

The policy of the Board of Education forbids discrimination against any employee or applicant for employment on the basis of sex. The Board will not tolerate sexual-harassment activity by any of its employees, by non-employee volunteers, or by any other persons who work subject to the control of school authorities, whether in the workplace, in other work-related settings such as business trips, school-sponsored activities off PVS premises or in work-related social events.

A. Definitions:

1. Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to,

- verbal or physical sexual advances, including subtle pressure for sexual activity;
- touching, pinching, patting, or intentional brushing against;
- comments regarding physical or personality characteristics of a sexual nature including, but not limited to, epithets, derogatory or suggestive comments, slurs or gestures, including the use of any form of electronic expressions, such as texting, email, and use of social media websites (e.g., Facebook, MySpace);
- sexually-oriented “kidding”; “teasing”; double-entendres, and jokes;
- any harassing conduct to which an employee would not be subjected but for such employee’s sex, sex-stereotype or gender identity; and
- use of offensive posters, cartoons, pictures, drawings and objects.

2. Unwelcome Conduct of a Sexual Nature

- a. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.
- b. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

B. Sexual Harassment Prohibited

1. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:
  - a. submission to the conduct is made either an explicit or implicit condition of employment;
  - b. submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or

- c. the conduct substantially interferes with an employee's performance, or creates an intimidating, hostile, or offensive work environment.

## 2. Specific Prohibitions

### a. Administrators and Supervisors

- i. It is sexual harassment for a manager or supervisor to use his/her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- ii. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary action as described below.

### b. Non-Managerial and Non-Supervisory Employees

It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary action as described below.

## 3. Non-Harassing Conduct

Courteous, mutually respectful, non-coercive interaction between employees that is welcome by both parties is not prohibited by this policy.

## C. Reporting, Investigation, and Disciplinary Action

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims using the employee grievance resolution procedure or by reporting such matters to the Superintendent, Head of Human Resources, or building principal. All claims shall be promptly investigated and equitably resolved. Pursuant to the Title IX/Section 504 Grievance Procedures promulgated pursuant to Policy 322.
  - a. Employees who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator pursuant to the Title IX/Section 504 Grievance Procedures. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the Head of Human Resources or Superintendent.
  - b. Employees are also urged to report any unwelcome conduct of a sexual nature by superiors or fellow employees if such conduct interferes with the

individual's work performance, or creates a hostile or offensive working environment. Reports shall be made to the Superintendent, Head of Human Resources, or building principal pursuant to the Title IX/Section 504 Grievance Procedures.

- c. Confidentiality will be maintained to the extent possible, consistent with the need to conduct an investigation and take remedial action, and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated.
3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements.