

I. Policy Statement

The Board of Education of Howard County is committed to providing an educational and work environment that is free from sexual discrimination. To that end, the Board prohibits discrimination on the basis of sex in its educational program, co-curricular and extra-curricular activities, and in the workplace, as required by law.

Employees and third parties share responsibility for the health, safety and general welfare of students; for contributing to a school environment free from sexual discrimination; and for maintaining appropriate relationships with students. Employees, students, and third parties may be subject to disciplinary action or consequences for inappropriate behavior of a sexual nature, even when the behavior does not rise to the level of sexual discrimination as defined by prevailing federal and state laws.

II. Purpose

The purpose of this policy is to establish expectations for behavior that promote a safe and nurturing school environment and provide direction for students, employees, and third parties in recognizing and reporting sexual discrimination in accordance with this policy and with local, state, and federal requirements.

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. Biological Parent – A natural parent whose parental rights have not been terminated.
 2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.

5. Caregiver – An adult resident of Howard County who exercises care, custody or, control over the student, but is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care).
 6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- B. Retaliation – The act or process of threatening or otherwise penalizing a person for reporting an alleged violation of policy or for participating in an investigation of an alleged violation.
- C. School-related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g., spectator at a school event).
- D. Sexual Discrimination – Sexual discrimination includes sexual harassment, sexual assault and sexual violence and is characterized as unwelcome conduct of a sexual nature that interferes with a student's ability to learn, study, work, achieve, or participate in school activities or with an employee's/third party's term, condition, or privilege of employment/relationship with the school system. Sexual discrimination can be committed by a student, employee or third party. Student, employee, or third party behavior may be severe enough to violate federal and state laws prohibiting sexual discrimination in educational institutions and the workplace (e.g., Title IX, Title VII). This generally occurs when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or educational status; or
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual's status; or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive environment.
- E. Sexual harassment is the unwelcome behavior of a sexual nature that interferes with a student's ability to learn, study, work, or participate in school activities. Examples of sexual harassment include, but are not limited to:
1. Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats.

2. Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures.
 3. Making unwelcome sexual advances.
 4. Spreading rumors about or evaluating someone for their sexual behavior.
 5. Taunting or ridiculing someone because of perceived or actual sexual orientation.
 6. Pressuring someone for sexual activity.
- F. Sexual assault is unwanted sexual contact or threat. Examples of sexual assault include, but are not limited to:
- a. Unwanted touching to a person's body in a sexual way without that person's consent such as patting, pinching, or impeding or blocking a person's physical movement.
 - b. Engaging in unwelcome sexual contact.
- G. Sexual violence is any type of contact that occurs without the explicit consent of the recipient such as fondling, forced sexual intercourse, sexual battery, rape, molestation or incest.
- H. Third Party – Parents, mentors, volunteers, vendors, contractors, and others with whom students or employees interact during school or school-related activities.
- I. Title IX – Title IX of the Education Amendments of 1972, the 1975 implementing regulation, and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted. This law states:
- No person in the United States shall, on the basis of sex, be excluded from participating in, be denied the benefit of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.*
- J. Title IX Coordinator – The employee(s) designated to coordinate efforts to comply with and carry out responsibilities under this policy and the law.
- K. Title VII – Title VII of the Civil Rights Act of 1964, a federal anti-discrimination statute that prohibits sexual harassment in the workplace.

IV. Standards

- A. Notice that sexual discrimination is prohibited in the Howard County Public School System (HCPSS) will be communicated to all students, parents, employees, and the community annually via customary channels.

