

RESOLUTION NO. 818-92 Re: COMMENDATION OF MONTGOMERY COUNTY
 DELEGATION

On recommendation of the superintendent and on motion of Mr. Sims seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Legislative leadership in Annapolis proposed a solution to the \$150 million local aid reduction which jeopardized public education in Montgomery County; and

WHEREAS, Montgomery County and other counties faced the loss of the state's contribution to social security payments for its employees which would jeopardize quality education; and

WHEREAS, The members of the Montgomery County Delegation formed a united front with delegates and senators from Prince George's County in an effort to defeat The Second Budget Reconciliation Act of Fiscal Year 1993; and

WHEREAS, Despite the valiant efforts of the members of the Delegation to defeat this measure, the Act was adopted and signed by the governor; now therefore be it

Resolved, That on behalf of the students, staff, and citizens of Montgomery County, the members of the Montgomery County Board of Education express their appreciation and thanks to the members of the Delegation for their extraordinary efforts and united stand in opposing the budget reconciliation action; and be it further

Resolved, That individual letters be sent to all Montgomery County delegates and senators acknowledging their support for quality education in Montgomery County and thanking them for their exceptional efforts in attempting to defeat the reconciliation act.

Re: PUBLIC COMMENTS

The following individuals appeared before the Board of Education:

1. Deborah Brown, National Federation of the Blind
2. Lloyd Rasmussen, National Federation of the Blind
3. Barbara Stanley, Churchill Cluster Coordinator

RESOLUTION NO. 819-92 Re: UTILIZATION OF FY 1992 FUTURE
 SUPPORTED PROJECT FUNDS FOR THE
 STUDENT COMMUNITY SERVICE PROGRAM

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Dr. Cheung, the following resolution was adopted unanimously#:

38-93	Frozen Foods	
	<u>Awardees</u>	
	Carroll County Foods	\$ 35,782
	Daval's Food Distributors	10,560
	J. P. Foodservice, Inc.	6,688
	Kraft Foodservice, Inc.	25,933
	Manassas Frozen Foods	924
	Sandler Foods	<u>7,129</u>
	Total	\$ 87,016
	MORE THAN \$25,000	\$333,618

*Denotes MFD vendors

RESOLUTION NO. 823-92 Re: BID NO. 22-93, LEASE/PURCHASE AND
FINANCING OF OPTICAL MARK READER
EQUIPMENT

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously#:

WHEREAS, The Board of Education of Montgomery County received Bid. No. 22-93, Lease/Purchase and Financing of Optical Mark Reader Equipment to be used by the Division of Data Processing; and

WHEREAS, An optical mark reader is required to maintain service while absorbing increased workloads attributed to elementary school report cards and the Maryland School Performance Program; and

WHEREAS, The Board of Education has determined in accordance with Section 5-110 of Maryland's Public School Law that National Computer Systems (NCS) is the lowest responsible bidder conforming to specifications to supply one optical mark reader; and

WHEREAS, NCS has offered to provide the necessary equipment through a four-year lease/purchase arrangement with the first payment due August 1, 1993; and

WHEREAS, The Board of Education has determined that it is in the public interest to obtain an optical mark reader through a lease/purchase arrangement with NCS subject to cancellation in the event of nonappropriation; and

WHEREAS, NCS has agreed to provide the optical mark reader, software, and on-site training in accordance with the

lease/purchase terms and nonappropriation conditions set forth in the bid specifications; now therefore be it

Resolved, That the Board of Education of Montgomery County award Bid No. 22-93 for the lease/purchase and financing of one optical mark reader, software, and on-site training to NCS totalling \$97,012 (payable in four payments) in accordance with the terms and conditions of the specifications; and be it further

Resolved, That the Board of Education president and superintendent of schools be authorized to execute the documents necessary for this transaction.

