

PERSONNEL: GENERAL

SEXUAL HARASSMENT

I. PURPOSE

SEXUAL HARASSMENT IS A FORM OF PROHIBITED DISCRIMINATION AND AN UNLAWFUL EMPLOYMENT PRACTICE. EMPLOYEES AND SUPERVISORS ARE REQUIRED TO REPORT SEXUAL HARASSMENT OR RETALIATION AND COMPLAINTS WILL BE INVESTIGATED AND APPROPRIATE ACTION(S) TAKEN.

II. DEFINITIONS

A. SEXUAL HARASSMENT- 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, NONVERBAL OR PHYSICAL CONDUCT CONSTITUTE SEXUAL HARASSMENT WHEN:

1. SUCH BEHAVIORS AND CONDUCT AFFECT A DECISION CONCERNING EMPLOYMENT, SUCH AS HIRING AND FIRING.
2. SUCH BEHAVIORS AND CONDUCT ARE USED TO MAKE DECISIONS ABOUT PAY, PROMOTION, OR JOB ASSIGNMENT.
3. SUCH BEHAVIORS OR CONDUCT INTERFERE WITH AN EMPLOYEE'S WORK PERFORMANCE.
4. SUCH BEHAVIORS OR CONDUCT CREATE AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK ENVIRONMENT.

B. VICTIMS- MAY BE MALE OR FEMALE, AND DO NOT HAVE TO BE THE OPPOSITE SEX OF THE HARASSERS. VICTIMS MAY BE ANYONE OFFENDED BY THE CONDUCT.

C. HARASSERS- MAY BE MALE OR FEMALE AND MAY BE CO-WORKERS, SUPERVISORS, ADMINISTRATORS OR THIRD PARTIES, SUCH AS VENDORS, CONTRACTORS OR VOLUNTEERS.

- D. RETALIATION MEANS 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.
- E. EMPLOYEE MEANS FOR THE PURPOSE OF THIS RULE, ONLY, PERMANENT OR TEMPORARY PERSONNEL.

III. SEXUAL HARASSMENT AWARENESS

- A. ALL NEW EMPLOYEES WILL RECEIVE A COPY OF POLICY 4003 AND THIS RULE DURING NEW HIRE ORIENTATION.
- B. EMPLOYEES WILL RECEIVE ANNUAL NOTICE THAT SEXUAL HARASSMENT IS PROHIBITED. EMPLOYEES WILL ALSO RECEIVE THE PROCESS FOR REPORTING SEXUAL HARASSMENT.
- C. NOTICE THAT SEXUAL HARASSMENT IS PROHIBITED WILL BE PROVIDED TO NON-EMPLOYEES INCLUDING AS VENDORS, CONSULTANTS CONTRACTORS AND VOLUNTEERS.

IV. REPORTING SEXUAL HARASSMENT

- A. IT IS THE RESPONSIBILITY OF THE EMPLOYEE TO REPORT ALLEGATIONS OF SEXUAL HARASSMENT TO HIS OR HER SUPERVISOR OR TO THE EQUAL EMPLOYMENT OFFICER (EEO OFFICER).
- B. WHEN THE EMPLOYEE BELIEVES HE OR SHE IS BEING HARASSED BY HIS/HER SUPERVISOR, THE EMPLOYEE SHOULD REPORT THE HARASSMENT TO THE SUPERVISOR'S SUPERVISOR OR DIRECTLY TO THE EEO OFFICER.
- C. IT IS THE RESPONSIBILITY OF EMPLOYEES THAT ARE NOT DIRECT VICTIMS BUT ARE OFFENDED BY THE CONDUCT TO REPORT THE CONDUCT TO HIS OR HER SUPERVISOR OR TO THE EEO OFFICER.
- D. AN ADMINISTRATOR OR SUPERVISOR WHO RECEIVES A COMPLAINT AGAINST A SCHOOL SYSTEM EMPLOYEE OR THIRD PARTY WILL IMMEDIATELY NOTIFY THE EEO OFFICER. FAILURE

TO REPORT THE COMPLAINT TO THE EEO OFFICER WILL RESULT IN DISCIPLINARY ACTION.

V. INVESTIGATING SEXUAL HARASSMENT

THE EEO OFFICER OR OTHER DESIGNATED PERSONNEL WILL INVESTIGATE THE COMPLAINT OR ASSIST THE ADMINISTRATOR OR SUPERVISOR IN CONDUCTING THE INVESTIGATION.

A RECORD OF THE COMPLAINT AND THE FINDINGS WILL BECOME PART OF THE INVESTIGATION RECORD AND WILL BE MAINTAINED IN THE EEO OFFICE.

VI. FINDINGS OF SEXUAL HARASSMENT:

IF IT IS DETERMINED THAT SEXUAL HARASSMENT HAS OCCURRED, APPROPRIATE CORRECTIVE ACTION WILL BE TAKEN. AN EMPLOYEE WHO SEXUALLY HARASSES ANOTHER EMPLOYEE OR THIRD PARTY WILL FACE DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

APPROPRIATE CORRECTIVE ACTION UP TO AND INCLUDING TERMINATION OF SERVICES WILL OCCUR IN CASES OF HARASSMENT OF AN EMPLOYEE BY A NON-EMPLOYEE SUCH AS VENDOR, CONTRACTOR OR VOLUNTEER.

VII. RETALIATION

RETALIATION AGAINST AN EMPLOYEE WHO HAS MADE A COMPLAINT OR PARTICIPATED IN AN INVESTIGATION OR OTHER PROCEEDING INVOLVING SEXUAL HARASSMENT BY ANOTHER EMPLOYEE IS STRICTLY PROHIBITED. ALL COMPLAINTS OF RETALIATION WILL BE REPORTED TO THE EEO OFFICER AND WILL BE INVESTIGATED. IF IT IS DETERMINED THAT RETALIATION HAS OCCURRED, APPROPRIATE DISCIPLINARY ACTION WILL BE TAKEN.

LEGAL REFERENCES: 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

RULE
APPROVED: _____

SUPERINTENDENT OF SCHOOLS