- B. The school system will provide periodic training for employees on the substance of this policy.
- C. Sexual harassment of a student may also constitute child abuse and such cases must be addressed and reported in accordance with Policy 1030 Child Abuse and Neglect.
- D. State law requires the school system to report any criminal activity, including child abuse, to appropriate social service and law enforcement agencies (Policy 1030 Child Abuse and Neglect).
- E. It is a violation of this policy for any student, employee, or third party to engage in sexual discrimination.
- F. It is a violation of this policy for any student, employee, or third party to engage in retaliation with regard to complaints of sexual discrimination.
- G. Other forms of gender discrimination and harassment are addressed under Policy 1010 Discrimination; and Policy 1040 Safe and Supportive Schools.
- H. Sexual discrimination complaint forms will be easily accessible to students, employees, and third parties.
- I. A student may file a complaint alleging sexual discrimination orally or in writing with a teacher, school counselor, school-based administrator, or directly with the Title IX Coordinator. However, all reports filed with a teacher, school counselor or school-based administrator shall be forwarded to the Title IX Coordinator who will oversee and support the investigation of the complaint.
- J. A school system employee or third party who chooses to file a sexual discrimination complaint must do so with the Title IX Coordinator or with a school-based administrator or supervisor as appropriate. All such reports must be forwarded to the Title IX Coordinator who will oversee and support investigation of the complaint.
- K. Teachers, school counselors, and administrators who believe sexual discrimination has occurred must take action promptly in accordance with established procedures.
- L. The school system will investigate allegations of sexual discrimination in a timely manner and address any findings of sexual discrimination.
- M. In all phases of complaint resolution, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties. These efforts may be limited by the school system's legal and regulatory obligation to investigate and address allegations of sexual discrimination.
- N. Upon completion of an investigation of a complaint, the individual conducting the investigation will consult with the Title IX Coordinator. After consultation, that

individual will send a prompt, written report of the findings and recommended corrective actions, if any, within confidentiality guidelines to the complainant and the accused.

- O. The complainant and the accused are entitled to appeal the investigation findings and/or recommended corrective action. All appeals will be decided by an impartial decision-maker.
- P. The school system shall take steps to prevent the reoccurrence of any acts of sexual discrimination and to remedy the discriminatory effects on the victim and others. Consequences for a student, employee, or third party who violates this policy shall include steps to prevent the reoccurrence of any act of sexual discrimination and shall be administered according to applicable school system policies (HCPSS Student Code of Conduct; Policy 9200 Student Discipline; Policy 7030 Employee Conduct and Discipline) and other applicable state and federal laws. Consequences for violation of this policy shall include all appropriate forms of discipline including expulsion from school and termination of employment.
- Q. Violations of this policy are cumulative; subsequent offenses may affect the nature and severity of the consequences.
- R. Utilization and/or exhaustion of these procedures is not a prerequisite for the filing of complaints with the Office for Civil Rights. Complaints alleging Title IX violations may be filed directly with:

Regional Director, Office for Civil Rights
U.S. Department of Education
3535 Market Street, Room 6300
Philadelphia, PA 19104-3326

V. Resolution of Complaints

When violations have occurred, employees in supervisory or management positions are responsible for taking steps designed to end any existing sexual discrimination by those under supervision, prevent any recurrence, and remedy any detrimental effects on the complainant and others. Remedies available to complainants include, but are not limited to, counseling, imposition of an order against the guilty party prohibiting further contact with the complainant or others, reinstatement of employment to the complainant, reconsideration of an award of a contract with the school system or any other remedy as is just and services the interest of reinstating the complainant to his/her position prior to the discrimination.

- A. Disciplinary action against a student will be administered in accordance with the HCPSS Student Code of Conduct and Policy 9200 Student Discipline. Disciplinary action against school system employees will be administered in accordance with Policy 7030 Employee Conduct and Discipline. Action against third parties will be taken in

accordance with relevant school system policies and other applicable state and federal laws.

- B. A student who violates this policy may also be required to participate in an appropriate education intervention and/or counseling designated by the school administrator and designed to increase his or her understanding of the offense and its impact on others.
- C. A violation of this policy may require, as a condition of continuing an employment or other relationship with the school system, participation in counseling and/or other interventions designed to assist in the recognition and correction of unwelcome sexual conduct.
- D. An individual who has been the object of, or who has been affected by, conduct prohibited under this policy will be contacted by a school administrator, supervisor or the Title IX Coordinator to discuss the availability of appropriate assistance.