RESOLUTION NO. 824-92 Re: BID NO. 21-93, LEASE/PURCHASE AND
FINANCING OF 10-PASSENGER VANS

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously#:

WHEREAS, Funds have been budgeted for the purchase of six 10-passenger vans with wheelchair lifts; and

WHEREAS, The Board of Education of Montgomery County received Bid No. 21-93, Lease/Purchase and Financing of six 10-passenger vans with wheelchair lifts to be used by the School Community Based Programs for students with mental retardation and multiple handicaps; and

WHEREAS, The Board of Education has determined in accordance with Section 5-110 of Maryland's Public School Law that Criswell Chevrolet, Inc., is the lowest responsible bidder conforming to specifications to supply six 10-passenger vans with wheelchair lifts; and

WHEREAS, The lease/purchase financing, as part of the bid offered by Criswell Chevrolet, Inc., through Executive Auto Leasing, Inc., was not in the best interest of MCPS; and

WHEREAS, It is necessary for the school system to authorize purchase of the six 10-passenger vans with wheelchair lifts at this time to insure delivery prior to March, 1993; now therefore be it

Resolved, That the Board of Education issue a separate bid prior to delivery for the lease/purchasing financing of the six 10-passenger vans with wheelchair lifts; and be it further

Resolved, That the Board of Education president and the superintendent of schools be authorized to execute the documents necessary for this transaction.

November 23, 1992

RESOLUTION NO. 825-92 Re: SITE SELECTION FOR FUTURE DAMASCUS
MIDDLE SCHOOL #2 - 1995

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously#:

WHEREAS, The approved FY93 Capital Improvements Program indicates the need for a new middle school to serve the Damascus cluster by September, 1995; and

WHEREAS, The Board of Education, after considering five alternative locations for the future school, prefers a site within its inventory located on the west side of Frederick Road (MD 355) at Shawnee Lane, known as the Clarksburg site; and

WHEREAS, The Clarksburg site is recommended by the Site Selection Advisory Committee to provide an efficient and effective short-term solution for middle school needs in the Damascus cluster and a potential long-term location for a high school to serve the Clarksburg area; and

WHEREAS, This school site, having been acquired by the Board of Education in 1970, is immediately available and has been physically evaluated as satisfactory to meet program requirements; now therefore be it

Resolved, That the Board of Education select a portion of the 62.73-acre school site located at Frederick Road (MD355) and Shawnee Lane for the September, 1995 occupancy of Damascus Middle School #2; and be it further

Resolved, That staff continue to work with the Maryland-National Capital Park and Planning Commission and local developers to acquire a portion of the DiMaio Property to provide for a long-term solution to middle school needs in the Damascus cluster.

Mrs. DiFonzo stated for the record that she had reservations about this site because of the planned location of the county jail.

RESOLUTION NO. 826-92 Re: AWARD OF CONTRACT - CANNON ROAD
ELEMENTARY SCHOOL REROOFING

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously#:

WHEREAS, The following sealed bids were received on November 12, 1992, for the reroofing of Cannon Road Elementary School which will begin on November 26, 1992, and be completed by June 30, 1993, with work to be done during non-school hours:

<u>Bidder</u>	<u>Amount</u>
1. J. E. Wood & Sons Co., Inc.	\$143,000
2. R. D. Bean, Inc.	174,685
3. AEO Construction Co., Inc.	198,000
4. Orndorff & Spaid, Inc.	221,879
5. PEC Construction, Inc.	223,000

and

WHEREAS, The low bidder, J. E. Wood & Sons Co., Inc., has completed many similar projects successfully for Montgomery County Public Schools, including those completed this past summer at Bells Mill Elementary School, Stephen Knolls School, and the Concord facility; and

WHEREAS, The low bid is below the staff estimate of \$150,000; now therefore be it

Resolved, That a \$143,000 contract be awarded to J. E. Wood & Sons Co., Inc., for the reroofing of Cannon Road Elementary School, in accordance with plans and specifications prepared by the Department of School Facilities; and be it further

Resolved, That the contract be forwarded to the State Interagency Committee for School Construction for review and approval to effect reimbursement to Montgomery County Public Schools for the state eligible portion.

RESOLUTION NO. 827-92 Re: CHANGE ORDER FOR FOREST KNOLLS
ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously#:

WHEREAS, The Department of Facilities Management has received a change order to correct anticipated poor soil conditions for the Forest Knolls Elementary School project; and

WHEREAS, Staff and the project architect have reviewed this change order and found it to be equitable; now therefore be it

Resolved, That the Board of Education approve a change order in the amount of \$241,089 for the Forest Knolls Elementary School project to correct poor soil conditions.

