

# POLICY

## Queen Anne's County Public Schools

POLICY TITLE: Title IX	
ADOPTION/EFFECTIVE DATE: Adopted: 2016	
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Students/Personnel	
Amendment:	

### A. Purpose:

This Policy applies to complaints filed by students or on their behalf or by employees alleging discrimination or sexual harassment carried out by employees, other students, or third parties.

### B. Policy Statement:

1. It is the policy of the Board of Education of Queen Anne's County to maintain a learning and working environment that is free from sexual harassment.
2. Sexual harassment is prohibited on school property, during school activities and events, and during the discharge of official school system duties. Sexual harassment can be committed by a student, employee, or third party. The school system requires mandatory training on an annual basis of all employees.
3. Sexual harassment of a student may also constitute child abuse and such cases must be addressed and reported in accordance with Board Policy Regarding Child Abuse and Neglect.
4. It is a violation of this policy for any student, employee or third party to engage in retaliation concerning all Title IX and Title VII complaints alleging discrimination based on sex.
5. Sexual harassment is a particular form of gender discrimination. Other forms of gender discrimination and harassment are addressed under Board Policy regarding Discrimination.

# POLICY

## Queen Anne's County Public Schools

---

### **C. Rationale:**

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance. Title VII of the Civil Rights Act of 1964 prohibits sexual harassment in the workplace. The Board of Education of Queen Anne's County has jurisdiction over internal complaints of sexual harassment and/or discrimination in violation of Federal law.

### **D. Definitions:**

1. Discrimination - unfair and unequal treatment; prejudice; inequity; intolerance of an individual (or group) based on certain legally-protected characteristics and/or membership in a particular group or class; and/or harassment
2. 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.
3. Sexual harassment
  - a. 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:
    - i. Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats
    - ii. Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures
    - iii. Offensive touching, including inappropriate patting or pinching, or impeding or blocking a person's physical movement
    - iv. Making unwelcome sexual contact
    - v. Engaging in unwelcome sexual contact

# POLICY

## Queen Anne's County Public Schools

---

Page 3 of 11

- vi. Spreading rumors about or evaluating someone for their sexual behavior
  - vii. Taunting or ridiculing someone because of perceived or actual sexual orientation
  - viii. Pressuring someone for sexual activity
  - ix. Sexual Harassment also encompasses sex discrimination, sexual assault and sexual violence.
- b. 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:
- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational status, or
  - ii. Submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting the individual's status, or
  - iii. 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.
4. School property – any Queen Anne's County Public Schools building and/or grounds, any QACPS leased or owned vehicles, and vehicles contracted for official school business; this includes any location used for co- or extra-curricular activities, including field trips.
5. 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).

# POLICY

## Queen Anne's County Public Schools

---

Page 4 of 11

6. Third party - parents, mentors, volunteers, visitors, vendors, contractors, and others with whom students or employees interact during school or school-sponsored activities
7. 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.*
8. Title VII – of the Civil Rights Act of 1964, a federal anti-discrimination statute that prohibits sexual harassment in the workplace

# POLICY

## Queen Anne's County Public Schools

### E. Implementation Guidelines:

#### 1. Title IX Coordinators

- a. The Title IX Coordinators coordinate efforts to comply with and carry out responsibilities under federal law and this sexual harassment policy.
- b. The Supervisor of Student Services is the Title IX Coordinator for complaints of sexual harassment related to students. The Director of Human Resources is the Title IX Coordinator for complaints of sexual harassment related to employees.

