

**NONDISCRIMINATION – ADMINISTRATIVE REGULATIONS - AR**

**SEXUAL HARASSMENT POLICY STATEMENT**

The Board of Education believes that sexual harassment of any form has no place in our schools. Every student must be afforded the opportunity to attend school and school activities without the fear or threat of sexual harassment. This policy is in accordance with EEOC Guidelines on sexual harassment, Title VII, Section 70 and the Civil Rights Act of 1964, Title IV.

- I. Sexual Harassment is unwelcome behavior towards a person based on their sex. Sexual harassment may be perpetrated by a member of the same or opposite gender of the victim. Sexual harassment is defined as any unwelcome sexual advancement, request for sexual favors, or other physical or verbal conduct of a sexual nature when:
  - A. Submission to such conduct is made whether explicitly or implicitly a term or condition of an individual's employment or education; or
  - B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
  - C. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, education or living environment.
- II. Sexual harassment may include, but is not limited to, the following:
  - leering at someone else's body
  - making comments, gestures or jokes of a sexual manner
  - manipulating clothing in a sexual manner
  - displaying sexual pictures or objects
  - spreading sexual rumors or commenting about sexual behavior
  - repeatedly pressuring for dates or unwanted sexual behavior
  - touching, grabbing, and/or pinching
  - teasing and/or bullying using sexual terms
  - asking for sexual favors in exchange for grades or participation in school activities
  - inflicting physical sexual assault or abuse
- A. In cases involving possible child abuse or criminal behavior, Talbot County Public Schools will contact the appropriate authorities to conduct an investigation and make

a determination.

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This includes contacting the Department of Social Services and/or police in order to comply with local and state laws.

- B. If any employee or student experiences any such harassment, or believes e or she has been treated in an unlawful, discriminatory manner based upon their sex, he or she should promptly report the matter to a teacher, guidance counselor, school administrator, or to the personnel officer. If the student feels threatened or uncomfortable speaking with an administrator the student should speak with any member of the school staff. School staff is instructed to take each complaint seriously and ensure that school administrators are notified promptly. An allegation of sexual harassment will be addressed b the school administration quickly and without the threat of retaliation.
- C. Upon receipt of any complaint of sexual harassment, an investigation will be undertake immediately ensuring confidentiality to the maximum possible extent. Each complaint will be handled seriously and with respect for those involved. Should the investigation disclose that an individual has been harassing an employee or student; corrective action will be taken immediately as described below in sections A, B, or C.
- D. **WARNING:** It will not be a defense for a person accused of sexual harassment to say that he or she didn't think that his conduct was unwelcome or that he was just accused of sexual harassment is to absolutely avoid any type of behavior which could be perceived as sexual harassment.
- E. Finally, the Board of Education expressly prohibits any form of retaliatory action against any employee or student who files complaint of sexual harassment under this procedure, in accordance with Title IX.

### **III. Employee to Student Sexual Harassment**

#### Corrective Action

Sexual harassment by employees directed against a student, another employee or Member of the public is considered an immoral act and misconduct in office and will be Considered grounds for suspension or dismissal in accordance with Section 6-202 Annotated Code of Maryland or Board Policy. The procedure for handling complaints Of sexual harassment is as follows:

- A. Processing of sexual harassment complaints involving employees is the responsibility of the personnel officer. If the complaint concerns a school based

employee, the principal shall also participate in the investigation. The personnel

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officer will have an assistant present during the investigation. An attorney may be used to facilitate the investigation if deemed appropriate.

- B. When a complaint is made the administrator conducting the investigation must be objective, asking questions but expressing NO opinion as to the merits of the claim; that is, the administrator should not give an opinion whether the complained happened or whether the act was or was not sexual harassment.
- C. The administrator will interview and obtain a written, signed statement from the person making the complaint. Sensitivity and respect must be shown to the person making the complaint.
- D. The names of all witnesses and all surrounding circumstances which might help resolve any question of fact must be obtained.
- E. Next, the person accused of the sexual harassment behavior must be interviewed.
- F. Witnesses must also be interviewed.
- G. If possible, written, signed statements must be obtained from all persons interviewed.
- H. A written log of the investigation should be kept.
- I. Throughout the investigation it should be stressed that not only is the school committee to maintaining an environment free of sexual harassment but also to protecting innocent individuals from false accusations.
- J. A prompt determination of whether the alleged conduct occurred and whether it constituted sexual harassment must be made.
- K. If it is determined that sexual harassment has occurred, immediate and appropriate steps must be taken to prevent recurrence. A written recommendation should be given to the recurrence. A written recommendation should be given to the recurrence. A written recommendation should be given to the Superintendent for appropriate disciplinary action, including suspension of termination, in accordance with Section 6-202 of Annotated Code of Maryland and/or Board Policy.