RESOLUTION NO. 828-92 Re: ACCEPTANCE OF SUMMIT HALL
ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously:

Resolved, That having been duly inspected on November 9, 1992, the addition to Summit Hall Elementary School now be formally accepted, and that the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 829-92 Re: ACCEPTANCE OF FAIRLAND ELEMENTARY
SCHOOL

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously:

Resolved, That having been duly inspected on November 16, 1992, Fairland Elementary School now be formally accepted, and that the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 830-92 Re: ACCEPTANCE OF ROCK CREEK FOREST
ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Fanconi, the following resolution was adopted unanimously:

Resolved, That having been duly inspected on November 12, 1992, the addition to Rock Creek Forest Elementary School now be formally accepted, and that the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

Re: POLICY REGARDING SEXUAL HARASSMENT

Ms. Gutierrez moved and Mrs. Fanconi seconded the following:

WHEREAS, On March 10, 1992, the Board of Education adopted a resolution to develop an inclusive policy on sexual harassment; and

WHEREAS, The Board of Education discussed a draft policy on May 12, 1992, and asked staff to review issues raised during the discussion; and

WHEREAS, On July 9, 1992, staff presented a new draft to address those issues and Ms. Gutierrez added valuable additions to the draft; and

WHEREAS, On September 9, 1992, the Board of Education tentatively adopted the draft policy; and

WHEREAS, The tentatively adopted policy was sent out for public comment; and

WHEREAS, Staff and Board attorneys have reviewed the draft policy; now therefore be it

Resolved, That the Board of Education adopt the following policy on sexual harassment:

Sexual Harassment

A. PURPOSE

To affirm the Board of Education's opposition to sexual harassment in the Montgomery County public school system

To establish explicitly the responsibilities of all MCPS employees and students by defining conduct which constitutes prohibited and inappropriate behaviors

To create a mandate to develop educational programs designed to help MCPS employees and students recognize, understand, prevent, and take corrective action to end sexual harassment

To establish the framework for effective procedures for addressing harassment complaints

B. ISSUE

Inappropriate sexual conduct will not be tolerated and may constitute sexual harassment. 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 as has occurred in some cases already decided.

By issuing a single, comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all MCPS employees and students are provided with a work and learning environment that is free of sexual harassment.

C. POSITION

MCPS does not condone or tolerate any form of sexual harassment of, or by, staff or students.

MCPS is committed to creating and maintaining an environment in which all persons who participate in school programs and activities can be together in an atmosphere free of all forms of sexual harassment. Specifically, everyone shall be informed that MCPS does not condone or tolerate any form of sexual harassment or inappropriate behavior of a sexual nature of or by staff, and that such behavior is prohibited both by law and MCPS policy. Everyone shall also be informed that MCPS does not condone or tolerate any form of sexual harassment or other inappropriate behavior of a sexual nature by students, and that such behavior is prohibited by MCPS policy. MCPS is committed to create and maintain a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment. The superintendent is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also that infractions of it may be in violation of Federal or Maryland civil and/or criminal laws. It is the intention of MCPS to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly, and effectively. Consequently, all MCPS administrative and supervisory staff in schools, offices, and other facilities shall be cognizant of, and responsible for, effectively implementing the sexual harassment complaint resolution procedures established in this policy.

1. Definition

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:

- a. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities
- b. 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
- c. 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

2. Application to Employees

This policy applies to all sexual harassment incidents involving MCPS employees. It addresses incidents committed by a person of either sex against a person of the opposite or same sex. It also establishes that it is against policy and recognizes that it is unlawful for MCPS employees to commit acts of sexual harassment.

3. Application to Students

Sexual harassment committed by students of either sex against students of the opposite or same sex constitutes inappropriate behavior. All allegations will be investigated by the principal using the guidelines of Section E of this policy. Depending on the severity of the offense, appropriate disciplinary action, from counseling to suspension or expulsion, can be taken using the discipline policies adopted by the Board of Education.

4. Examples

Sexual harassment, under certain circumstances, may include, but is not limited to any unwelcome behavior with sexual overtones which is intimidating or offensive to the recipient or observer of the behavior such as: grabbing, touching, patting; sexual propositions; repeated requests for dates; sexually offensive pictures, magazines, calendars, cartoons, or jokes; unwanted flirtations or advances; verbal abuse; subtle pressure or requests for sexual activities; rewards for granting sexual favors or the withholding of rewards for refusal to grant sexual favors; graphic or verbal comments about an individual's body or dress; or sexually degrading names.

