

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 11, 2008

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 4003, PERSONNEL: GENERAL-SEXUAL HARASSMENT**

ORIGINATOR: J. Robert Haines, Esq., Deputy Superintendent

RESOURCE PERSON(S): Don Peccia, Assistant Superintendent, Human Resources & Governmental Relations

RECOMMENDATION

That the Board of Education considers the proposed changes to Policy 4003. This is the third reading of this policy.

Attachment I – Policy Analysis
Attachment II – Policy 4003

BOARD OF EDUCATION OF BALTIMORE COUNTY
Policy Analysis for Proposed Revision of Policy 4003

Sexual Harassment

Statement of Issues Addressed by the Proposed Policy

The Department of Human Resources is recommending the revision of Policy 4003 and the addition of Rule 4003. Policy 4003 is designated as a General Personnel Policy and applies to all school system employees. The current format was not consistent with Board of Education format and the policy was revised and a Superintendent's Rule created. The Superintendent's Rule includes information deleted from the policy along with additional necessary revisions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated or contemplated by this revision.

Relationship to Other Board of Education Policies

Board of Education Policy 5570 - Student to Student Sexual Harassment

Board of Education Policy 4008 - Obligation of Employees of the Board of Education of Baltimore County

Legal Requirement

42 U.S.C. §2000d (Title VI of the Civil Rights Act Of 1964, as amended)

42 U.S.C. §2000e (Title VII of the Civil Rights Act Of 1964, as amended)

Annotated Code of Maryland, Education Article § 6-104

Annotated Code of Maryland, Article 49B §§14-18

Similar Policies Adopted by Other School Systems

ANNE ARUNDEL BOARD OF EDUCATION

Policy 800.31, Anti-Harassment-Employees

HARFORD COUNTY BOARD OF EDUCATION

Policy 14-0005-000, Sexual Harassment

HOWARD COUNTY BOARD OF EDUCATION

Policy 1020, Sexual Harassment

MONTGOMERY COUNTY BOARD OF EDUCATION

Policy, ACF, Sexual Harassment

PRINCE GEORGE'S BOARD OF EDUCATION
Policy 4111, Employment-Recruitment
Policy 0103, Equity

Draft of Proposed Policy
See attached

Other Alternative Considered by Staff
The Department of Human Resources did not consider other alternatives

PERSONNEL: General

Sexual Harassment

Sexual harassment, A FORM OF ILLEGAL DISCRIMINATION, WILL NOT BE TOLERATED IN BALTIMORE COUNTY PUBLIC SCHOOLS. RETALIATION AGAINST AN EMPLOYEE FOR MAKING A COMPLAINT OR FOR PARTICIPATING IN ANY INVESTIGATION OR PROCEEDING IS ALSO ILLEGAL AND WILL NOT BE TOLERATED.

THE SUPERINTENDENT SHALL ESTABLISH, WHERE NECESSARY AND APPROPRIATE, ADMINISTRATIVE PROCEDURES FOR VIOLATIONS OF THIS POLICY. [negatively affects morale, motivation, and job performance. It results in increased absenteeism, turnover, inefficiency, and loss of productivity. It is inappropriate, offensive, and illegal and will not be tolerated in the Baltimore County Public Schools.

Defining Sexual Harassment:

Title VII of the 1964 Civil Rights Act prohibits employment discrimination based on religion, color, national origin, race, and sex. Sexual harassment is a form of sex discrimination and unlawful employment practice. Behavior constituting sexual harassment includes any deliberate and/or repeated unwelcome behavior of a sexual nature, **whether it is verbal, nonverbal, or physical.**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- Such behaviors and conduct affect a decision an individual makes to hire or fire someone.
- Such behaviors and conduct are used to make decisions about pay, promotion, or job assignment.
- Such behaviors or conduct interfere with an employee's work performance.
- Such behaviors or conduct create an intimidating, hostile, or offensive work environment.

Reporting Sexual Harassment:

Should an incident of sexual harassment occur, it will be the employee's responsibility to bring it to the attention of his or her supervisor. If you believe you are being sexually harassed, take immediate action by doing the following:

1. Tell the harasser of the offensive behavior and ask him or her to stop it.

And /or

2. Speak immediately about your concern with your supervisor, a personnel official, or other employee authorized to deal with discrimination complaints.

When the employee believes he or she is being harassed by his/her supervisor, the employee should notify the supervisor's supervisor. If the employee is uncomfortable discussing harassment with the supervisor, the personnel department or the EEO officer may be contacted instead. **Retaliation against the complainant will not be tolerated.**

Investigating Sexual Harassment:

The person notified of the complaint will promptly investigate it. The investigation will include interviews with the complainant, the alleged harasser, and other employees who can verify the complaint.

Disciplinary Actions for Sexual Harassment:

Any employee who sexually harasses another employee will be disciplined as in any other case of illegal employee misconduct.

Discipline will include one or more of the following:

1. Verbal warning
2. Written warning
3. Suspension/probation
4. Termination]

POLICY 4003

Legal ReferenceS: [Title VII of the Civil Rights Act of 1964, Merit System Law, Article 64A]; Article 49B of the Annotated Code of Maryland and the Governor’s executive order on sexual harassment.]

42 U.S.C. §2000d (TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,
AS AMENDED)

42 U.S.C.§2000e (TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,
AS AMENDED)

ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE § 6-104
ANNOTATED CODE OF MARYLAND, ARTICLE 49B § 14-18

RELATED POLICIES: BOARD OF EDUCATION POLICY 5570
BOARD OF EDUCATION POLICY 4008

Policy
Adopted: 3/25/93
REVISED: _____

Board of Education of Baltimore County