Association employees, members, vendors, and visitors to the premises.

All employees must avoid offensive or inappropriate behavior in employment-related relationships and are responsible for ensuring that employment-related relationships remain professional and free from harassment at all times.

Harassment can include, but is not limited to, the following actions:

- **Inappropriate Communication** – Involves any language which is unnecessarily loud or degrades or berates others, including, but not limited to, racial, religious, or sexual comments or jokes, sexual innuendoes, or threats of any kind, whether communicated verbally or in writing.
- **Physical Abuse** – Includes, but is not limited to, touching, hitting, kicking, or threatening another person, including restraining by force or blocking the path of another.
- **Hostile Environment** – Includes any behavior or action which interferes with any employee's ability to perform job duties and responsibilities, or which results in or creates a hostile or intimidating work environment.
- **Sexual Harassment** – Includes, but is not limited to, unwelcome sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when:
 - submission to such conduct is made, wither explicitly or implicitly, a term or condition of an individual's employment;
 - submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - such conduct is severe and pervasive and has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
- **Retaliation** – Includes any adverse action or threat of adverse action taken or made because an employee has exercised or attempted to exercise any rights under applicable laws or under the policies of the Association. Retaliation includes, but is not limited to, threats, or withholding or withdrawal of pay, promotions, training, or other employment opportunities. Employees who engage in any such activity will be subject to disciplinary action up to and including termination of employment.

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The following procedures shall be followed by an employee who experiences any job-related discrimination or harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, veteran status, or any other status protected by applicable law.

Grievance Procedure – Discrimination/Harassment (continued)

The employee is encouraged to discuss the issue informally with his/her supervisor and/or Human Resources Manager. The Human Resources Manager will provide the employee with a clear definition of what constitutes discrimination/harassment and the complaint procedures available to the employee. Except for the Executive Director, the informal meeting, as well as any subsequent complaint, will be kept confidential to the maximum extent possible.

A. Discrimination grievance procedure against supervisory and nonsupervisory employee

An employee with a complaint of discrimination may file such complaint in writing with the Association Human Resources Manager.

The grievant will be provided with a clear definition of what constitutes discrimination and/or harassment and will be asked a series of questions by the Human Resources Manager to determine if allegations denote discrimination and/or harassment and if so, to determine what type of discrimination has occurred.

The grievant and alleged discriminator shall be informed of the investigation process, which shall include:

1. Interviewing grievant;
2. Interviewing alleged offender;
3. Interviewing relevant witnesses;
4. Completion of investigation (factfinding);
5. Determination of findings in consultation with the General Counsel and Executive Director;
6. Disclosure of final determination to both the grievant and alleged discriminator;
7. Informing both parties of due process rights (appeal process).

The Human Resources Manager shall interview the alleged discriminator and any other parties deemed necessary to complete the investigation process.

After the factfinding has been completed, the Human Resources Manager shall finalize his/her report and

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shall meet with the Executive Director to review such findings. At this time, the Executive Director shall make a determination including his/her need to conduct an independent investigation. The Human Resources Manager shall disclose findings upon the advice and recommendation of the Executive Director to all parties. Final determination and recommendations shall be rendered within 15 working days.

Grievance Procedure Discrimination/Harassment (continued)

Appeal Process

Either party shall have 15 working days in which to add comments or documentation and submit an appeal, in writing, to the Executive Committee, with copies to the Executive Director and Human Resources Manager. This shall be done by delivering the grievance and copies to the Executive Office of the New Jersey School Boards Association in two separately sealed envelopes; one to the Executive Director and the other to the Human Resources Manager or Alternate. The grievant shall mail a copy of the grievance to the President of NJSBA. Human Resources Manager or Alternate shall forward a copy of the appeal to the person against whom the action is alleged.

The grievant shall have the opportunity to request a meeting with the Executive Committee before a final decision is rendered. The Executive Committee shall render a final decision within 30 days after the date on which the appeal is delivered to the Executive Office of the NJSBA, and shall notify the grievant and all other participants in the grievance process.

In cases where the alleged discrimination is against the Human Resources Manager and/or Alternate, the complaint should be filed in writing directly to the Executive Director.

B. Harassment grievance procedure against supervisory and nonsupervisory employee.

An employee with a complaint of discrimination in the form of harassment may file such complaint with the Human Resources Manager or his/her alternate. The Human Resources Manager shall forward a copy of the complaint to the person against whom the action is alleged.