D. DESIRED OUTCOME

An environment wherein all MCPS employees and students are educated to recognize inappropriate sexual behavior in all its forms which may constitute sexual harassment and respond with actions to prevent, correct, and/or eliminate these offensive behaviors from the MCPS system.

E. IMPLEMENTATION PRINCIPLES AND GUIDELINES AND STRATEGIES

1. Principles and Guidelines

- a. Any MCPS employee or student who believes that he/she has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of her/his complaint. In all phases of the complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with MCPS' responsibility to investigate and address such complaints.
- b. Any MCPS employee or student who believes that he/she has been subjected to sexual harassment should report such conduct promptly, orally or in writing, to the immediate supervisor/principal, a designated representative, or directly to the Equal Employment Opportunity (EEO) Officer. The supervisor/principal will report to the EEO officer any complaint received regarding sexual harassment involving employees. If the complaint involves MCPS employees, the Office of Personnel Services will carry out the investigation through the Office of the Deputy Superintendent for Planning, Technology and Supportive Services in coordination with the EEO Officer. If the complaint involves only students, the investigation will be carried out in accordance with the provisions in the Student Rights and Responsibilities Handbook for allegations of misconduct.
- c. The full circumstances of the situation will be considered in the investigation of possible harassment incidents. 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. Retaliation against an individual who either orally reports or files a written complaint regarding sexual harassment or who participates in or cooperates with an investigation is prohibited. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.
- e. Any MCPS employee who violates this policy shall be subject to appropriate action, including but not limited to oral or written reprimand, professional counseling, reassignment, demotion, suspension or termination.
- f. MCPS employees and students should seek guidance, support, and/or advocacy in addressing matters related to sexual offenses of any degree. Employees of the Department of Human Relations, Employee Assistance, and the Office of Student Affairs are to be available for these services.

2. Strategies

The superintendent will direct the EEO officer to coordinate the implementation of this policy. Implementation activities will include, but not be limited to:

- a. Education of all staff and students about this policy and associated federal and state laws prohibiting sexual harassment by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts, and other communications
- b. Publication and dissemination of information to all MCPS employees and students that will inform them of this policy, what sexual harassment is, what the individual can do, and where to go for help
- c. Development of mandatory training seminars and inservice programs for all principals, supervisors, and administrators to ensure the appropriate implementation of this policy. These training programs shall be designed to:
 - (1) Inform them of their duties, responsibilities, and potential liabilities

as workplace managers when dealing with incidents involving sexual harassment

- (2) Assist them in developing training programs for MCPS employees dealing with sexual harassment to inform them of the policy, what sexual harassment is, what the individual can do, and where to go for help. The aim of such training is to ensure increased awareness of inappropriate behaviors prohibited by this policy and other state and federal laws on sexual harassment.
 - (3) Provide clear guidelines and assistance for handling appropriately all incidents of sexual harassment in MCPS.
- d. Appropriate opportunities to educate students about matters related to sexual harassment in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings. Programs and curricula such as the Comprehensive Guidance and Counseling Program, which already include related competencies or objectives, should include student materials regarding sexual harassment. K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment problems should be introduced as soon as possible.

F. REVIEW AND REPORTING

1. The superintendent will report quarterly to the Board of Education on reported sexual harassment incidents. Reports shall include quantitative as well as qualitative monthly incident aggregate data for both MCPS staff and students; complaint and resolution process evaluations and improvements; training statistics and schedules; ongoing evaluation of work environments in all MCPS schools, offices, and work locations; and any other activities being planned or carried out by MCPS that are relevant to the successful implementation of this policy.
2. This policy will be reviewed every three years in accordance with the Board of Education policy review process.

RESOLUTION NO. 831-92 Re: AN AMENDMENT TO THE PROPOSED POLICY
ON SEXUAL HARASSMENT

On motion of Mrs. Fanconi seconded by Mrs. DiFonzo, the following resolution was adopted with Mrs. Brenneman, Dr. Cheung, Mrs. DiFonzo, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, and Mr. Sims voting in the affirmative; Mrs. Hobbs voting in the negative:

Resolved, That the proposed policy on sexual harassment be amended by substituting the following for the first three sentences in the second paragraph under C. Position:

MCPS is committed to the creation and maintenance of a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment.

