

PROCEDURE Harford County Public Schools

PROCEDURE TITLE: PROCEDURES RELATING TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND ITS IMPLEMENTING REGULATIONS		
ADOPTION/EFFECTIVE DATE: October 12, 2015	MOST RECENTLY AMENDED: January 27, 2022	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Equity and Non-Discrimination		

I. Purpose

The purposes of these procedures are as follows.

- A. Provision of information regarding Title IX.
- B. Adoption of procedures which:
 1. Address the prompt and equitable resolution of complaints which allege a violation of Title IX and its implementing regulations and which do not involve sexual harassment or allegations of sexual harassment.
 2. Address sexual harassment as defined herein.
- C. Designation of a Title IX Coordinator responsible to coordinate efforts to comply with Title IX, its implementing regulations, and this procedure.

II. Discrimination on the Basis of Sex Not Involving Sexual Harassment Or Allegations of Sexual Harassment

- A. Definitions For This Section II
 1. **Complainant** means any person who files a report under this Section II.
 2. **Complaint** means a written or verbal statement which sets forth an allegation that a member of the school community has been subject to conduct which is in violation Title IX or retaliation under this Section II.
 3. **Days** means calendar days.
 4. **Discrimination** means the following.

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- a. Being, on the basis of sex, including sexual orientation and gender identity, unlawfully subject to: exclusion from participation in, denial of the benefits of, or, unfavorable differential treatment with respect to, any academic, extra-curricular, research, occupational training, or other education program or activity provided by HCPS.
 - b. Being, on the basis of sex, including sexual orientation and gender identity, unlawfully subject to: exclusion from, participation in, denial of the benefits of, or being subject to unfavorable differential treatment with respect to employment, recruitment, consideration or selection for employment by HCPS.
5. **HCPS** means Harford County Public Schools.
6. **Member Of School Community** means:
- a. Board of Education member.
 - b. Any employee of Harford County Public Schools (“HCPS”)
 - c. Any HCPS volunteer.
 - d. A student.
 - e. Any other person who participates in activities of HCPS or is present on HCPS grounds or premises and is under the authority or control of HCPS.
7. **Retaliation** means
- a. Unfavorable differential treatment of a person because that person has opposed any act or practice which is unlawful under Title IX or has made a charge, testified, assisted, or participated in an investigation, proceeding or other matter pursuant to Title IX; or
 - b. Threatening, coercing, intimidating, or interfering with any person because that person has opposed any act or practice which is unlawful under the Title IX or has made a charge, testified, assisted, or participated in an investigation, proceeding or other matter pursuant to the Title IX.

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8. **Title IX** means Title IX of the Education Amendments of 1972, codified at 20 U.S. Code Section 1681, *et seq.* and its implementing regulations codified at 34 Code of Federal Regulations (CFR) Part 106.1, *et seq.* which, in pertinent part, prohibit discrimination on the basis of sex in employment with respect to access to facilities, program or activities and prohibit sexual harassment.
9. **Title IX Coordinator** means the Manager of Equity and Cultural Proficiency, 102 S. Hickory Avenue, Bel Air, Maryland 21014, telephone 410-809-6064. Paula.Stanton@hcps.org

B. Complaint Procedure

Complaints alleging discrimination on the basis of sex, sexual orientation or gender identity or retaliation which do not involve sexual harassment or allegations of sexual harassment shall be submitted orally or in writing to the Title IX Coordinator, 102 South Hickory Avenue, Bel Air, Maryland, 21014, at 410-809-6064 or Paula.Stanton@hcps.org.

1. A Complainant shall file a complaint within ninety (90) days of the date the alleged act of disability discrimination occurred.
2. The Title IX Coordinator shall attempt to informally resolve a complaint within thirty (30) days of the receipt of same.
3. If an informal resolution cannot be reached, the Title IX Coordinator shall issue a written decision setting forth in concise fashion his/her decision regarding the complaint and the reasons for the decision. Such written decision shall be issued within sixty (60) days of receipt of the complaint.
4. All decisions of the Title IX Coordinator, under this Section II, may be appealed to the Superintendent pursuant to Section 4-205 of the Education Article of the Maryland Annotated Code.
5. The complaint procedure described herein is in addition to any other administrative or judicial action the Complainant may pursue.

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III. **Discrimination on the Basis of Sex Involving Sexual Harassment or Allegations of Sexual Harassment**

A. Definitions

1. **Complainant** means a person who is alleged to be the victim of conduct which constitutes sexual harassment and includes, if the victim is under the age of 18, the parent or guardian of the victim.
2. **Days** means calendar days unless specified otherwise.
3. **Decision-Maker** means the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.
4. **Disciplinary Sanctions** mean consequences imposed on a respondent when the respondent is found responsible for sexual harassment.
5. **Eligible Complainant** means a complainant who is participating in an HCPS education program or activity at the time of the filing of a formal complaint.
6. **Formal Complaint** means a document filed and signed by a Complainant or signed by the Title I Coordinator, alleging sexual harassment against a respondent and which requests that HCPS investigate the allegations of sexual harassment.
7. **Investigative Report** means a written account of the findings of the investigation conducted in response to a formal complaint.
8. **Investigator** means the school official responsible for investigating and responding to a formal complaint.
9. **Member Of School Community** means:
 - a. Board of Education member.
 - b. Any employee of Harford County Public Schools (“HCPS”)
 - c. Any HCPS volunteer.
 - d. A student.

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e. Any other person who participates in activities of HCPS or is present on HCPS grounds or premises and is under the authority or control of HCPS.

10. **Remedies** means individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

11. **Removal** means requiring a respondent to discontinue his or her attendance or participation in an HCPS education program or activity on an emergency basis.

12. **Report** means a communication whether verbal or written, in which any person notifies the Title IX Coordinator of sexual harassment.

13. **Reporter** means a person who submits a report.

14. **Respondent** means a person who is alleged in a report or formal complaint to have committed sexual harassment.

15. **Sexual Harassment** means

a. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);

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b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or,

c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

16. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

17. **Victim** means a person who has been subjected to is alleged to have been subjected to sexual harassment.

B. General Rules

1. Prohibition of Sexual Harassment

Sexual harassment is prohibited in HCPS, its properties, activities, programs and in employment whether occurring on HCPS premises, HCPs controlled properties, or at activities or functions supervised and sanctioned by HCPS.

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2. Conduct that is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.
3. Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.
4. Conduct that is determined not to meet the definition above may violate other board policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other board policies. Nothing in this procedure is intended to limit discipline for violation of other board policies/procedures when appropriate and consistent with law.

C. Reporting Relating to Sexual Harassment or Allegations of Sexual Harassment

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX Coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school