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### IV. Student to Student Sexual Harassment – Corrective Action

Sexual harassment by students is considered an expellable offense in accordance with Talbot County Public School Suspension and Expulsion Policy Codes 10.22 and 10.23.

Teachers and staff must refer all complaints of sexual harassment to the building principal for investigation. The procedure for handling complaints of student to student harassment is as follows:

- A. Processing of sexual harassment complaints at the school level is the responsibility of the principal or the Principal's designate. The Principal will have an assistant present during the investigation.
- B. When a complaint is made, the administrator conducting the investigation must be objective, asking questions but expressing NO opinion as to the merits of the claim; that is, the administrator should not give an opinion whether an incident occurred or whether the act was or was not sexual harassment.
- C. The Administrator will interview and obtain a written statement from the person making the complaint. Sensitivity and respect must be shown to the person making the complaint.
- D. The names of all witnesses and all surrounding circumstances which might help resolve any question of facts must be obtained.
- E. Next, the person accused of the sexual harassment behavior must be interviewed.
- F. Witnesses must also be interviewed.
- G. If possible, written, signed statements must be obtained from all persons interviewed.
- H. A written log of the investigation should be kept.
- I. Throughout the investigation it should be stressed that not only is the school committed to maintaining an environment free of sexual harassment but also to protecting innocent individuals from false accusations.
- J. A prompt determination of whether the alleged conduct occurred and whether it

constituted sexual harassment must be made.

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K. If it is determined that sexual harassment has occurred, immediate and appropriate steps must be taken to prevent recurrence. Disciplinary action should be taken to prevent recurrence. Disciplinary action should be taken in accordance with Talbot County Public Schools Suspension/Expulsion policies

### **V. Employee to Employee Sexual Harassment**

#### Corrective Action

Sexual harassment by employees directed against another employee or a member of the public is considered an immoral act and misconduct in office and will be considered grounds for suspension or dismissal in accordance with Section 6-202 Annotated Code of Maryland or Board Policy. The procedure for handling complaints of sexual harassment is as follows:

- A. Processing of sexual harassment complaints involving employees is the responsibility of the personnel officer. If the complaint concerns a school based employee, the principal shall also participate in the investigation. The personnel officer will have an assistant present during the investigation. An attorney may be used to facilitate the investigation if deemed appropriate.
- B. When a complaint is made, the administrator conducting the investigation must be objective, asking questions but expressing NO opinion as to the merits of the claim; that is, the administrator should not give an opinion whether they complained of act happened or whether the act was or was not sexual harassment.
- C. The administrator will interview and obtain a written, signed statement from the person making the complaint. Sensitivity and respect must be shown to the person making the complaint.
- D. The names of all witnesses and all surrounding circumstances which might help resolve any question of fact must be obtained.
- E. Next, the person accused of the sexual harassment behavior must be interviewed.
- F. Witnesses must also be interviewed.

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- G. If possible, written, signed statements must be obtained from all persons interviewed.
- H. A written log of the investigation should be kept.
- I. Throughout the investigation it should be stressed that not only is the school committed to maintaining an environment free of sexual harassment but also to protecting innocent individuals from false accusations.
- J. A prompt determination of whether the alleged conduct occurred and whether it constituted sexual harassment must be made.
- K. If it is determined that sexual harassment has occurred, immediate and appropriate steps must be taken to prevent recurrence. A written recommendation should be given to the Superintendent for appropriate disciplinary action, including suspension or termination, in accordance with Section 6-202 of the Annotated Code of Maryland and/or Board Policy.

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