Re: A MOTION BY MRS. FANCONI TO AMEND
THE PROPOSED POLICY ON SEXUAL
HARASSMENT (FAILED)

The following motion by Mrs. Fanconi failed for lack of a second:

Resolved, That the proposed policy on sexual harassment be amended by substituting the following for the second and third sentence in the second paragraph under C. Position:

The superintendent is directed to develop a plan to inform all those affected by this policy of its provisions and set up procedures to prevent, correct, and, if necessary, discipline behavior that violates this policy.

Re: A MOTION BY MRS. FANCONI TO AMEND
THE PROPOSED POLICY ON SEXUAL
HARASSMENT (FAILED)

The following motion by Mrs. Fanconi failed for lack of a second:

Resolved, That the proposed policy on sexual harassment be amended by adding "in performing school-related jobs or involved in school-related activities" after "This policy applies to all sexual harassment incidents involving MCPS employees" in C.2. Application to Employees.

Re: A MOTION BY MRS. DiFONZO TO AMEND
THE PROPOSED POLICY ON SEXUAL
HARASSMENT (FAILED)

A motion by Mrs. DiFonzo to delete the second sentence under C.2. Application to Employees and delete "also" in the third sentence failed with Mrs. DiFonzo and Mrs. Fanconi voting in the

Re: A MOTION BY MRS. DiFONZO TO AMEND
THE PROPOSED POLICY ON SEXUAL
HARASSMENT (FAILED)

A motion by Mrs. DiFonzo to amend the proposed policy on sexual harassment by eliminating E. IMPLEMENTATION PRINCIPALS AND GUIDELINES AND STRATEGIES failed for lack of a second.

RESOLUTION NO. 835-92 Re: AN AMENDMENT TO THE PROPOSED POLICY
ON SEXUAL HARASSMENT

On motion of Mrs. Fanconi seconded by Mr. Ewing, the following resolution was adopted with Mrs. Brenneman, Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Mrs. Hobbs, and Mr. Sims voting in the affirmative; Mrs. DiFonzo and Ms. Gutierrez abstaining:

Resolved, That the proposed policy on sexual harassment be amended to add "or in a case involving an employee" before "directly to the Equal Employment Opportunity (EEO) Officer." in E. IMPLEMENTATION PRINCIPLES AND GUIDELINES AND STRATEGIES 1.b.

Re: A MOTION BY MRS. FANCONI TO AMEND
THE PROPOSED POLICY ON SEXUAL
HARASSMENT

Mrs. Fanconi moved and Mr. Sims seconded a motion to substitute "MCPS employees and students who have a concern about sexual harassment issues should seek guidance, support, and/or advocacy in addressing these matters" for the first sentence in E.1.f.

Dr. Cheung assumed the chair.

RESOLUTION NO. 836-92 Re: AN AMENDMENT TO THE PROPOSED POLICY
ON SEXUAL HARASSMENT

On motion of Mrs. Hobbs seconded by Ms. Gutierrez, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, Mrs. Hobbs, and Mr. Sims voting in the affirmative; Mrs. Brenneman and Mrs. DiFonzo being temporarily absent:

Resolved, That the proposed policy on sexual harassment be amended to substitute "sexual harassment or inappropriate behavior of a sexual nature" for "sexual offenses of any degree" in E.1.f.

Mrs. Hobbs assumed the chair.

RESOLUTION NO. 837-92 Re: POLICY REGARDING SEXUAL HARASSMENT

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mrs. Fanconi, the following resolution was adopted with Mrs. Brenneman, Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Ms. Gutierrez, Mrs. Hobbs, and Mr. Sims voting in the affirmative; Mrs. DiFonzo voting in the negative:

WHEREAS, On March 10, 1992, the Board of Education adopted a resolution to develop an inclusive policy on sexual harassment; and

WHEREAS, The Board of Education discussed a draft policy on May 12, 1992, and asked staff to review issues raised during the discussion; and

WHEREAS, On July 9, 1992, staff presented a new draft to address those issues and Ms. Gutierrez added valuable additions to the draft; and

WHEREAS, On September 9, 1992, the Board of Education tentatively adopted the draft policy; and

