

**Report and Complaint Procedures:  
Sexual Discrimination and/or Harassment, Discrimination and/or Harassment  
Based on Race, National Origin, Disability, and/or Religion**

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Introduction

Baltimore County Public Schools (BCPS) is committed to creating and maintaining a learning environment free from all forms of discrimination and harassment, including sexual discrimination and/or harassment, and discrimination and/or harassment based on race, national origin, disability, and/or religion of any student or school personnel at school or any school-sponsored activity.

It shall be a violation of these procedures for any student or school personnel to discriminate and/or harass a student or school personnel sexually, or based on race, national origin, disability, or religion. Further, it shall be a violation of these procedures for any school personnel to tolerate the sexual discrimination and/or harassment or discrimination and/or harassment based on a student's or employee's race, national origin, disability, and/or religion by students, school personnel, or third parties, participating in, observing, or otherwise engaged in school-sponsored activities.

Purpose

The primary purpose of these procedures is to secure equitable solutions as early as possible to an allegation of discrimination and/or harassment. The procedures outlined below apply to reports of discrimination and/or harassment filed by students, school personnel, or third parties. The Board of Education is not a court of law. The formal rules of evidence do not apply to these procedures.

Withdrawal

Please note that a reporter may withdraw his/her report or appeal at any step in these procedures without prejudice. Withdrawals should be in writing and directed to the appropriate individual in accordance with the step in these procedures.

I. Definitions of Terms:

- A. Appeal: reporter's written statement to the superintendent and/or Board of Education contesting the written decision of the area assistant superintendent or assistant superintendent of Human Resources regarding alleged act(s) of sexual discrimination and/or harassment, discrimination and/or harassment based on race, national origin, disability, and/or religion.
- B. Complaint: reporter's written statement to the compliance officer contesting the written response of the school principal/office head regarding alleged act(s) of sexual discrimination and/or harassment, discrimination and/or harassment based on race, national origin, disability, and/or religion.
- C. Compliance Officer: individual responsible for investigating regarding alleged act(s) of sexual discrimination and/or harassment, discrimination and/or harassment based on race, national origin, disability, and/or religion.
- D. Discrimination and Harassment Based on Race, National Origin, Disability, and/or Religion: conduct relating to an individual's race, national origin, disability and/or religion when the conduct creates an intimidating, hostile, or offensive working or educational environment; or substantially or unreasonably interferes with an individual's work or education; or otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.
- E. Reporter: individual who files a written report regarding alleged act(s) of sexual discrimination and/or harassment, discrimination and/or harassment based on race, national origin, disability, and/or religion.
- F. Sexual Discrimination and Harassment: unwanted and unwelcome behavior of a sexual nature which interferes with a student's right to learn, study, work, achieve, or participate in school activities in a comfortable and supportive atmosphere.
- G. Written Decision: written determination of the area assistant superintendent or assistant superintendent of Human Resources that either accepts or revises the compliance officer's written response that discrimination or harassment occurred. Written determination of the superintendent and/or Board of Education that discrimination and/or harassment occurred. (See note below)
- H. Written Report: reporter's written statement to the principal/office head regarding an alleged act(s) of sexual discrimination and/or harassment, discrimination and/or harassment based on race, national origin, disability, and/or religion. The use of the state form, *Harassment or Intimidation (Bullying) Reporting Form* should be used by students, parents/guardians, close relative, or teachers to report student-to-student harassment. Other written reports will be accepted.

- I. Written Response: written findings of the principal/office head or compliance officer that determine whether discrimination and/or harassment occurred.

Note—Preservation of Records: All written responses and written decisions (including supporting documentation) related to a written report and/or complaint shall be kept separate from the students' school records. However, a reporter may request that the written responses and/or written decisions relative to his/her report and/or complaint be placed in his/her official school records file by filing a written request to the designated compliance officer.

