

**Calvert County Public Schools  
1305 Dares Beach Road  
Prince Frederick, MD 20678**

**Administrative Procedures for Policy #1118 (Administration) of the Board of Education  
Regarding Discrimination in Calvert County Public Schools**

**Title IX and Sexual Harassment**

I. Definitions

- A. Discrimination - unfair and unequal treatment; prejudice; inequity; intolerance of an individual (or group) based on certain legally-protected characteristics and/or membership in a particular group or class; and/or harassment
- B. Retaliation – The act or process of threatening or otherwise penalizing a person for reporting an alleged violation of policy or for participating in an investigation of an alleged violation.
- C. Sexual harassment
  - 1. Sexual harassment can be committed by a student, employee, or third party. Sexual harassment of an individual is the unwelcome conduct of a sexual nature that interferes with a student’s ability to learn, study, work, achieve, or participate in school activities or with an employee’s/third party’s term, condition, or privilege of employment/relationship with the school system. Examples of sexual harassment include, but are not limited to:
    - a. Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats
    - b. Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures
    - c. Offensive touching, including inappropriate patting or pinching, or impeding or blocking a person’s physical movement
    - d. Making unwelcome sexual contact
    - e. Engaging in unwelcome sexual contact
    - f. Spreading rumors about or evaluating someone for their sexual behavior
    - g. Taunting or ridiculing someone because of perceived or actual sexual orientation
    - h. Pressuring someone for sexual activity
    - i. Sexual Harassment also encompasses sex discrimination, sexual assault and sexual violence.

2. Student, employee, or third party behavior may be severe enough to violate federal and state laws prohibiting sexual harassment in educational institutions and the workplace (e.g., Title IX, Title VII). This generally occurs when:
  - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational status, or
  - b) Submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting the individual's status, or
  - c) Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive environment.
- D. School property – any Calvert County Public Schools building and/or grounds, any CCPS leased or owned vehicles, and vehicles contracted for official school business; this includes any location used for co- or extra-curricular activities, including field trips.
- E. School-related activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g. school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g. spectator at a school event).
- F. Third party - parents, mentors, volunteers, visitors, vendors, contractors, and others with whom students or employees interact during school or school-sponsored activities
- G. Title IX – of the Education Amendments of 1972, the 1975 implementing regulation, and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted. This law states: *No person in the United States shall, on the basis of sex, be excluded from participating in, be denied the benefit of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.*
- H. Title VII – of the Civil Rights Act of 1964, a federal anti-discrimination statute that prohibits sexual harassment in the workplace

## II. Prohibited Behaviors

- A. Sexual harassment is prohibited on school property, during school activities and events, and during the discharge of official school system duties. Sexual harassment can be committed by a student, employee, or third party. The school system requires mandatory training on an annual basis of all employees.
- B. Sexual harassment of a student may also constitute child abuse and such cases must be addressed and reported in accordance with Policy #1460 Regarding Child Abuse and Neglect.
- C. It is a violation of this policy for any student, employee or third party to engage in retaliation concerning all Title IX complaints alleging discrimination based on sex.

- D. Sexual harassment is a particular form of gender discrimination. Other forms of gender discrimination and harassment are addressed under Policy 1118 Regarding Discrimination.

### III. Title IX Coordinators

- A. The Title IX Coordinators coordinate efforts to comply with and carry out responsibilities under federal law and this sexual harassment policy.
- B. The Director of Student Services is the Title IX Coordinator for complaints of sexual harassment related to students. The Director of Human Resources is the Title IX Coordinator for complaints of sexual harassment related to employees.