WHEREAS, The tentatively adopted policy was sent out for public comment; and

WHEREAS, Staff and Board attorneys have reviewed the draft policy; now therefore be it

Resolved, That the Board of Education adopt the following policy on sexual harassment:

Sexual Harassment

A. PURPOSE

To affirm the Board of Education's opposition to sexual harassment in the Montgomery County public school system

To establish explicitly the responsibilities of all MCPS employees and students by defining conduct which constitutes prohibited and inappropriate behaviors

To create a mandate to develop educational programs designed to help MCPS employees and students recognize, understand, prevent, and take corrective action to end sexual harassment

To establish the framework for effective procedures for addressing harassment complaints

B. ISSUE

Inappropriate sexual conduct will not be tolerated and may constitute sexual harassment. 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 as has occurred in some cases already decided.

By issuing a single, comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all MCPS employees and students are provided with a work and learning environment that is free of sexual harassment.

C. POSITION

MCPS does not condone or tolerate any form of sexual harassment of, or by, staff or students.

MCPS is committed to the creation and maintenance of a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment. The superintendent is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also that infractions of it may be in violation of Federal or Maryland civil and/or criminal laws. It is the intention of MCPS to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly, and effectively. Consequently, all MCPS administrative and supervisory staff in schools, offices, and other facilities shall be cognizant of, and responsible for, effectively implementing the sexual harassment complaint resolution procedures established in this policy.

1. Definition

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:

- a. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities
- b. 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
- c. 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

2. Application to Employees

This policy applies to all sexual harassment incidents involving MCPS employees. It addresses incidents committed by a person of either sex against a person of the opposite or same sex. It also establishes that it is against policy and recognizes that it is unlawful for MCPS employees to commit acts of sexual harassment.

3. Application to Students

Sexual harassment committed by students of either sex against students or staff of the opposite or same sex constitutes inappropriate behavior. All allegations will be investigated by the principal using the guidelines of Section E of this policy. Depending on the severity of the offense, appropriate disciplinary action, from counseling to suspension or expulsion, can be taken using the discipline policies adopted by the Board of Education.

D. DESIRED OUTCOME

All MCPS employees and students are being educated to recognize inappropriate sexual behavior in all its forms which may constitute sexual harassment and are enabled to respond with actions to prevent, correct, and/or eliminate these offensive behaviors from the MCPS system.

E. IMPLEMENTATION PRINCIPLES AND GUIDELINES AND STRATEGIES

1. Principles and Guidelines

- a. Any MCPS employee or student who believes that he/she has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of her/his complaint. In all phases of the complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with MCPS' responsibility to investigate and address such complaints.
- b. Any MCPS employee or student who believes that he/she has been subjected to sexual harassment should report such conduct promptly, orally or in writing, to the immediate supervisor/principal, a designated representative, or in a case involving an employee, directly to the Equal Employment Opportunity (EEO) Officer. The supervisor/principal will report to the EEO officer any complaint received regarding sexual harassment involving employees. If the complaint involves MCPS employees, the Office of Personnel Services will carry out the investigation through the Office of the Deputy Superintendent for Planning, Technology and Supportive Services in coordination with the EEO Officer. If the complaint involves only students, the investigation will be carried out in accordance with the provisions in the Student Rights and Responsibilities Handbook for allegations of misconduct.
- c. The full circumstances of the situation will be considered in the investigation of possible harassment incidents. 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. Retaliation against an individual who either orally reports or files a written complaint regarding sexual harassment or who participates in or cooperates with an investigation is prohibited. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.

- e. Any MCPS employee who violates this policy shall be subject to appropriate action, including but not limited to oral or written reprimand, professional counseling, reassignment, demotion, suspension or termination.
- f. MCPS employees and students should seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. Employees of the Department of Human Relations, Employee Assistance, and the Office of Student Affairs are to be available for these services.

2. Strategies

The superintendent will direct the EEO officer to coordinate the implementation of this policy. Implementation activities will include, but not be limited to:

- a. Education of all staff and students about this policy and associated federal and state laws prohibiting sexual harassment by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts, and other communications
- b. Publication and dissemination of information to all MCPS employees and students that will inform them of this policy, what sexual harassment is, what the individual can do, and where to go for help
- c. Development of mandatory training seminars and inservice programs for all principals, supervisors, and administrators to ensure the appropriate implementation of this policy. These training programs shall be designed to:
 - (1) Inform them of their duties, responsibilities, and potential liabilities as workplace managers when dealing with incidents involving sexual harassment
 - (2) Assist them in developing training programs for MCPS employees dealing with sexual harassment to inform them of the policy, what sexual harassment is, what the individual can do, and where to go for help. The aim of such training is to ensure increased awareness of inappropriate behaviors

prohibited by this policy and other state and federal laws on sexual harassment.

