

QUICK REFERENCE: Student to Student Sexual Misconduct Procedures

*Sexual misconduct is prohibited under MCPS Board Policy ACF. **All allegations of sexual misconduct must be investigated and documented. Incidents of sexual misconduct may be categorized as sexual harassment under Title IX of the Educational Amendments of 1972.***

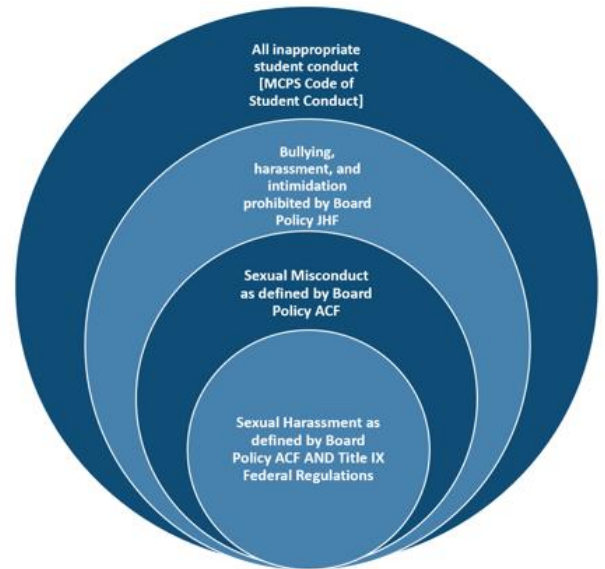
Sexual Misconduct under MCPS Board Policy ACF

Unwelcome verbal, written, electronic, or physical behavior directed at an individual, or against a particular group, because of actual or perceived sex, sexual orientation, gender identity, gender expression.

Sexual Harassment under Title IX Federal Regulations

A student experiences unwelcome sexual conduct:

- Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively **DENIES** a person equal access to an MCPS educational program or activity; or
- The federal definitions of “Sexual Assault”, “Dating Violence”, “Domestic Violence”, or “Stalking”; or
- A MCPS employee conditioning the provision of an aid, benefit, or service of MCPS contingent on an individual’s participation in unwelcome sexual conduct; or
- Under circumstances in which MCPS have substantial control over both the harasser and the context in which the harassment occurred.



STEPS FOR ALLEGATIONS OF SEXUAL MISCONDUCT

1. **REPORT:** Student, staff member, parent/guardian, makes verbal or written report to any staff member/administrator. A report may also be made by emailing the Title IX Coordinator at TitleIX@mcpsmd.org, Student Welfare and Compliance (SWC).
2. **COMPLETE MCPS FORM 230-35, *Bullying, Harassment, or Intimidation Reporting Form*:** All allegations of sexual misconduct must be documented on [MCPS Form 230-35](#). The form may be completed by any staff member, student, or parent/guardian. **SUBMIT THE COMPLETED MCPS FORM 230-35 to PRINCIPAL/DESIGNEE.** [Available to complete online [HERE](#)]
3. **PRINCIPAL/DESIGNEE WILL CONTACT OTLS-SSI:** Call OTLS-SSI within one hour of the incident being reported. OTLS-SSI will enter the incident into the SYNERGY and SWC will be contacted.
4. **POLICE NOTIFICATION:** **ANY CASE INVOLVING ALLEGED RAPE, SEXUAL ASSAULT** by threat/force, or violent nature require a call to **Montgomery County Police Department at 301-279-8000.**
5. **CPS/APS NOTIFICATION:** Cases where the student is an alleged victim of sexual abuse, or a staff members suspects that the student’s behavior may indicate they are a victim of sexual abuse, call Child Protective Services (CPS) **240-777-4417**, or if the student is 18 years or older call Adult Protective Services (APS) **240-777-3000.**

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6. **PRINCIPAL/DESIGNEE COLLABORATE WITH SWC: 240-740-3215**

- Determine if the misconduct violates sexual harassment / Title IX regulations.
- Develop an investigation and communication plan...

Sexual Misconduct	Sexual Harassment / Title IX
Counselor/Liaison meets with victim to discuss supportive measures plan and explain the procedures for investigation.	Counselor/Liaison meets with victim to offer supportive measures and explain the procedures for investigation.
Parents of alleged victim and alleged offender may be contacted as part of the school’s investigation, per Student Code of Conduct.	If MCPD Police is involved, consult with SWC/Police to prior sending a notice to the alleged offender/victim.
Principal/Designee completes MCPS Form 230-36 , Bullying Investigations Form. To assist in gathering and documenting all facts/evidence/interviews, contact SWC for Investigation Plan templates.	Principal must work with SWC to assign a staff member to be the Investigator/Fact Finder and provide a written Notice of Allegations to known parties. SWC will provide templates.
Disciplinary actions may be determined by school administration per Student Code of Conduct and follow-up Bullying Notification letters may be sent to families involved.	Maintain Supportive Measures Plan until next steps are shared via Police, MCPS Chief Security Officer, or MCPD SWC
	Principal will determine or provide the outcome of the investigation and the appeals process, in writing, to both the alleged victim and alleged offender families. Contact SWC for template letters. The person determining the outcome cannot be the Investigator/Fact Finder.



7. **PREVENTING HARASSMENT AND RETALIATION:**

- Counselor/Student Welfare Liaison should conduct post-incident check-ins with both the victim/offender to ensure safety of all student involved.
- Ensure that students/families know how to report subsequent issues



8. **RECORD KEEPING AND FOLLOW-UP WITH SWC:** The Principal/Designee will ensure that

- The incident outcome is updated/completed in SYNERGY
- Notify SWC the outcome of the investigation for central documentation.
- All letters regarding bullying, harassment and sexual misconduct are maintained in the principal’s confidential file (NOT in the student’s cumulative file/confidential file).

****In the event MCPS is in Distant Learning, the investigation can be conducted remotely****

Need Help? Contact **Student Welfare and Compliance** at **240-740-3215** or
 Visit our website at <https://www.montgomeryschoolsmd.org/compliance/>