

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: May 21, 2013

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Superintendent

SUBJECT: **REPORT ON THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 4102, SEXUAL HARASSMENT**

ORIGINATOR: Kevin A. Hobbs, Deputy Superintendent

RESOURCE PERSON(S): Lisa Grillo, Chief Human Resources Officer

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 4102. This is the first reading.

Attachment I – Policy Analysis
Attachment II – Policy 4102

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 4102
SEXUAL HARASSMENT**

Statement of Issues or Questions Addressed

In accordance with Board of Education Policy and Superintendent's Rule 8130, Board of Education Policy 4102 is scheduled for review during the 2012-2013 school year. Policy 4102 prohibits sexual harassment and retaliation against an individual for filing a complaint or participating in an investigation. Staff is recommending that the policy be revised to: (1) include a policy statement; (2) require all employees to be informed of the policy and to receive training; (3) include an implementation section; and (4) conform with the Policy Review Committee's editing conventions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 4000, *Precepts, Beliefs, and Values of the Baltimore County Public Schools*
2. Board of Education Policy 4002, *Obligations of Employees of the Board of Education of Baltimore County*
3. Board of Education Policy 4100, *Employee Conduct and Responsibilities*

Legal Requirements

1. 42 U.S.C. §2000d, *et seq.*, *Title VI of the Civil Rights Act of 1964, as amended*
2. 42 U.S.C. §2000e, *et seq.*, *Title VII of the Civil Rights Act of 1964, as amended*
3. *Annotated Code of Maryland*, Education Article §6-104, *Discrimination because of race, religion, color, national origin, handicap, or sex prohibited*
4. *Annotated Code of Maryland*, State Government Article §§20-601 to 20-609, *Discrimination in employment*
5. *Baltimore County Code*, Human Relations Article §§29-2-201 to 29-2-204, *Employment Discrimination*

Similar Policies Adopted by Other Local School Systems

1. Frederick County Board of Education, Policy 318, *Sexual Harassment*
2. Harford County Board of Education, Policy 24-0005-000, *Sexual Harassment*
3. Howard County Board of Education, Policy 1020, *Sexual Harassment*
4. Montgomery County Board of Education, Policy ACF, *Sexual Harassment*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – May 21, 2013

Public comment – June 11, 2013

Third reading/vote – July 9, 2013

PERSONNEL: Conduct

Sexual Harassment

I. POLICY STATEMENT

- A. Sexual harassment, a form of illegal discrimination, will not be tolerated in Baltimore County Public Schools. Retaliation against an INDIVIDUAL [employee] for making a complaint or for participating in any investigation or proceeding is also illegal and will not be tolerated.
- B. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO CREATING AND MAINTAINING A WORK ENVIRONMENT FREE FROM SEXUAL HARASSMENT. TO THAT END, ALL EMPLOYEES WILL BE INFORMED OF THIS POLICY AND SHALL BE REQUIRED TO PARTICIPATE IN TRAINING ON THEIR OBLIGATIONS TO PREVENT AND REPORT SEXUAL HARASSMENT.

II. IMPLEMENTATION

THE BOARD DIRECTS THE SUPERINTENDENT TO IMPLEMENT THIS POLICY. [The Superintendent shall establish, where necessary and appropriate, administrative procedures for violations of this policy.]

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, Discrimination because of race, religion, color, national origin, handicap, or sex prohibited.
 Annotated Code of Maryland, State Government Article §§20-601 to -609, Discrimination in employment.
 BALTIMORE COUNTY CODE, HUMAN RELATIONS ARTICLE
 §§29-2-201 TO 29-2-204, EMPLOYMENT DISCRIMINATION

POLICY 4102

Related Policies: BOARD OF EDUCATION POLICY 4000, *PRECEPTS, BELIEFS, AND VALUES OF THE BALTIMORE COUNTY PUBLIC SCHOOLS*
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*

Policy
Adopted: 03/25/93
Revised: 03/11/08
Edited: 07/01/11
REVISED: _____

Board of Education of Baltimore County