- (3) Provide clear guidelines and assistance for handling appropriately all incidents of sexual harassment in MCPS.
- d. Appropriate opportunities to educate students about matters related to sexual harassment in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings. Programs and curricula such as the Comprehensive Guidance and Counseling Program, which already include related competencies or objectives, should include student materials regarding sexual harassment. K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment problems should be introduced as soon as possible.

F. REVIEW AND REPORTING

1. The superintendent will report quarterly to the Board of Education on reported sexual harassment incidents. Reports shall include quantitative as well as qualitative monthly incident aggregate data for both MCPS staff and students; complaint and resolution process evaluations and improvements; training statistics and schedules; ongoing evaluation of work environments in all MCPS schools, offices, and work locations; and any other activities being planned or carried out by MCPS that are relevant to the successful implementation of this policy.
2. This policy will be reviewed every three years in accordance with the Board of Education policy review process.

*Mrs. DiFonzo left the meeting at this point.

Re: BOARD/SUPERINTENDENT COMMENTS

1. Dr. Vance stated that he shared the Board's excitement and its sense of a job well done with the final adoption of their policy on sexual harassment. He thought it was a first step which had great symbolic value, but they had a distance to go in terms of implementing it. He felt that progress should be noted incrementally because it would be a long-term project because there were centuries of norms and expectations that they would have to overcome.

Mrs. Hobbs, and Mr. Sims voting in the affirmative; Ms. Gutierrez being temporarily absent:

WHEREAS, The Board of Education of Montgomery County is authorized by the Education Article of the Annotated Code of Maryland and Title 10 of the State Government Article to conduct certain meetings or portions of its meetings in closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County hereby conduct a portion of the following meetings in closed session in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland:

Monday, November 30, 1992, 7:30 p.m.
Tuesday, December 8, 9 a.m. and noon

and be it further

Resolved, That the meeting on November 30 is to discuss contract negotiations, and that the meeting on December 8 is to discuss contract negotiations, personnel matters, pending litigation, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain legal advice as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501; and that such portions of these meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 839-92 Re: OSAE RECOMMENDATIONS

On motion of Mr. Ewing seconded by Dr. Cheung, the following resolution was adopted with Mrs. Brenneman, Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Mrs. Hobbs, and Mr. Sims voting in the affirmative; Ms. Gutierrez being temporarily absent:

Resolved, That the Board of Education schedule discussion and possible action in January of 1993 of the recommendations coming from the superintendent based on the report of the Commission on the Restructuring of the Office of Special and Alternative Education.

RESOLUTION NO. 840-92 Re: RECYCLING EFFORTS

On motion of Mr. Sims seconded by Mrs. Brenneman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education schedule time to discuss and take possible action on recycling efforts in MCPS and making this a conscious priority in the upcoming years."

RESOLUTION NO. 841-92 Re: HOME TEACHING

On motion of Mrs. Hobbs seconded by Mrs. Brenneman, the following resolution was adopted unanimously by members present:

Resolved, That the Board schedule a comprehensive presentation on home teaching and the state mandates involved and how MCPS oversees it or has jurisdiction over home teaching.

Re: REPORT ON CLOSED SESSION NOVEMBER
10, 1992

On October 26, 1992, by the unanimous vote of members present, the Board voted to conduct a closed session on November 10, 1992, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Tuesday, November 10, 1992, from 9 a.m to 9:55 a.m. The meeting took place in Room 120 of the Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss the monthly personnel report and two personnel appointments. The Board also discussed the legal services report. Straw votes were taken on the monthly personnel report and appointments which were confirmed in public session.