### IV. Reporting and Investigations of Incidents of Sexual Harassment

#### A. Complaints by Students

1. All complaints will be reported and investigated in accordance with Procedures 1118.1 Regarding Discrimination: Investigation and Resolution of Complaints. A complaint against an administrator should be reported to the Title IX Coordinator(s).
2. An administrator who receives a complaint against a school system employee or third party will immediately notify the Title IX Coordinator(s). Upon receipt of a complaint from an administrator or from a student against an employee or third party the Title IX Coordinator(s) will investigate in accordance with Procedure 1118.1 Regarding Discrimination: Investigation and Resolution of Complaints. If the alleged conduct constitutes a violation of Title IX, the Title IX Coordinator(s) will notify appropriate social service and law enforcement agencies and will suspend the local investigation until the outside agency(ies) have completed the evidence gathering process. The District will implement appropriate interim steps during the outside agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.
3. When a student alleges to a teacher that there has been an incidence of bullying, harassment, or intimidation, the teacher must report the complaint to a school administrator. When a student alleges there has been an incidence of bullying, harassment, or intimidation to a principal or school administrator or the principal or school administrator is told by a teacher about a student's complaint, the principal or school administrator will furnish the student with the Bullying, Harassment, or Intimidation Reporting Form and advise the student to submit the complaint in writing to the principal or school administrator. When a student alleges there has been an incidence of discrimination, the principal or school administrator will ask the student to submit the complaint in writing in a letter and submit the letter to the principal or school administrator. Depending on the age of the student, the principal or school administrator will provide appropriate assistance in completing the form or writing the letter. If the student does not submit the form or letter, a verbal complaint will be accepted and the principal or school administrator will complete the form or record the allegation in writing using the verbal information provided by the student.

4. If the complaint is regarding sexual harassment, the administrator will inform the Title IX Coordinator and send a copy of the complaint to the Title IX Coordinator. (The Title IX Coordinator for student complaints is the Director of Student Services.)
5. Upon receipt of the written/verbal complaint, the principal or school administrator will investigate the allegation, schedule meetings to question the complainant, possible witnesses named by the complainant, and the accused. Calvert County Public Schools (CCPS) will take interim preventative measures during any law enforcement agency's investigation period to protect the victim(s) and the school community during the investigation, and will maintain ongoing contact with the victim(s) throughout the investigation. The Department of Human Resources/Student Services maintains all documentation of the complaint, investigation, and any corrective action. Within a maximum of forty-five (45) school days of the receipt of the written/verbal complaint, the principal or school administrator will complete the investigation and prepare a packet containing the statements and findings of the investigation. Upon completion of student interviews, parents will be notified. The parties will have an opportunity to present other evidence during the investigation of the complaint. If the matter is referred to the Department of Social Services (DSS) or the Police, CCPS will not investigate until DSS or the Police have completed the evidence gathering process, but will promptly resume the investigation thereafter. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.
6. If the complaint is complicated or otherwise cannot reasonably be investigated within forty-five (45) school days, the principal or school administrator may extend the time for a decision by not more than ten (10) additional school days and will inform the complainant of the extension in writing.
7. Upon completion of the packet containing the investigation findings and if a violation is found to have occurred, the appropriate student disciplinary and/or remedial action in accordance with the Code of Student Conduct and Policy 1112 Regarding Student Discipline will be administered. The principal or school administrator will, within ten (10) school days of completion, inform the parents of the complainant and the accused involved in the incident or alleged incident in writing of the conclusion of the investigation and share information about the disposition of the incident or alleged incident subject to any limitation imposed by the Family Educational Rights and Privacy Act (FERPA) and other state laws governing student records.
8. All decisions regarding the results of the investigation findings and possible corresponding disciplinary actions may be appealed in writing to the appropriate assistant superintendent or designated representative within thirty (30) days of the decision of the principal or school administrator. Such appeal shall be conducted in an impartial manner by an impartial decision maker. The assistant superintendent or designated representative who hears the appeal shall issue a decision within ten (10) school days of hearing the appeal. Any further appeal shall be conducted in

accordance with Board Policy 1600.1 governing appeals of decisions of the superintendent or superintendent's designee.

9. CCPS will keep the complaint and investigation confidential to the extent possible and as required by FERPA and other state laws governing student records.

#### B. Complaints by School System Employees/Third Parties

An employee or third party who believes that he or she has been sexually harassed should promptly report such conduct to the principal or administrator/supervisor or the Title IX Coordinator. All complaints will be reported and investigated in accordance with Procedures 1118.1 Regarding Discrimination: Investigation and Resolution of Complaints.