II. Reporting Procedures:

A. Incident of Discrimination and/or Harassment

1. File Report

When a student or school personnel makes an allegation of discrimination and/or harassment by a student, school personnel, or third party, the principal/office head shall take steps designed to end any existing discrimination and/or harassment, prevent any recurrence, and correct any discriminatory effects on the reporter and others. Principals are to notify parent(s) of students alleged to have been subjected to incidents of discrimination and/or harassment regarding their rights to file a discrimination and/or harassment grievance under Title VI, Title IX, or Section 504. (See attached letter.)

Any student who has knowledge of conduct which may constitute prohibited discrimination and/or harassment should report such conduct to one of the administrators or any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited discrimination and/or harassment shall immediately report the alleged discrimination and/or harassment to the principal/office head.

Any student or school personnel who believes he or she has been the victim of sexual discrimination and/or harassment or discrimination and/or harassment based on race, national origin, religion, or disability by a student, school personnel, or a third party should notify the principal/office head in writing. The written report (hereinafter "report") of alleged discrimination and/or harassment should be made as soon as possible, generally within thirty (30) calendar days of the occurrence.

The reporter should use the appropriate BCPS form to make reports of discrimination and/or harassment. However, other written reports shall also be accepted. Use of the state form, *Harassment or Intimidation (Bullying) Reporting Form* should be used for all student-to-student cases. The report should be filed with either the building principal or one of the assistant principals in schools. In offices, the report should be filed with either the office head or any director or

executive director. If the report has been filed with the assistant principal (in schools) or director or executive director (in offices), the report shall immediately be forwarded to the appropriate principal or office head. Any report that involves the principal shall be reported to the area assistant superintendent, and in the case of an office head, to the appropriate director or executive director.

The report and identity of the reporter and the alleged perpetrator will be disclosed only to the extent necessary to fully investigate the report and only when such disclosure is required or permitted by law. Additionally, a reporter who wishes to remain anonymous shall be advised that such confidentiality may limit the administrator's ability to fully respond to the report.

## 2. Investigation

The number of days indicated at each step shall be regarded as a maximum and every effort shall be made to expedite the process. The time limits specified may be extended by mutual agreement of the reporter and the administration and/or Board of Education.

Upon receiving the report, the principal/office head shall provide written notice to the reporter and the alleged perpetrator that he/she has received the report. The principal/office head shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the person accused of discrimination and/or harassment and the reporter and in cases involving potential criminal conduct, determining whether law enforcement officials should be notified.

The school principal/office head shall immediately authorize or undertake an investigation. The investigation may be conducted by the principal/office head or a designee, who may be school personnel or a third party designated by the principal/office head. The investigation shall be completed as soon as practical, which generally should not be later than fourteen (14) school days after receipt of the report.

If the principal/office head determines that more than fourteen (14) school days will be required to investigate the report, the reporter and the alleged perpetrator shall be notified in writing of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, it must be reported to the Department of Social Services in accordance with BCPS' policy.

### Investigation Process

The investigation may consist of personal interviews with the reporter, the alleged perpetrator, and any others who may have knowledge of the alleged discrimination and/or harassment or the circumstances giving rise to the report. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator.

In determining whether alleged conduct constitutes discrimination and/or harassment in accordance with these procedures, the principal/office head or designee shall consider, at a minimum:

- a. The surrounding circumstances.
- b. The nature of the behavior.
- c. Past incidents or past or continuing patterns of behavior.
- d. The relationship between the parties.
- e. How often the conduct occurred.
- f. The identity of the alleged perpetrator in relation to the alleged victim (i.e., whether the alleged perpetrator was in a position of power over the alleged victim).
- g. The location of the alleged discrimination and/or harassment.
- h. The ages of the parties.
- i. The context in which the alleged incidents occurred.

All employees shall cooperate with any investigation of alleged discrimination and/or harassment conducted under these procedures or by an appropriate local, state, or federal agency.