VI. Responsibilities

- A. The Title IX Coordinator shall fulfill any of the job duties and responsibilities of that position stated in the Title IX legislation but not herein specified, including responding in a timely manner to complaints alleging sexual discrimination.
- B. Principals are responsible for notifying students, families, third parties and employees in their schools of the provisions of this policy.
- C. Supervisors are responsible for notifying those under their supervision of the provisions of this policy.
- D. The Superintendent/Designee is responsible for communicating the provisions of this policy annually through customary channels.
- E. Employees are responsible for monitoring student behavior and responding appropriately to both observed and reported violations of this policy.
- F. Employees in supervisory or management positions are responsible for taking steps designed to end any existing sexual harassment by those under their supervision, to prevent any recurrence, and to correct the harmful effects of sexual discrimination on the complainant and others.

VII. Delegation of Authority

The Superintendent is authorized to develop procedures to implement this policy.

VIII. References

- A. Legal
 - Title IX of the Education Amendments of 1972
 - Title VII of the Civil Rights Act of 1964
 - The Annotated Code of Maryland, Article 49B, Section 16
 - COMAR 13A.08.01.15 (Reporting Delinquent Acts)

- B. Other Board Policies
 - Policy 1000 Civility
 - Policy 1010 Discrimination
 - Policy 1030 Child Abuse and Neglect
 - Policy 1040 Safe and Supportive Schools
 - Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation
 - Policy 7030 Employee Conduct and Discipline
 - Policy 8080 Responsible Use of Technology and Social Media
 - Policy 9200 Student Discipline

- C. Relevant Data Sources

- D. Other
 - HCPSS Student Code of Conduct

IX. History

ADOPTED: May 28, 1992
REVIEWED:
MODIFIED: August 14, 2014
 June 11, 2015
REVISED: January 30, 2001
 February 7, 2008
EFFECTIVE: July 1, 2015

I. Announcement/Dissemination

- A. Notification of the provisions of Policy 1020 and these procedures will be provided on a regular basis to all students, families, employees, and third parties. Principals are responsible for notifying all students, families, third parties, and employees in their schools. Supervisors are responsible for notifying those under their supervision. Notification may be through these customary channels:
1. Announced in schools over the public address system at the beginning of the school year and at other times deemed appropriate
 2. Published in school and system newsletters and/or handbooks
 3. Posted in commonly used areas
 4. Posted on school and system websites
 5. Reviewed with students by classroom teachers or other appropriate employees
 6. Provided to new students and parents through the registration process.
- B. Sexual discrimination information and complaint forms will be prominently displayed in school guidance offices, published on the school system website, and available on request from the Title IX Coordinator.

II. Reporting Violations of Policy

- A. General
1. Employees who receive a complaint of sexual discrimination of a student should immediately consider whether the issue may constitute child abuse. If so, Policy 1030 Child Abuse and Neglect, must be followed, including all reporting requirements.
 2. Reports to the Title IX Coordinator should be directed to:

Title IX Coordinator
10910 Clarksville Pike
Ellicott City, MD 21042
410.313.6600

3. All complaints of sexual discrimination will be conducted in a prompt, adequate, reliable, and impartial manner, which includes an opportunity for the parties to present witnesses and other evidence.
4. If no formal written complaint has been filed by or on behalf of a complainant who alleges he/she has been subjected to conduct that constitutes unlawful sex discrimination, any school-based administrator who receives a report of a possible violation shall, in consultation with the Title IX Coordinator, cause an informal investigation to proceed and shall take all necessary interim actions reasonably calculated to prevent any violations from occurring during the period before the completion of informal and formal procedures under this policy. If the informal investigation suggests that there has been a violation, the school-based administrator, in consultation with the Title IX Coordinator, shall initiate a formal investigation under the procedures provided herein. If the informal investigation suggests that there has been no violation, a notice of outcome and appeal procedures will be forwarded to both parties. This informal procedure is optional and without prejudice to the complainant's right to pursue a formal complaint.
5. Timelines
 - a. Complaints shall be filed within sixty (60) calendar days after an alleged incident constituting a violation of this policy, or they shall be deemed untimely unless special circumstances exist which justify an extension of this requirement.
 - b. The school-based administrator shall ensure that an investigator is appointed and initiates a formal investigation within forty-eight (48) hours after the filing of an oral or written complaint under this policy, unless extenuating circumstances justify a reasonable extension of that deadline.
 - c. The school-based administrator or the individual assigned to investigate the complaint shall prepare and send to the complainant and the accused a written report within fifteen (15) calendar days of commencing the investigation, unless additional time to complete the investigation is required. In that case, the school-based administrator or investigator shall report on the status of the investigation to the complainant, the accused, and the Title IX Coordinator at the expiration of the fifteen (15) day period and every fifteen (15) days thereafter.
 - d. If the complainant is not satisfied with any finding or recommend corrective action proposed in the investigative report, he/she may, within fifteen (15) calendar days of receipt of the written report of findings, submit a letter of appeal, stating the grounds for the appeal, with the

