



Frederick County Public Schools
Board of Education
DISCRIMINATION AND HARASSMENT –
EMPLOYEES/APPLICANTS/COMMUNITY MEMBERS
Policy 309

A. Policy Purpose

To provide a safe, welcoming and inclusive environment that is free from discrimination and harassment based on a person's membership in a protected class.

B. Definitions

1. "Discrimination" is defined to mean any act or omission due to an individual's status or perceived status in a protected class that creates an intimidating, hostile, or offensive working environment or educational environment, or substantially interferes with an individual's ability to work, learn, or access programs while on Frederick County Public Schools (FCPS) property or at a school activity or event.
2. "Harassment" is defined to mean actual or perceived negative actions that offend, ridicule, or demean another student with regard to race, which may also include acts of racism, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, genetic information, religion, ancestry, physical attributes, health condition, socioeconomic status, physical or mental ability, or disability.
3. "Prejudicial Behavior" is defined to mean adverse or hostile behavior against a person based on preconceived, unfair judgement toward a person, group, or identity. Prejudicial behavior is formed without sufficient evidence or reason and can be based on qualities such as race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, genetic information, religion, ancestry, physical attributes, health condition, socioeconomic status, physical or mental ability, or disability.

C. Policy Statement

1. The Board of Education of Frederick County (the "Board") is committed to providing students, staff and community members with a safe and supportive environment that is welcoming and inclusive. Members of the school community are expected to treat each other with mutual respect and to accept the rich diversity that makes up the community. Disrespect among members of the school community is unacceptable behavior and disrupts the learning and work environment.
2. Employees, applicants, and members of the community are referred to Policy 117, Anti-Racism for concerns about racism.

3. Except where the employment of a certain gender may be reasonably necessary as a bona fide occupational qualification, the Board prohibits discrimination, harassment, and prejudicial behavior based on protected classes under Maryland and federal law, which may include: race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, genetic information, religion, ancestry, physical attributes, health condition, socioeconomic status, physical or mental ability, or disability. The Board is committed to maintaining an environment that is free from such conduct on and off school premises, including all events and extracurricular activities under the auspices of the Board.
4. Each employee is entitled to full rights of citizenship and no religious or political activities of any such employee outside the regular hours of employment, or the lack thereof, will be grounds for any discipline or discrimination with respect to the professional employment of such person provided such activities do not directly affect the performance of the employee's assigned functions during the workday.

D. Implementation

1. FCPS employees, applicants, or community members may use the Discrimination and Harassment Complaint Form provided to file a complaint of discrimination or harassment based on race, religion, color, ancestry, national origin, age, marital status, disability, pregnancy, sexual orientation, gender identity, sex, or genetic information. The form is linked on the FCPS website: <https://www.fcps.org/non-discrimination>.
2. FCPS students may file a complaint of discrimination or harassment using the Bullying, Harassment, or Intimidation Reporting Form linked within FCPS Regulation 400-48, Bullying – Harassment – Intimidation Complaint Process for Students, as well as linked on the Questions or Concerns - Bullying & Harassment page on the FCPS website.
3. The following have been designated to respond to inquiries regarding nondiscrimination policies and procedures for reporting:

- a. Employee/Applicant/Community Member:¹

Director of Human Resources / Title IX Coordinator
Frederick County Public Schools
191 South East Street
Frederick, MD 21701
301-644-5081

An outside investigator trained in discrimination investigations may be selected to investigate when deemed appropriate by the Superintendent.

- b. Student Matters:

¹ Based on an individual being engaged in an FCPS program or activity.

Principal of the school where the student attends as outlined in D(2) above (see FCPS Regulation 400-48).

E. Related Information

1. **Board Policy**
 - a. Policy 116, Title IX Sexual Harassment
 - b. Policy 117, Anti-Racism
 - c. Policy 437, Bullying – Harassment - Intimidation
 - d. Policy 443, Creating Welcoming and Affirming Schools for Transgender and Gender Nonconforming Students
 - e. Policy 444, Educational Equity and Excellence
2. **FCPS Forms**
 - a. Bullying, Harassment, or Intimidation Reporting Form (Student)
 - b. Discrimination and Harassment Complaint Form (Employees, Applicant, & Community Members)
3. **FCPS Regulations.** Regulation 400-48, Bullying – Harassment – Intimidation Complaint Process for Students
4. **FCPS Pages**
 - a. Employee Concern and Non-Discrimination Resolution Options
 - b. Questions or Concerns - Bullying & Harassment
5. **Maryland Law.** Md. State Government Code Ann. § 20-602, *State Policy*
6. **United States Law**
 - a. Age Discrimination in Employment Act of 1967, as amended (ADEA), Title 29, United States Code, Chapter 14, § 631
 - b. Title I of the Americans with Disabilities Act of 1990, as amended (ADA)
 - c. Title VII of the Civil Rights Acts of 1964 and 1991
 - d. Title 42, United States Code, Chapter 126, § 12112

F. Policy History (Maintained by Legal Services)

<i>Responsible Office</i>	Legal Services; Human Resources
Adoption Dates	10/26/05
Review Dates	2015, 2018, 2019, 2020, 2021, 07/26/23
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