Whether a particular action or incident constitutes a violation of these procedures requires a case-by-case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The principal/office head shall issue a written response (hereinafter “response”) of his/her findings. The response shall be sent to the reporter and the alleged perpetrator. The response shall state whether prohibited discrimination and/or harassment occurred. It shall include a determination of whether the allegations are substantiated, whether these procedures were violated, and recommendations for corrective action, if any.

Confidentiality of students must be protected in the response. This may include disciplinary actions if the discipline policies are violated or in student cases the student’s principal may arrange for them to resolve the issues identified in the report informally with the help of a counselor, teacher, or administrator.

III. Appeal Procedures: (See PS 125 Reporter Flow Chart, R1)

The reporter may file a complaint regarding the principal’s/office head’s response by writing to the compliance officer within ten (10) school days of receiving the principal’s/office head’s response.

A. Designation of Compliance Officers

1. Baltimore County Public Schools has designated the Executive Director, Student Support Services, 9610 Pulaski Park Drive, Suite 219, Baltimore, Maryland 21220, (410) 887-4360, as the compliance officer responsible for identifying,

preventing, and remedying prohibited discrimination and/or harassment when the reporter is a student within the school system. The alternate compliance officer is the Director, Student Support Services, 9610 Pulaski Park Drive, Suite 219, Baltimore, Maryland 21220, (410) 887-0238.

2. Baltimore County Public Schools has designated the Equal Employment Opportunity (EEO) Officer, 1946 Greenspring Drive, Suite N, Timonium, MD 21093 as the compliance officer responsible for identifying, preventing, and remedying prohibited discrimination and/or harassment when the reporter is a school system employee.

**B. Actions of the Compliance Officer**

The compliance officer shall:

1. Receive complaints of discrimination and/or harassment that have been investigated by a principal or office head.
  2. Oversee the investigation of any alleged discrimination and/or harassment complaints.
  3. Assess the training needs of the school division in connection with these procedures.
  4. Arrange necessary training to achieve compliance with these procedures.
  5. Ensure that any discrimination and/or harassment investigation is conducted by an impartial administrator who is trained in the requirements of equal employment/education opportunity, including authority to protect the alleged victim and others during the investigation.
- C. Upon receiving the complaint, the compliance officer shall provide written notice to the reporter and the alleged perpetrator that he/she has received the complaint. The compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation.

The compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by the compliance officer or a designee. The investigation shall be completed as soon as practical, which generally should not be later than fourteen (14) school days after receipt of the complaint.

If the compliance officer determines that more than fourteen (14) school days will be required to investigate the report, the reporter and the alleged perpetrator shall be

notified in writing of the reason for the extended investigation and the date by which the investigation will be concluded.

- D. The investigation may consist of an interview of the principal/office head or administrator who conducted the original investigation, personal interviews with the reporter, the alleged perpetrator, and any others who may have knowledge of the alleged discrimination and/or harassment or the circumstances giving rise to the appeal. The investigation may also consist of the inspection of any other documents or information deemed relevant by the compliance officer or designee.

In determining whether alleged conduct constitutes discrimination and/or harassment in accordance with these procedures, the compliance officer or designee shall consider, at a minimum, the same issues identified in II. A. 2 above.

Whether a particular action or incident constitutes a violation of these procedures requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation by the compliance officer.

- E. Upon completion of the investigation, the compliance officer shall issue a written response (hereinafter "response") and forward a copy to the area assistant superintendent for schools if the appeal is regarding students; or, to the assistant superintendent of Human Resources, if the appeal is regarding employees. A copy of the response must also be forwarded to the reporter and the alleged perpetrator.

Since the compliance officer's response will automatically be forwarded to the area assistant superintendent or assistant superintendent of Human Resources accordingly, if the reporter contests the decision, it is not necessary for the reporter to appeal. The decision of the area assistant superintendent, or assistant superintendent of Human Resources may be appealed (See Section G below).

