

PERSONNEL: Conduct

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 ALL complaints will be investigated and appropriate action(s) taken.

II. Definitions

THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS RULE:

- 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 SUCH BEHAVIORS OR CONDUCT:
1. [Such behaviors and conduct] AffectS a decision concerning employment, such as hiring and firing; [.]
 2. [Such behaviors and conduct are used to make] INFLUENCES decisions about pay, promotion, or job assignment; [.]
 3. [Such behaviors or conduct] InterfereS with an employee’s work performance; [.] OR
 4. [Such behaviors or conduct] CreateS 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* – PERSONS EMPLOYED BY THE SCHOOL SYSTEM ON A FULL-TIME, PART-TIME OR TEMPORARY BASIS. [means for the purpose of this rule, only, permanent or temporary personnel]
- F. *EEO OFFICER* – THE SCHOOL SYSTEM’S EQUAL EMPLOYMENT OPPORTUNITY OFFICER.

III. Sexual Harassment Awareness

- A. All new employees will BE INFORMED [receive a copy] of Board of Education Policy 4102 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 vendors, consultants, contractors, and volunteers.
- D. ALL EMPLOYEES SHALL BE REQUIRED TO RECEIVE SEXUAL HARASSMENT TRAINING UPON HIRE AND EVERY TWO (2) YEARS.

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 EEO [Equal Employment Office (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

- A. The EEO Officer or other designated personnel will investigate the complaint or assist the administrator or supervisor in conducting [the investigation] 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. IF THE EEO OFFICER CONCLUDES THAT A VIOLATION OF POLICY 4102 HAS OCCURRED, APPROPRIATE CORRECTIVE AND/OR DISCIPLINARY ACTION WILL BE TAKEN.
 - 1. THE APPROPRIATE ADMINISTRATOR WILL REVIEW THE EEO OFFICER'S REPORT WITH THE DEPUTY SUPERINTENDENT, AND WILL ENSURE THAT APPROPRIATE CORRECTIVE AND/OR DISCIPLINARY ACTION IS TAKEN.
- D. A RECORD OF THE COMPLAINT, INVESTIGATION, AND FINDINGS WILL BECOME PART OF A CONFIDENTIAL CASE FILE MAINTAINED BY THE EEO OFFICER. ALL COMPLAINTS, INVESTIGATIONS, AND RECORDS WILL BE HANDLED, TO THE EXTENT POSSIBLE, IN A MANNER THAT WILL PROTECT THE PRIVACY INTERESTS OF THOSE INVOLVED.

VI. DISCIPLINE

- A. ANY EMPLOYEE WHO SEXUALLY HARASSES ANOTHER EMPLOYEE OR THIRD PARTY WILL FACE DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.
- B. 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 A VENDOR, CONTRACTOR, OR VOLUNTEER.
- [B. 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

- A. 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.
- B. 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 a vendor, contractor, or volunteer.]

VII. Retaliation

- A. Retaliation against an INDIVIDUAL [employee] who has made a complaint or participated in an investigation or other proceeding involving sexual harassment [by another employee] is strictly prohibited.
- B. All complaints of retaliation will be reported to AND INVESTIGATED BY 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, 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

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

Rule
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