

POLICY	BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND
SEXUAL HARASSMENT	SECTION 318
318.1 General Statement of Policy 318.2 Sexual Harassment Defined 318.3 Dating or Sexual Relations between Staff and Students 318.4 Reporting Procedures 318.5 Confidentiality 318.6 Investigation of Report and Imposition of Penalties 318.7 Retaliation and Reprisals Prohibited 318.8 Discipline 318.9 Notice to Employees and Students	Adopted: 11/21/05 Reviewed: 11/9/05

318.1 General Statement of Policy

- A. The board prohibits discrimination on the basis of sex in its educational program, activities, or employment as required by Title IX of the 1972 Education Amendments and Title VII of the Civil Rights Act of 1964 and recognizes sexual harassment as a form of sexual discrimination. (Cross-reference Regulation 400-48.)
- B. It is the policy of the board to maintain a learning and working environment that is free from sexual harassment. The board believes that sexual harassment is offensive and morally wrong. Therefore, the board prohibits sexual harassment of, or by, employees, students, volunteers, vendors, or others having business or contacts with the school system. The board will investigate all complaints of sexual harassment and take appropriate action to end the harassment. Employees and students who violate this policy will be disciplined, as outlined in section 318.8 of this policy.

318.2 Sexual Harassment Defined

- A. The board adopts the definition of sexual harassment from the federal Equal Employment Opportunity Commission (EEOC), as interpreted by judicial rulings binding on the board. Under the EEOC, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to that conduct is made a term or condition, either explicitly or implicitly, of that individual's employment or education;
 2. Submission to or rejection of that conduct by an individual is used as the basis for decisions affecting that individual's employment or education;
 3. That conduct has the purpose or effect of unreasonably interfering with an individual's work performance or education; or
 4. That conduct has the purpose or effect of creating an intimidating, hostile, or offensive work or education environment.

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- B. Sexual harassment may include, but not be limited, to the following examples:
1. Verbal harassment, such as derogatory comments, jokes, name-calling, or slurs;
 2. Pressure for sexual activity;
 3. Unnecessary or offensive touching, inappropriate patting or pinching, or impeding or blocking a person's physical movement;
 4. Intentional brushing against a person's body;
 5. Visual harassment, such as derogatory or offensive posters, cards, e-mails, pictures, calendars, cartoons, graffiti, or drawings;
 6. Demanding sexual favors accompanied by implied or overt threats of preferential treatment with regard to an individual's employment or educational status; or
 7. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education.

318.3 Dating or Sexual Relations between Staff and Students

The relationship between students and staff is to be of a professional nature. Because school personnel have the responsibility for the supervision of children, interactions with students should remain clearly within the appropriate confines of a professional staff/student relationship. Therefore, asking for a date, dating or exploiting the student relationship by soliciting or actually engaging in sexual relations is not to occur between Frederick County Public Schools' employees and students.

318.4 Reporting Procedures

- A. Complaints against students
1. Any person, including a student, who believes they have been subjected to sexual harassment by a student is encouraged to report the alleged acts immediately to the student's principal.
 2. If the complainant does not know which school the student attends, the report should be filed with the appropriate associate superintendent, who will ascertain the student's school and forward the report to the principal.
- B. Complaints against employees, volunteers, etc.
1. Any person, including a student, who believes they have been subjected to sexual harassment by an employee, volunteer, vendor, etc. is encouraged to report the alleged acts immediately to the executive director of human resources.
 2. If the complaint involves the executive director of human resources, the complaint should be filed with the superintendent.

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3. If the complaint involves the superintendent, the complaint should be filed with the president of the board.
4. If the complaint involves a member of the board, the complaint should be filed with the remaining members of the board.

C. Report by witness

1. Any person with knowledge that an individual has or is violating this policy or the sexual harassment law is encouraged to report that information to the appropriate school official.
2. Any person who believes or suspects that an individual has or is violating this policy or the sexual harassment law may report that information to the appropriate school official.

D. Reporting forms

1. The board encourages the reporting party or complainant to use the school system's "sexual harassment report form." Use of the formal reporting form is not mandatory, however, if the ability to read or write is an impediment for an individual desiring to make a complaint, a complaint may be dictated to the appropriate individual and then reduced to writing.
2. The "sexual harassment report form" shall be conspicuously displayed in every building, available in each school guidance office, and available from the executive director of human resources.

E. Malicious report

An individual who maliciously and knowingly files a false report or statement may be disciplined.

318.5 Confidentiality

- A. The school system will respect the confidentiality of the complainant, witnesses, and the individual against whom the complaint is filed as much as possible, consistent with the school system's legal obligations and the necessity to investigate allegations of harassment and to take disciplinary action when harassment has occurred.
- B. The complainant, the accused, and witnesses must refrain from talking about the complaint during its investigation, other than as part of the school system's official investigation and disposition.

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318.6 Investigation of Report and Imposition of Penalties

- A. Complaints against students.
 - 1. The school principal will investigate the report and take disciplinary action against the student in accordance with the school system's discipline code for students and suspension and expulsion policy. If appropriate, the student may also be suspended or expelled by the superintendent of schools or his designee in accordance with Section 7-305 of the Education Article of the Annotated Code of Maryland and the school system's policy for suspension and expulsion.
 - 2. The penalties for a student's violation of this policy shall be contained in the school system's regulation on student discipline.