In attendance at the closed session were: Stephen Abrams, Melissa Bahr, Fran Brenneman, Alan Cheung, Sharon DiFonzo, Blair Ewing, Carol Fanconi, Thomas Fess, Phinnize Fisher, Hiawatha Fountain, Katheryn Gemberling, Beatrice Gordon, Zvi Greismann, Ana Sol Gutierrez, Marie Heck, Catherine Hobbs, Brian Porter, Philip Rohr, Stan Schaub, Jon Sims, Lois Stoner, Paul Vance, and Mary Lou Wood.

RESOLUTION NO. 842-92 Re: DEATH OF DR. DARYL W. SHAW, FORMER
PRESIDENT OF THE MONTGOMERY COUNTY
BOARD OF EDUCATION

On motion of Mr. Ewing seconded by Dr. Cheung, the following resolution was adopted unanimously by members present:

WHEREAS, The recent death of Daryl W. Shaw has deeply saddened the staff and members of the Board of Education; and

WHEREAS, Dr. Shaw served with distinction as a member of the Montgomery County Board of Education from 1976 to 1980; and

WHEREAS, Dr. Shaw was the vice president of the Board in 1978 and the president in 1980; and

WHEREAS, Dr. Shaw brought to the Board his 37 years of experience as the "dean" of school principals in Montgomery County; and

WHEREAS, Dr. Shaw ran for the Board of Education because he believed "every child is entitled to an appropriate educational opportunity at public expense" and that "an integrated school is the only rational setting for the preparation of children to appreciate and promote our democratic society"; and

WHEREAS, While serving on the Board, Dr. Shaw contributed his leadership skills, his vast knowledge of educational issues, and his ability to seek compromise and understanding within the Board of Education; and

WHEREAS, Through his work as a member of the Board of Education and an administrator, Dr. Shaw touched the lives of thousands of Montgomery County students, teachers, and staff; now therefore be it

Resolved, That on behalf of the staff and students of the Montgomery County Public Schools, the members of the Board of Education express their sorrow at the death of Dr. Daryl W. Shaw and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made part of the minutes of this meeting and a copy be forwarded to Dr. Shaw's family as well as to his former colleagues on the Board of Education.

Re: NEW BUSINESS

1. Mrs. Fanconi moved and Ms. Gutierrez seconded the following:

Resolved, That the Board of Education discuss and take action on competitively bidding the annual audit and allowing KPMG Peat Marwick to respond to the bid.

2. Mrs. Fanconi moved and Ms. Gutierrez seconded the following:

Resolved, That the Board of Education take action on the following proposed resolution asking the President and Congress to make education a priority as suggested by NSBA:

WHEREAS, The Montgomery County public school system is committed to offering every child the opportunity for a quality education; and

WHEREAS, Our nation's success in the post-Cold War world will depend on the ability of America's public schools to educate each and every child, and no school district has the financial capacity to build a quality educational program for the 21st Century and overcome the social and economic problems that prevent students from coming to school ready to learn; and

WHEREAS, The end of the Cold War and the collapse of the Soviet Union offer our nation a once-in-a-generation opportunity to rethink our national priorities; and

WHEREAS, Our competitors in the global marketplace invest more tax dollars on children and elementary and secondary education than does the United States; and

WHEREAS, Federal budget savings made possible by the end of the Cold War could be used to rebuild America and ensure that every child comes to school healthy and ready to learn; and

WHEREAS, All educationally-related national organizations including the National School Boards Association have called for new federal budget priorities that reflect post-Cold War realities; now therefore be it

Resolved, That the members of the Board of Education of Montgomery County, Maryland believe it is time to reinvest in America and join school districts across the United States to urge the Congress and the President elected on November 3, 1992, to make reordering federal spending priorities America's top priority in 1993; and be it further

Resolved, That the Montgomery County Board of Education will forward this call for new priorities to our county's elected representatives in Congress and to the President of the United States; and be it further

Resolved, That the Montgomery County Board of Education will also forward this resolution to its local legislative leaders and urge the Montgomery County Council, county executive, and Delegation to join this call to reinvest in America.

3. Mr. Ewing moved and Dr. Cheung seconded the following:

Resolved, That the Board of Education schedule time to consider the adoption of a form of recognition of employees now in place in Frederick County which is called "Support Service Recognition Day."

RESOLUTION NO. 843-92 Re: ADJOURNMENT TO CLOSED SESSION

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Brenneman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting to closed session at 10:35 p.m.

PRESIDENT

SECRETARY

PLV:mlw