Bradford Engel  
Supervisor of Student Services  
[Bradford.Engel@gacps.org](mailto:Bradford.Engel@gacps.org)  
410 758 2403

Mark Farley  
Director of Human Resources  
[Mark.Farley@gacps.org](mailto:Mark.Farley@gacps.org)  
410 758 2403

#### 2. Reporting and Investigations of Incidents of Sexual Harassment

##### a. Complaints by Students

- i. When a student alleges to a teacher that there has been an incident of sexual harassment, the teacher must report the complaint to a school administrator. The school administrator will furnish the student with a complaint reporting form and advise the student to submit the complaint in writing to the school administrator. Depending upon the age of the student, the school administrator will provide the student with appropriate assistance in completing and submitting the written complaint. If a student does not submit a written complaint, a verbal complaint will be accepted and the school administrator will complete a written complaint or record the allegation in writing using the verbal information provided by the student.
- ii. Individuals have the right to file a complaint with a local law enforcement authority as well as with the school district.
- iii. The school administrator will inform the Title IX Coordinator and send a copy of the complaint to the Title IX Coordinator

# POLICY

## Queen Anne's County Public Schools

---

- iv. Upon receipt of the written/verbal complaint, the principal or school administrator will investigate the allegation, schedule meetings to question the complainant, possible witnesses named by the complainant, and the accused. Queen Anne's County Public Schools will take interim preventative measures to protect the victim(s) and the school community during the investigation (i.e. academic, counseling or other support services, changing class schedules, increased monitoring, supervision or security), and will maintain ongoing contact with the victim(s) throughout the investigation. The Department of Human Resources/Student Services maintains all documentation of the complaint, investigation, and any corrective action. Within a maximum of forty-five (45) school days of the receipt of the written/verbal complaint, the principal or school administrator will complete the investigation and prepare a packet containing the statements and findings of the investigation. Upon completion of student interviews, parents will be notified. The parties will have an opportunity to present other evidence during the investigation of the complaint. If the matter is referred to the Department of Social Services (DSS) or the Police, the school district will not investigate until DSS or the Police have completed the evidence gathering process, but will promptly resume the investigation thereafter. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.
- v. If the complaint is complicated or otherwise cannot reasonably be investigated within forty-five (45) school days, the principal or school administrator may extend the time for a decision by not more than ten (10) additional school days and will inform the complainant of the extension in writing.
- vi. The standard used in investigating a complaint is the preponderance of the evidence standard (i.e., more likely than not that sexual harassment occurred).
- vii. Upon completion of the packet containing the investigation findings and if a violation is found to have occurred, the appropriate student disciplinary and/or remedial action in accordance with the Code of Student Conduct and Board Policy regarding student discipline will be administered. The principal or school administrator will, within ten (10) school days of completion, inform the parents of the complainant

# POLICY

## Queen Anne's County Public Schools

---

and the accused involved in the incident or alleged incident in writing of the conclusion of the investigation and share information about the disposition of the incident or alleged incident subject to any limitation imposed by the Family Educational Rights and Privacy Act (FERPA) and other state laws governing student records.

- viii. All decisions regarding the results of the investigation findings and possible corresponding disciplinary actions may be appealed in writing to the appropriate assistant superintendent or designated representative within thirty (30) days of the decision of the principal or school administrator. Such appeal shall be conducted in an impartial manner by an impartial decision maker. The assistant superintendent or designated representative who hears the appeal shall issue a decision within ten (10) school days of hearing the appeal. Any further appeal shall be conducted in accordance with Board Policy governing appeals of decisions of the superintendent or superintendent's designee.
- ix. The school district will keep the complaint and investigation confidential to the extent possible and as required by FERPA and other state laws governing student records. The school administrator and Title IX coordinator will be responsible for evaluating requests for confidentiality in light of the circumstances of each case.

### b. Complaints by School System Employees/Third Parties

An employee or third party who believes that he or she has been sexually harassed should promptly report such conduct to the principal or administrator/supervisor or the Title IX Coordinator.

- i. If the employee or community member alleges that there has been sexual harassment, the principal or administrator/supervisor will furnish the complainant with the a complaint reporting form and advise the complainant to submit the complaint in writing to the principal or administrator/supervisor. If the complainant does not submit a written complaint, a verbal complaint will be accepted.
- ii. The administrator will inform the Title IX Coordinator and send a copy of the complaint to the Title IX Coordinator.