1. If the employee or community member alleges that there has been discrimination and/or harassment, the principal or administrator/supervisor will furnish the complainant with the Discrimination or Harassment Form and advise the complainant to submit the complaint in writing to the principal or administrator/supervisor. If the complainant does not submit a written complaint, a verbal complaint will be accepted.
2. If the complaint is regarding sexual harassment, the administrator will inform the Title IX Coordinator and send a copy of the complaint to the Title IX Coordinator. (The Title IX Coordinator for employee and community member complaints is the Director of Human Resources.)
3. Upon receipt of the written or verbal complaint, the principal or administrator/supervisor will investigate the allegation, schedule meetings to question the complainant, possible witnesses named by the complainant, and the accused. Calvert County Public Schools (CCPS) will take interim preventative measures to protect the victim(s) and the school community during the investigation, and will maintain ongoing contact with the victim(s) throughout the investigation. The Department of Human Resources/Student Services maintains all documentation of the complaint, investigation, and any corrective action. Within a maximum of forty-five (45) school days of the receipt of the written or verbal complaint, the principal or administrator/supervisor will complete the investigation and prepare a packet containing the statements and findings of the investigation. The parties will have an opportunity to present other evidence during the investigation of the complaint. If the matter is referred to the Department of Social Services (DSS) or the Police, CCPS will not investigate until DSS or the Police have completed the evidence gathering process, but will promptly resume the investigation thereafter. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.
4. If the complaint is complicated or otherwise cannot reasonably be investigated within forty-five (45) school days, the principal or administrator/supervisor may extend the time for a decision by not more than ten (10) additional work days and will inform the complainant of the extension.
5. Upon completion of the report of the investigation findings, the principal or administrator/supervisor will inform the appropriate Executive Team member and all parties involved in writing of the findings and if personnel disciplinary actions are needed.

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Procedures Revised: 11/11/04; 9/10/08; 8/07/12; 5/28/15; 12/22/15

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6. All decisions regarding the results of the investigation findings and possible corresponding disciplinary actions may be appealed in writing to the superintendent or designated representative within thirty (30) days of the decision of the principal or school administrator. Such appeal shall be conducted in an impartial manner by an impartial decision maker. The assistant superintendent or designated representative who hears the appeal shall issue a decision within ten (10) school days of hearing the appeal. Any further appeal shall be conducted in accordance with Board Policy 1600.1 governing appeals of decisions of the superintendent or superintendent's designee.
7. CCPS will keep the complaint and investigation confidential to the extent possible and as required by FERPA and other state laws governing student records.

V. Resolution of Complaints

Complaints will be resolved in accordance with Procedures 1118.1 Regarding Discrimination: Investigation and Resolution of Complaints. It is the policy of Calvert County Public Schools to provide for the adequate, reliable and impartial investigation of all complaints.

VI. Announcements/Dissemination of Information

- A. All students, parents, and employees will be notified that sexual harassment is prohibited in the Calvert County Public School System. Notification may be offered in the following ways:
  1. All employees will be required to complete mandatory training on sexual harassment at the beginning of each year and when initially employed;
  2. Published in the Code of Student Conduct, school newsletters, and/or student/parent/faculty handbooks;
  3. Provided to new students and parents during the registration process.

VII. Bullying, Harassment, or Intimidation Reporting Forms will be accessible to all students on the school system website and Forms for Reporting Complaints of Discrimination and/or Harassment will be accessible to all employees on the school system website.

VIII. Utilization and/or exhaustion of these procedures are not a prerequisite for the filing of complaints with the Office of Civil Rights. Student complaints alleging Title IX violations may be filed directly with:

Office for Civil Rights  
Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
215-656-8541 (T)  
215-656-8605 (F)  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

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Employee complaints alleging Title IX violations may be filed directly with:

Baltimore Field Office  
U.S. Equal Employment Opportunity Commission  
City Crescent Building  
10 S. Howard Street  
Third Floor  
Baltimore, MD 21201

**Calvert County Public Schools  
Prince Frederick, MD 20678**

**FORM FOR REPORTING A COMPLAINT OF SEXUAL HARASSMENT OR  
VIOLATION OF TITLE IX**

Name: \_\_\_\_\_ School/Department: \_\_\_\_\_

I wish to complain about the following event(s):

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**(Use additional sheets of paper if required.)**

Should you wish Calvert County Public Schools not to disclose certain information you have provided, please specify that information below. The system will try to honor such requests consistent with its obligation to identify and correct instances of sexual harassment. Confidentiality may not always be possible because of the steps necessary to eliminate the sexual harassment.

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Signature of Complainant: \_\_\_\_\_

Date: \_\_\_\_\_

Complaint received by: \_\_\_\_\_

Date: \_\_\_\_\_

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