

I. Policy Statement

The Board of Education of Howard County is committed to providing an educational and work environment that is free from sexual harassment. To that end, the Board of Education 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 harassment; 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 harassment 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, engaging and supportive school environment and provide direction for students, employees, and third parties in recognizing and reporting sexual harassment in accordance with this policy and with local, state, and federal requirements.

III. Definitions

A. Parent – Any of the following:

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 agency appointed by the court as the legal custodian of the student and granted parental rights and privileges.
4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and privileges.
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.
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 section 5-507 of the Family Law Article.

- 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 Harassment:
 - 1. Sexual harassment can be committed by a student, employee, or third party. Sexual harassment of an individual is the 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. Examples of sexual harassment include, but are not limited to:
 - a. Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats
 - b. Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures
 - c. Offensive touching, including inappropriate patting or pinching, or impeding or blocking a person's physical movement
 - d. Making unwelcome sexual advances
 - e. Engaging in unwelcome sexual contact
 - f. Spreading rumors about or evaluating someone for their sexual behavior
 - g. Taunting or ridiculing someone because of perceived or actual sexual orientation
 - h. Pressuring someone for sexual activity.
 - 2. Student, employee, or third party behavior may be severe enough to violate federal and state laws prohibiting sexual harassment in educational institutions and the workplace (e.g., Title IX, Title VII). This generally occurs when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or educational status; or
 - b. 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

- c. 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. Third Party – Parents, mentors, volunteers, vendors, contractors, and others with whom students or employees interact during school or school-related activities.
- F. 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.
- G. Title IX Coordinator – The employee(s) designated to coordinate efforts to comply with and carry out responsibilities under this policy and the law.
- H. 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 harassment is prohibited in the Howard County Public School System 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 agencies, law enforcement agencies, and the Maryland State Department of Education (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 harassment.
- 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 harassment.

- G. Sexual harassment is a particular form of gender discrimination. Other forms of gender discrimination and harassment are addressed under Policy 1010, Discrimination; and Policy 1040, Safe School Environments.
- H. Sexual harassment complaint forms will be easily accessible to students, employees, and third parties.
- I. A student who chooses to file a sexual harassment complaint must do so orally or in writing with a teacher, school counselor, school-based administrator, or the Title IX Coordinator for action in accordance with established procedures. All such reports which allege sexual harassment by an employee or third party must be filed with or forwarded to the Equity Assurance Coordinator for investigation.
- J. A school system employee or third party who chooses to file a sexual harassment 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 for investigation.
- K. Teachers, school counselors, and administrators who believe sexual harassment has occurred must take action promptly in accordance with established procedures.
- L. The school system will investigate allegations of sexual harassment in a timely manner and address any findings of sexual harassment.
- 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 harassment.
- N. Upon completion of an investigation of a complaint received by the Title IX Coordinator, the Coordinator will send a prompt, written report of the findings and actions to be taken, if any, within confidentiality guidelines to the appropriate parties.
- O. Consequences for a student, employee, or third party who violates this policy will be administered according to applicable school system policies (Student Code of Conduct; Policy 9200, Discipline; Policy 7030, Employee Discipline) and other applicable state and federal laws.
- P. Violations of this policy are cumulative; subsequent offenses may affect the nature and severity of the consequences.

- Q. 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. Compliance

- A. The Equity Assurance Coordinator will serve as the Title IX Coordinator and fulfill the job duties and responsibilities specified in the Title IX legislation, including responding in a timely manner to complaints of sexual harassment received by the Equity Assurance Office.
- 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's 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 harassment on the complainant and others.

VI. Delegation of Authority

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

VII. Reference

- 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 School Environments
 - Policy 7030 Employee Discipline
 - Policy 8080 Acceptable Use of Computer Technology
 - Policy 9200 Discipline

- C. Other
 - Student Code of Conduct

VIII. History

ADOPTED: May 28, 1992
REVIEWED:
MODIFIED: August 14, 2014
REVISED: January 30, 2001
February 7, 2008
EFFECTIVE: August 14, 2014