# POLICY

## Queen Anne's County Public Schools

---

Page 8 of 11

- iii. Upon receipt of the written or verbal complaint, the principal or administrator/supervisor will investigate the allegation, schedule meetings to question the complainant, possible witnesses named by the complainant, and the accused. Queen Anne's County Public Schools will take interim preventative measures to protect the victim(s) and the school community during the investigation, and will maintain ongoing contact with the victim(s) throughout the investigation. The Department of Human Resources/Student Services maintains all documentation of the complaint, investigation, and any corrective action. Within a maximum of forty-five (45) school days of the receipt of the written or verbal complaint, the principal or administrator/supervisor will complete the investigation and prepare a packet containing the statements and findings of the investigation. The parties will have an opportunity to present other evidence during the investigation of the complaint. If the matter is referred to the Department of Social Services (DSS) or the Police, Queen Anne's County Public Schools will not investigate until DSS or the Police have completed the evidence gathering process, but will promptly resume the investigation thereafter. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.
- iv. If the complaint is complicated or otherwise cannot reasonably be investigated within forty-five (45) school days, the principal or administrator/supervisor may extend the time for a decision by not more than ten (10) additional work days and will inform the complainant of the extension.
- v. The standard used in investigating a complaint is the preponderance of the evidence standard (i.e., more likely than not that sexual harassment occurred).
- vi. Upon completion of the report of the investigation findings, the principal or administrator/supervisor will inform the appropriate Human Resources Team member and all parties involved in writing of the findings and if personnel disciplinary actions are needed.
- vii. All decisions regarding the results of the investigation findings and possible corresponding disciplinary actions may be appealed in writing to the superintendent or designated representative within

thirty (30) days of the decision of the principal or school administrator. Such appeal shall be conducted in an impartial manner by an impartial decision maker. The assistant superintendent or designated representative who hears the appeal shall issue a decision within ten (10) school days of hearing the appeal. Any further appeal shall be conducted in accordance with Board policy governing appeals of decisions of the superintendent or superintendent's designee.

- viii. Queen Anne's County Public Schools will keep the complaint and investigation confidential to the extent possible and as required by FERPA and other state laws governing student records.

### 3. Sanctions and/or Remedies

- a. A substantiated charge against a member in the school district shall subject such staff member to disciplinary action. Such actions can include, but are not limited to warning, suspension, or job termination of the offending employee.
- b. A substantiated charge against a student in the school district shall subject that student to student disciplinary action. Such action can include, but not be limited to, warning, suspension or expulsion, consistent with the student discipline code.
- c. The potential remedies available to address and resolve an incident as appropriate include, but are not limited to, provision of academic resources, counselling, and other appropriate steps to address any impact on the individual harassed, witnesses and the school community and to protect individuals from retaliation and steps reasonably calculated to prevent future occurrences of harassment.
- d. The Office of Student Services and the Office of Human Resources the Title IX Coordinators, and the Office of Civil Rights serve as resources for students and employees for any inquiries related to counseling, advocacy and support for issues pertaining to sexual harassment.

### 4. Notification

Notice of this policy will be circulated to all schools and departments of the Board of Education of Queen Anne's County on an annual basis and

# POLICY

## Queen Anne's County Public Schools

incorporated in teacher and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with public schools. Failure to comply with this policy may result in termination of the cooperative agreement.

### 5. Administrative Complaints

Utilization and/or exhaustion of these procedures are not a prerequisite for the filing of complaints with the Office of Civil Rights.

Student complaints alleging Title IX violations may be filed directly with:

Office for Civil Rights  
Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
215-656-8541 (T)  
215-656-8605 (F)  
[Email: OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Employee complaints alleging Title VII violations may be filed directly with:

Baltimore Field Office  
U.S. Equal Employment Opportunity Commission  
City Crescent Building  
10 S. Howard Street  
Third Floor  
Baltimore, MD 21201

# POLICY

## Queen Anne's County Public Schools

---

### **F. Evaluation**

The Superintendent will provide the Board of Education a review of this policy in 2019-2020. The focus of this review will be the effectiveness of the elements of this policy in assisting the Board in fulfilling its mission.

### **G. References**

Article 49B, Annotated Code of Maryland  
Article 27, Sections 464 B and C, Annotated Code of Maryland  
Title VII of the Civil Rights Act of 1964 – Amended 1991  
Title IX of the Education Amendments of 1972