If the complaint involves the area assistant superintendent, then the decision shall be submitted to the superintendent. If the complaint involves the superintendent, then the decision shall be submitted to the Board of Education.

- F. Action by Area Assistant Superintendent

Within ten (10) school days of receiving the response from the compliance officer, the area assistant superintendent or designee (students) or the assistant superintendent of Human Resources or designee (employees) shall issue a written decision (hereinafter "decision") regarding whether these procedures were violated.

The area assistant superintendent or designee or assistant superintendent of Human Resources or designee shall issue a decision that either accepts or revises the compliance officer's response that discrimination and/or harassment occurred. The decision shall include a determination of whether the allegations are substantiated, whether these procedures were violated, and recommendations for corrective action, if any.

The decision must be provided to the reporter and the alleged perpetrator. If the area assistant superintendent or designee (students) or the assistant superintendent of

Human Resources or designee (employees) determines that prohibited discrimination and/or harassment occurred, prompt, appropriate action shall be taken to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion of the student or discharge of an employee.

Regardless of whether the area assistant superintendent or designee (students) or the assistant superintendent of Human Resources or designee (employees) determines that prohibited discrimination and/or harassment occurred, schoolwide or division-wide training may be required or counseling may be recommended for the reporter.

**G. Appeal to the Superintendent**

The reporter may appeal the decision of the area assistant superintendent (students) or designee or the assistant superintendent of Human Resources or designee (employees) by writing to the superintendent within twenty (20) school days of receiving the decision.

The superintendent or designee shall evaluate the evidence and render his/her written decision (hereinafter "decision") within ten (10) school days of receiving the written appeal.

If the superintendent or designee determines that the prohibited discrimination and/or harassment occurred and discipline is imposed, the disciplined school personnel may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

**H. Appeal to the Board of Education**

The reporter may appeal the decision of the superintendent, or designee, by writing to the Board of Education within ten (10) calendar days of receiving the decision. Notice of appeal must be filed with the Board of Education and addressed to:

Baltimore County Board of Education  
6901 Charles Street  
Greenwood Campus  
Towson, Maryland 21204  
(410) 887-4126

The appeal shall be accompanied by copies of all previous correspondence, supporting statements, evidence, and decisions. Upon receiving the appeal, matter shall be scheduled for review by the Board of Education within ninety (90) calendar days. The matter shall be an appeal on the record. There will not be testimony before the Board of Education. The Board shall render a final written decision within sixty (60) calendar days of review by the Board.

Employees may choose to pursue their reports under these procedures through the relevant employee grievance procedure instead of the report/appeal process.

IV. Retaliation:

Retaliation against students or school personnel who report discrimination and/or harassment or participate in any related proceedings is prohibited. Baltimore County Public Schools shall take appropriate action against any student or school personnel who retaliates against any student or school personnel who reports alleged discrimination and/or harassment or participated in related proceedings.

V. Right to Alternative Report Procedure:

Nothing in these procedures shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination and/or harassment including initiating civil action, filing a report with outside agencies, or seeking redress under state or federal law. A reporter is not required to use these procedures and may proceed directly with other avenues.

A. The following employees of the Maryland State Department of Education may be contacted regarding Baltimore County Public Schools' reporting and investigating procedures:

Charles J. Buckler, Branch Director, Student Services and Alternative Programs  
Dominic M. Romano, School Safety Specialist  
200 West Baltimore Street  
Baltimore, MD 21201  
410-767-0311

VI. Prevention and Notice of Policy:

Training to prevent sexual discrimination and/or harassment and discrimination and/or harassment based on race, national origin, disability, and religion should be included in employee and student orientations, as well as employee in-service training.

These procedures shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents, and school personnel, (2) included in the Pupil Services Manual, and (3) published on the BCPS' Web site. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

VII. False Charges:

Students or school personnel who knowingly make false charges of discrimination and/or harassment shall be subjected to disciplinary action, as well as any civil or criminal legal proceedings.

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