

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACF, ACA, ACB, ACE, JFA, JFA-RA
Responsible Office: Superintendent of Schools

Sexual Harassment

I. PURPOSE

To provide procedures for implementing the policy on sexual harassment

II. DEFINITION

A. *Sexual harassment* is an unlawful form of discrimination on the basis of sex under *Title VII of the Civil Rights Act of 1964*, as amended in 1972 and 1991, *Title IX of the Education Amendment of 1972*, and Article 49B of the *Annotated Code of Maryland*. Some forms of sexual harassment may also constitute criminal conduct resulting in criminal penalties.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

1. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities
2. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or academic decisions affecting the individual subjected to sexual advances
3. When such conduct has the effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile, or offensive work or learning environment

B. *Sexual offense* is unlawful sexual contact (see Regulation JFA-RA: *Student Rights and Responsibilities*).

- C. *Sexual activity* is consensual sexual contact (see Regulation JFA-RA: *Student Rights and Responsibilities*).

III. PROCEDURES

A. Application to Employees

1. The policy on sexual harassment and this regulation apply to all sexual harassment incidents involving MCPS employees. The policy and regulation address incidents committed by a person of either sex against a person of the opposite or same sex and establish that it is against policy for MCPS employees to commit acts of sexual harassment.
2. It is the responsibility of supervisory staff to recognize acts of sexual harassment and take prompt necessary action.
3. Employees may seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. The Office of Human Resources is available for these services.
4. Filing a Complaint
 - a) Any MCPS employee who believes that she or he has been subjected to sexual harassment should report the incident promptly.
 - (1) The report can be made verbally or in writing.
 - (2) The report can be made to the supervisor, the Office of Human Resources, or their designees.
 - b) Every complaint will be reported promptly to the EEO officer either by the complainant or by the person receiving the complaint.
 - c) An investigation will be made by the Office of Human Resources.
 - (1) The full circumstances of the situation will be considered in the investigation of possible sexual harassment incidents.
 - (2) In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.

- d) Findings and recommendations will be rendered in as timely a manner as practicable.
- e) There will be no adverse action against an individual for reporting an incident, or participating in or cooperating with an investigation of an alleged incident.
- f) Confidentiality will be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.
- g) Any employee who violates the sexual harassment policy will be subject to disciplinary action. Such action could include but not be limited to verbal or written reprimand, professional counseling, reassignment, demotion, suspension, or termination.

B. Application to Students

- 1. Conduct that violates the policy on sexual harassment committed by students of either sex against students or staff of the opposite or same sex is inappropriate behavior.
- 2. Students may seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. Employees of the Office of School Performance and the Office of Student Affairs are available for these services in addition to school staff.
- 3. Filing a Complaint
 - a) Any MCPS student who believes that she or he has been subjected to sexual harassment should report such conduct promptly.
 - (1) The report can be made verbally or in writing.
 - (2) The report can be made to any staff member. The staff member will assist the student in reporting to the principal or designee.
 - (3) Every complaint will be reported to the Office of School Performance either by the principal or designee.

- b) An investigation will be conducted in accordance with Board policy in the Student Rights and Responsibilities handbook and Regulation JGA-RB: *Suspension or Expulsion of an MCPS Student*.
- c) Findings and appropriate action will be rendered within as timely a manner as practicable and reported to the Office of School Performance.
- d) There will be no adverse action against an individual for reporting an incident, or participating in or cooperating with an investigation of an alleged incident.
- e) Confidentiality will be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.
- f) Any student who violates the sexual harassment policy will be subject to disciplinary action. Depending on the severity of the offense, such action could include but not be limited to counseling, suspension, or expulsion.

C. Overall Coordination

The human relations compliance officer will coordinate the implementation of the policy and will:

1. Disseminate information on the MCPS policy, complaint resolution, and implementation procedures regarding sexual harassment
2. Support the development of training programs and guidelines for investigating and for resolving allegations of sexual harassment
3. Support the development of student materials to be used in schools
4. Support the development of K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment problems
5. Facilitate the investigation, documentation, and notification to the superintendent of both employee and student sexual harassment complaints in MCPS

6. Monitor the application of the procedures for responding to complaints of sexual harassment
7. Maintain a recordkeeping system of complaints, reports, and subsequent management action in conformance with privacy requirements
8. Prepare a quarterly report on reported sexual harassment incidents. Reports will include:
 - a) Quantitative as well as qualitative monthly incident aggregate data for both MCPS staff and students
 - b) Complaint and resolution process evaluations and improvements
 - c) Training statistics and schedules
 - d) Ongoing evaluation of work environments in all MCPS schools, offices, and work locations
 - e) Other activities being planned or carried out by MCPS that are relevant to the successful implementation of the sexual harassment policy

D. Dissemination of Information

There will be publication and dissemination of information to all MCPS employees and students that will inform them of the sexual harassment policy, what sexual harassment is, what the individual can do, and where to go for help. Information about sexual harassment will be developed by the human relations compliance officer in conjunction with the Office of School Performance and the Office of Curriculum and Instructional Programs.

Information will be disseminated in a variety of ways including but not limited to:

1. Training workshops
2. Brochures
3. Bulletins
4. Applications

5. Announcements
 6. Other communications, as appropriate
- E. Training
1. Training for supervisory staff will include, but not be limited to:
 - a) A review of the applicable laws and policies with regard to sexual harassment
 - b) Their duties, responsibilities, and potential liabilities as workplace managers when dealing with incidents involving sexual harassment
 - c) Guidelines for training their staff
 - d) Guidelines for responding to complaints of sexual harassment
 - e) Guidelines for investigating employee complaints
 - f) Guidelines for investigating student complaints
 - g) Guidelines for providing follow-up support
 2. School principals will be responsible for developing and implementing a plan to help students recognize, understand, and prevent sexual harassment that will include:
 - a) Guidelines for responding to complaints of sexual harassment
 - b) Opportunities designed to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings
 - c) Using available MCPS student materials regarding sexual harassment

Regulation History: New Regulation, February 17, 1993; revised February 22, 2006.