

P4-01-001 Equal Employment Opportunity and Harassment

A. Equal Employment Opportunity

The School Board is an equal opportunity employer and is firmly committed to complying with all applicable equal employment opportunity laws. Personnel decisions shall be based on merit and on the ability to perform the essential functions of the job with / or without reasonable accommodation. No employee or applicant for employment shall be discriminated against because of sex (including pregnancy, childbirth or related medical conditions), sexual orientation, race, color, age, religion, gender, gender identity, national origin, disability, marital status, ~~status as a veteran~~ **military status**, genetic information or any other characteristic protected by law (except where such is a bona fide occupational qualification). This policy applies to all terms and conditions of employment, including recruitment, hiring, promotion, training, assignment, compensation, discipline, and termination. As detailed further in Section B, below, this policy also bans harassment.

B. Harassment

The School Board is committed to ensuring that all employees work in an environment that is free from discrimination and harassment. School Board employees are strictly prohibited from engaging in any conduct that constitutes, could lead to, or contributes to harassment.

Harassment may include, but is not limited to, offensive comments, gestures, slurs, e-mail messages, jokes, posters, cartoons, pictures, or drawings that are based on an individual's race, color, gender, religion, age, national origin, disability, or any other characteristic protected by law. Harassment does not require the intent to offend. Thus inappropriate conduct meant as a joke, prank, or even a compliment can lead or contribute to harassment.

Sexual harassment is a specific type of harassment that may include, but is not limited to, touching another individual in a sexually suggestive or offensive manner, making sexually suggestive remarks or jokes, making comments about an individual's body, displaying sexually suggestive objects or pictures in the workplace. Sexual harassment also may include threatening or insinuating, either explicitly or implicitly, that another employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that individual's employment.

Additional policies apply to School Board employees with supervisory authority. No one in a supervisory position may at any time: (1) threaten or imply that an individual's submission to or rejection of a sexual advance will in any way influence a decision regarding that individual's employment, evaluation, advancement, compensation, assignment, discipline, discharge, or any other term or condition of employment; or (2) make an employment decision concerning an individual on such a basis.

C. Retaliation

The School Board will not tolerate threats or acts of retaliation against individuals who 1) report inappropriate conduct pursuant to this policy or 2) provide information in connection with a report by another individual.

D. Complaint Procedures.

Any employee who believes that he or she or a co-worker has been subjected to conduct in violation of subsections A, B, or C of this policy, should report such conduct immediately to the Compliance Specialist, or their supervisor. Employees should report such conduct regardless of the offender's position with Henrico County Public Schools and should also report the conduct even if the offender is not employed at the County (for example, a visitor or vendor). If the complaint is against the Chief Human Resources Officer, the complaint shall be filed with the Superintendent. If the complaint is against the Superintendent, the complaint shall be filed with the Chair chairman of the School Board. Prompt reporting is very important so that the School Board can take action to stop the conduct before it is repeated.

Any employee who knowingly makes false allegations of sexual harassment shall be subject to disciplinary action.

All complaints will be addressed promptly, with further investigation conducted where needed to confirm facts or resolve disputed facts. In conducting investigations, the School Board will strive to keep private the identity of the individual(s) making the reports as confidential as possible. All participants in the investigation, including the individual making the report and the alleged harasser, must keep the facts and results of any investigation confidential, except as may be needed for investigative or disciplinary purposes. All County employees are required to cooperate in investigations and provide truthful information and evidence.

Any administrator, teacher, or other school board employee who is found after an investigation to have engaged in sexual harassment of another employee or student will be subject to appropriate disciplinary action.

As an alternative to this complaint procedure, reports of violations of this policy may be raised and handled through the employee grievance procedure, provided that (1) the reporting party is eligible to file a grievance, and (2) the subject matter of the report is grievable, as defined by the grievance procedures set forth in Section P4-10. In addition, employees who believe they have been subjected to sexual discrimination or sexual harassment prohibited by Title IX may file a grievance pursuant to P4-01-010 Grievance Process for Sexual Discrimination or Harassment Prohibited by Title IX.

HCPS Refs.: **R4-01-001, "Regulations Pertaining to Equal Employment Opportunity"**

P4-01-010 Grievance Process for Sexual Discrimination or Harassment Prohibited by Title IX

Last Revised: **December 2019**, May 2015

Legal Refs.: Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-295.2, 22.1-306.

VSBA Ref.: GB