The grievant will be provided with a clear definition of what constitutes harassment and will be asked a series of questions by the Human Resources Manager or Alternate to determine if allegations denote harassment and if so, to determine what type of harassment has occurred.

The grievant and alleged harasser shall be informed of the process, which shall include:

1. Interviewing grievant;

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2. Interviewing alleged offender;
3. Completion of investigation (factfinding);
4. Determination of findings in consultation with the Executive Director;
5. Disclosure of final determination to both the grievant and alleged harasser;
6. Informing both parties of due process rights (appeal process).

The Human Resources Manager or Alternate shall interview the alleged harasser and any other parties deemed necessary to complete the investigation process.

Grievance Procedure Discrimination/Harassment (continued)

After the factfinding has been completed, the Human Resources Manager and/or Alternate shall finalize his/her report and shall meet with the Executive Director to review such findings. At this time, the Executive Director shall make a determination including his/her need to conduct an independent investigation. The Human Resources Manager or Alternate shall disclose findings upon the advice and recommendation of the Executive Director to both the grievant and alleged harasser. Final determination and recommendations shall be rendered within 15 working days.

Appeal Process

Either party shall have 15 working days in which to add comments or documentation and submit an appeal, in writing, to the Executive Committee, with copies to the Executive Director and the Human Resources Manager. This shall be done by delivering the grievance and copies to the Executive Office of the New Jersey School Boards Association in two separately sealed envelopes; one to the Executive Director and the other to the Human Resources Manager or Alternate. The grievant shall mail a copy of the grievance to the President of NJSBA. The Human Resources Manager or Alternate shall forward a copy of the appeal to the person against whom the action is alleged.

The grievant shall have the opportunity to request a meeting with the Executive Committee before a final decision is rendered. The Executive Committee shall render a final decision within 30 days after the date on which the appeal is delivered to the Executive Office of the NJSBA, and shall notify the grievant and all other participants in the grievance process.

In cases where the alleged harassment is against the Human Resources Manager and/or Alternate, the complaint should be filed in writing directly to the Executive Director.

- C. Discrimination and harassment grievance procedures against the Executive Director

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An employee with a discrimination or harassment grievance against the Executive Director may file a complaint, in writing, with the Executive Committee. This shall be done by mailing the grievance to the President of the NJSBA. The President of the NJSBA shall forward a copy of the complaint to the Executive Director and the Human Resources Manager.

1. The grievant shall have the opportunity to request a meeting with the Executive Committee before a final decision is rendered. The Executive Committee shall render a decision within 30 working days and will notify the grievant and the Executive Director. A copy of the Executive Committee's decision shall be forwarded to the Human Resources Manager.
2. The grievant shall have 15 working days in which to add comments or documentation and submit an appeal, in writing, to the Board of Directors with a copy to the Executive Director. This shall be done by delivering the appeal to the Executive Office of the NJSBA and mailing the appeal to the Board of Directors.
3. The Board of Directors shall render a decision at their next scheduled meeting after the date on which the appeal is delivered to the Executive Office of the NJSBA, and shall notify the grievant and all other participants in the grievance process. The decision of the Board of Directors shall be final.

Grievance Procedure Discrimination/Harassment (continued)

D. Discrimination and harassment grievance procedure against non-NJSBA employees

An employee on assignment who experiences discrimination or harassment may file a complaint against an individual who is not an employee of the NJSBA. Such complaint shall be filed in writing with the Human Resources Manager or his/her alternate.

The grievant will be provided with a clear definition of what constitutes discrimination/harassment and will be asked a series of questions by the Human Resources Manager or his/her alternate to determine if the allegations denote discrimination/harassment and if so, to determine what type of discrimination/harassment has occurred.

The Human Resources Manager or his/her alternate shall forward the grievance to the Executive Director within three working days of its receipt. The Executive Director shall take such steps as are within the control of the Association to protect NJSBA staff from improper and illegal interference with their ability to perform their expected job duties. The Executive Director shall notify the grievant and the Human Resources Manager of the steps taken to provide a safe working environment. The grievant shall notify the Executive Director and the Human Resources Manager of any recurrence of harassment at which time the Executive Director may, upon the grievant's agreement, refer the complaint to the Executive Committee's attention.

While it is understood that the NJSBA cannot discipline or otherwise control the conduct of

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individuals who are not its employees, the grievant may appeal the Executive Director's approach to the employee's grievance to the Executive Committee. This shall be done in accordance with the Appeal Process delineated in B. above.

Nothing above limits an employee's right to file a complaint with relevant agencies or courts.

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