Title IX Coordinator. All appeals will be conducted by an impartial decision-maker.

6. The Howard County Public School System (HCPSS) will comply with law enforcement requests for cooperation and such cooperation may require that the fact-finding aspect of the investigation be temporarily suspended while the law enforcement agency is in the process of gathering evidence. HCPSS will promptly resume its investigation upon notification by the law enforcement agency that it has completed the evidence gathering process, which typically takes three (3) to ten (10) calendar days, although the delay may be longer in certain circumstances. In the event that the investigation is delayed at the request of a law enforcement agency, appropriate steps will be taken to provide for the safety of the complainant and the school community and to prevent retaliation against the complainant or the accused.

B. Sexual Discrimination of Students by Other Students

1. A student should report sexual discrimination by other students promptly to a teacher, school counselor, school-based administrator, or the Title IX Coordinator. Such reports may be made orally or in writing. Students are encouraged to use the Bullying, Cyberbullying, Harassment, or Intimidation Reporting Form which can be obtained from the HCPSS website, the school guidance office or the Title IX Coordinator.
2. Every teacher, school counselor or school-based administrator who receives a complaint of sexual discrimination from a student or who believe sexual discrimination has occurred shall take prompt action to stop the sexual discrimination. The school-based administrator will report the complaint to the Title IX Coordinator.
3. School-based administrators receiving complaints of discrimination shall ensure that an investigation is conducted within the applicable timelines and take appropriate steps, which may include contacting each student's parents, to address any findings of sexual discrimination.
4. The Title IX Coordinator will refer complaints received directly from students alleging student to student sexual discrimination to school-based administrators for investigation and appropriate action unless the Title IX Coordinator determines that extenuating circumstances, such as significant or repeated sexual discrimination by the same offender, warrant the Title IX Coordinator's involvement.

C. Sexual Discrimination of Students by Employees/Third Parties

1. A student should report sexual discrimination by employees or third parties promptly to a teacher, school counselor, school-based administrator, or the

Title IX Coordinator. A complaint against an administrator should be filed with the Title IX Coordinator. Such reports may be made orally or in writing. Students are encouraged to use the Bullying, Cyberbullying, Harassment, or Intimidation Reporting Form which can be obtained from the HCPSS website, the school guidance office or the Title IX Coordinator.

2. Administrators receiving complaints alleging sexual discrimination by a school system employee or third party must immediately notify the Title IX Coordinator.

D. Sexual Discrimination of Employees/Third Parties

1. An employee or third party should report sexual discrimination promptly to the Title IX Coordinator or a school-based administrator or supervisor, as appropriate. Employees/Third Parties are encouraged to use the Employee/Third Party Sexual Harassment Complaint Form, which can be obtained from the HCPSS website, the school guidance office or the Title IX Coordinator.
2. School-based administrators and supervisors must forward complaints of sexual discrimination from employees or third parties to the Title IX Coordinator.

III. Investigations Involving the Title IX Coordinator

- A. The Title IX Coordinator will document complaints received, investigate them, and render findings (except as noted in II.B.4).
1. The documentation, investigation, and forwarding of written findings to the complaints and the accused regarding complaints will be completed within thirty (30) days of the receipt of the complaint.
 2. If the Title IX Coordinator is unable to complete these activities within the prescribed time limit, all parties will be notified and a revised timeline will be provided.
- B. If the investigation reveals that a violation has occurred, the Title IX Coordinator will make recommendations to the Superintendent/Designee designed to ensure an appropriate resolution.

IV. Resolution of Complaints

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V. History

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