- B. Complaints against employees, volunteers, etc.
 - 1. A complaint or report against an employee, volunteer, vendor, or other person having business or contact with the school system shall be investigated by the executive director of human resources.
 - 2. The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is made, and others who may have knowledge of the alleged incident or circumstances. The executive director of human resources may also consider documents, materials, and any other evidence deemed informative or pertinent.
 - 3. In determining whether alleged conduct constitutes sexual harassment, the executive director of human resources should consider whether the conduct was unwelcome, the nature of the sexual conduct, the relationships between the parties, and the context in which the alleged incidents occurred.
 - 4. Many complaints or incidents can be resolved immediately by providing training on this policy and sexual harassment, by serving as an intermediary between the complainant and the accused, or by counseling the accused. The executive director of human resources shall have the authority to undertake these and similar efforts if they are reasonably calculated to resolve the complaint. The executive director of human resources shall document the action taken in these instances.

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5. The executive director of human resources shall complete a written report as to each complaint or report of a policy violation, regardless of the outcome of the investigation. The report should contain recommended findings and suggestions for resolution or discipline (e.g., violation, no violation, inconclusive; take no action, provide in-service to accused, discipline accused). The executive director of human resources shall endeavor to complete her report within thirty (30) business days.
6. Except for complaints resolved under section 318.6 B. 4. above, the executive director of human resources shall forward the report to the appropriate school official as follows:
 - a. If the accused is a support employee, to the support personnel officer;
 - b. If the accused is a school-based certificated employee, to the appropriate associate superintendent;
 - c. If the accused is in a position other than described in items a. and b. above, to the administrator in the accused's department or division who reports directly to the superintendent;
 - d. If the accused reports directly to the superintendent, to the superintendent;
 - e. If the accused is not an employee of the board, to the most appropriate administrator responsible for or coordinating the accused's relationship to the school system.
7. A school official receiving a report from the executive director of human resources under section 6 above shall:
 - a. Ensure that the report is acted upon and that disciplinary measures, if appropriate, are taken.
 - b. Contact the complainant and report the conclusions regarding the determination of whether sexual harassment occurred.
 - c. Not disclose any disciplinary action taken against an employee to the complainant, due to confidentiality laws.
8. If a complaint or report involves the executive director of human resources, the superintendent or his designee shall conduct the investigation, issue the report, and, if appropriate, take disciplinary action.
9. During an investigation and pending a final resolution, the school system may take immediate steps to protect the complainant, witnesses, and other employees or students.

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318.7 Retaliation and Reprisals Prohibited

- A. An individual who files a complaint or report of sexual harassment or who testifies, assists, or participates in an investigation of alleged sexual harassment shall not be subject to retaliation, reprisals, harassment, or intimidation.
- B. A person who violates the prohibition against retaliation shall be subject to discipline as outlined in section 318.8.

318.8 Discipline

- A. Administrators shall take appropriate disciplinary measures against individuals who violate this policy.
- B. Employees who violate this policy will be subject to disciplinary action up to and including termination.
- C. Disciplinary measures shall at a minimum be designed to end the sexual harassment.
- D. Nonemployees who violate this policy are subject to consequences up to and including the loss of their privilege to continue doing business with the school system.
- E. Students who violate this policy will be disciplined in accordance with section 318.6, section A.1.
- F. Sexual harassment is also a violation of federal and state employment laws. Under certain circumstances, sexual harassment may constitute child abuse. The school system will notify appropriate enforcement officials in every case where there is reason to believe that child abuse has occurred, in accordance with the Maryland child abuse reporting law.

318.9 Notice to Employees and Students

- A. The superintendent shall take appropriate steps to inform employees and students of the contents of this policy, what sexual harassment is, and where to go for help.
- B. Administrators shall be in-serviced annually on this policy. The in-service shall explain what sexual harassment is and inform administrators of their duties, responsibilities, and potential liability as workplace managers.
- C. This policy shall be distributed annually to employees.
- D. This policy shall be explained in the student handbook.

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SEXUAL HARASSMENT REPORT FORM

General Statement of Policy Prohibiting Sexual Harassment

It is the policy of the board to maintain a learning and working environment that is free from sexual harassment. The board believes that sexual harassment is offensive and morally wrong. Therefore, the board prohibits sexual harassment of, or by, employees, students, volunteers, vendors, or others having business or contacts with the school system. The board will investigate all complaints of sexual harassment and take appropriate action to end the harassment.

Complainant _____
Home Address _____
Work Address _____
Home Phone _____
Work Phone _____
Date of Alleged Incident(s) _____
Name person you believe sexually harassed you _____
List any witnesses that were present _____
Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that _____ has sexually harassed me. I hereby certify that the information I have provided in this complaint is true, correct and to the best of my knowledge and belief.

(Complainant Signature) (Date)

Received by _____
(Signature) (Date)

- **IF THE COMPLAINT IS AGAINST A STUDENT, send this completed form to the student's principal or the appropriate associate superintendent.**
- **IF THE COMPLAINT IS AGAINST AN EMPLOYEE, VOLUNTEER, OR OTHER PERSON CONNECTED WITH OR DOING BUSINESS WITH THE SCHOOL SYSTEM, send the completed form to the executive director of human resources.**

INFORMATION ABOUT THE SEXUAL HARASSMENT POLICY MAY BE OBTAINED FROM THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES.