PERSONNEL: Conduct

Sexual Harassment

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 4102 by establishing procedures for reporting and investigating complaints of sexual harassment.

II. Definitions

A. *Board Property* – Any Board-owned, controlled or leased property or vehicle, regardless of whether students are present.

B. *Employee* – Any person employed by the school system on a regular, full time equivalency (FTE) or temporary basis.


D. *Equal Employment Opportunity (EEO) Officer* – The school system’s equal employment opportunity officer.

E. *Harasser* – Any person, including, but not limited to, an employee, Board member, independent contractor or volunteer who engages in harassing behavior.

F. *Independent Contractor* – A person or entity contracted by the Board to perform work for, or provide services to, the school system.

G. *Retaliation* – Adverse employment or workplace actions taken against individuals for filing a complaint of sexual harassment or for participating in an investigation or other related proceeding.

H. *School-Sponsored Activity* – An activity that is sponsored, approved, conducted, planned and/or supervised by school staff regardless of whether the activity takes place on or off school property or occurs during regular instructional hours.

I. *Sexual Harassment* – Unwelcome sexual advances, requests for sexual favors
and other verbal, non-verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, such as evaluation, hiring or firing;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, such as evaluation, pay, promotion or job assignment;
3. That conduct has the purpose or effect of unreasonably interfering with an individual’s work performance; or
4. That conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

J. Victim – Any person offended by harassing behavior.

III. Prohibition

Sexual harassment of, or by, any person is prohibited while on Board property or during school-sponsored activities.

IV. Sexual Harassment Awareness

A. Employees

1. Annually, the EEO office will facilitate the notification to all employees that sexual harassment is prohibited and inform employees of their duties and responsibilities to prevent and report sexual harassment.
2. All employees shall be required to receive sexual harassment awareness training upon hire as part of the Division of Human Resources’ onboarding process and every two (2) years thereafter. Training will include, but will not be limited to, a review of applicable laws and policies regarding sexual harassment, how to identify behaviors that constitute sexual harassment and an employee’s duties and responsibilities to prevent and report sexual harassment.
3. Verification of each employee’s participation in the sexual harassment awareness training shall be filed in the employee’s employment record in the employee’s school or office.

B. Independent Contractors

Baltimore County Public Schools (BCPS) will notify independent contractors that sexual harassment is prohibited and inform them of their
responsibility to recognize, prevent and report sexual harassment as part of the procurement process and in all contracts.

C. Volunteers

BCPS will notify volunteers that sexual harassment is prohibited and inform them of their responsibilities to recognize, prevent and report sexual harassment as part of the volunteer training program.

V. Reporting Sexual Harassment

A. Employees who believe that they are victims of sexual harassment or who are affected by harassing behavior are encouraged to report the alleged harassing behavior immediately to their supervisor or to the EEO Officer. If the allegation of sexual harassment involves the employee’s supervisor, the employee should report the harassment to the supervisor’s supervisor or directly to the EEO Officer.

B. Independent contractors and volunteers who believe they are victims of sexual harassment or who are offended by harassing behavior are encouraged to report the alleged harassing behavior directly to the EEO Officer.

C. An administrator or supervisor who receives a complaint of sexual harassment filed under this Rule shall immediately notify the EEO Officer. Failure to report the complaint to the EEO Officer will result in disciplinary action.

VI. Investigation

A. The EEO Officer or other designated personnel will investigate the complaint or assist the administrator or supervisor in conducting an internal investigation.

B. The EEO Officer will issue a written report that outlines the findings of the investigation. The EEO Officer will advise all parties in writing of the outcome of the investigation.

C. A record of the complaint, investigation and findings will become part of a confidential case file maintained in the EEO office. All complaints, investigations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved.
D. An employee who fails to cooperate with an investigation of a complaint of sexual harassment will be subject to disciplinary action, up to and including termination.

VII. Discipline and/or Termination of Services

A. Any employee found to have committed an act of sexual harassment will face corrective and/or disciplinary action, up to and including termination. The EEO office will work with supervisors to monitor completion of any corrective and/or disciplinary action.

B. If BCPS determines that an independent contractor has committed an act of sexual harassment, BCPS reserves the right to terminate the contract or service.

C. If BCPS determines that a volunteer has committed an act of sexual harassment, the volunteer’s services will be suspended.

VIII. Retaliation

A. Retaliation against an individual who has made a complaint or participated in an investigation or other proceeding involving sexual harassment is strictly prohibited.

B. All complaints of retaliation will be reported to and investigated by the EEO office. If it is determined that retaliation has occurred, appropriate disciplinary action will be taken.

IX. Compliance

The Division of Human Resources shall report sexual harassment settlements to the Maryland Commission on Civil Rights as required by the Disclosing Sexual Harassment in the Work Place Act of 2018.

Legal References: 42 U.S.C. § 2000e, Title VII of the Civil Rights Act of 1964, as amended 29 C.F.R. § 1604.11, Sexual Harassment
Annotated Code of Maryland, Education Article § 6-104, Discernment due to Race, Religion, Color, National Origin, Handicap or Sex Prohibited

Annotated Code of Maryland, Labor & Employment Article § 3-715, Contractual Provision Waiving Right to Claim of Sexual Harassment or Retaliation Deemed Null and Void (Disclosing Sexual Harassment in the Workplace Act of 2018)

Annotated Code of Maryland, State Government Article §§ 20-601 to 6010, Discrimination in Employment

Baltimore County Code, Human Relations Article §§ 29-2-201 to 29-2-204, Employment Discrimination

Related Policies: Board of Education Policy 0200, Precepts, Beliefs and Values of the Baltimore County Public Schools
Board of Education Policy 0300, Equal Employment Opportunity
Board of Education Policy 1260, School Volunteers
Board of Education Policy 4002, Obligations of Employees of the Board of Education of Baltimore County
Board of Education Policy 4100, Employee Conduct and Responsibilities

Rule

Superintendent of Schools

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