

NONDISCRIMINATION ADMINISTRATIVE REGULATIONS - AR

The Board of Education believes that discrimination and harassment of any form has no place in our schools and workplace. The following are the procedures for reporting and investigating complaints of discrimination and harassment.

Non-Sex/Gender Based Discrimination and Harassment

The following section applies only to discrimination and/or harassment directed toward employees. Non-sex/gender-based discrimination and/or harassment directed toward students shall be handled pursuant to Board Policy 10.16 and Administrative Regulation 10.16 Bullying, Harassment, or Intimidation.

I. DEFINITIONS

Discrimination means conduct prohibited by federal, state, and local laws that results in an individual being treated differently or less favorably. Unlawful discrimination may include, but is not limited to, conduct based on an individual's race, color, religion, national origin, age, marital status, genetic information, disability, or veteran status.

Harassment means unwelcome conduct or behavior prohibited by federal, state, or local laws that is sufficiently severe or pervasive that it objectively creates a hostile or offensive work environment.

Retaliation means an adverse employment action taken against an individual for filing a complaint of discrimination or harassment or for participating in an investigation or other related proceeding.

II. REPORTING DISCRIMINATION /HARASSMENT

A. All employees are required to report incidents of discrimination or harassment to the Director of Human Resources.

III. INVESTIGATING DISCRIMINATION/HARASSMENT

A. The Director of Human Resources or his/her designee will promptly investigate all complaints.

- B. Employees shall fully cooperate with the investigation of discrimination and/or harassment complaints.
- C. The Director of Human Resources or his/her designee will advise all parties in writing of the outcome of the investigation.
- D. If the Director of Human Resources or his/her designee concludes that unlawful discrimination or harassment or other violation of Board policy has occurred, appropriate corrective and/or disciplinary action will be taken, up to and including termination of employment.
- E. All complaints, investigations, and related records will be maintained so as to protect the privacy of those involved to the greatest extent possible.

IV. RETALIATION

- A. Retaliation against an individual who has made a complaint or participates in an investigation or other proceedings is strictly prohibited.
- B. All complaints of retaliation will be reported to and investigated by the Director of Human Resources or his/her designee.
- C. If the Director of Human Resources or his/her designee concludes that retaliation has occurred, appropriate corrective and/or disciplinary action will be taken, up to and including termination of employment.

Sex/Gender-Based Discrimination and Harassment

I. DEFINITIONS

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Education program or activity includes locations, events, or circumstances over which the Board of Education exhibits substantial control over both the respondent and the context in which the sexual harassment occurred.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Board of Education investigate the allegation of sexual harassment. Formal complaints may be filed with the Title IX Coordinator by mail or by electronic mail. A “document filed by a complainant” means a document or electronic submission (such as electronic mail) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Although third parties may not file formal complaints, the Title IX Coordinator may sign a

formal complaint based upon a third-party complaint or based upon an informal complaint by a complainant. A formal complaint signed by the Title IX Coordinator does not make the Title IX Coordinator a party in the grievance process described below. The Title IX Coordinator may sign a formal complaint over a complainant's objections in order to ensure that the Board of Education does not respond with deliberate indifference to sex discrimination, including sexual harassment, in its programs and activities.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board of Education conditioning the provision of an aid, benefit, or service of the Board of Education on an individual's participation in unwelcome sexual conduct;
- (2) 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 Board of Education's education program or activity; or
- (3) "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).

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 Board of Education's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Board of Education's educational environment, or deter sexual harassment. Supportive measures may include counseling, 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 of schools or other buildings operated by the Board of Education, and other similar measures. The Board of Education will maintain as confidential any supportive measures provided to complainants and respondents, to the extent that maintaining such confidentiality would not impair the ability of the Board of Education to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator is the individual whom the Board of Education has designated and authorized to coordinate its efforts to comply with the Board of Education’s responsibilities under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its related regulations, 34 C.F.R. 106 *et seq.* (collectively referred to as “Title IX”). **The Board of Education’s Title IX Coordinator is the Supervisor of Student Services, 12 Magnolia Street, Easton, Maryland 21601, Title9Coordinator@talbotschools.org, (410) 822-0330.** Reports of alleged sex discrimination or sexual harassment may be made to the Title IX Coordinator at any time, including during non-business hours.

II. GENERALLY

- A. Reporting requirement.** Any Board of Education employee who either (1) receives a report of alleged sex discrimination, including sexual harassment, or (2) observes an incident of sex discrimination, including sexual harassment, shall promptly notify the Title IX Coordinator in writing, including as much detail about the alleged incident as possible.
- B. Equitable treatment.** The Board of Education will treat complainants and respondents equitably by offering supportive measures to complainants and by adhering to the following grievance process before imposing any disciplinary sanctions or other sanctions that are not supportive measures against respondents.
- C. Emergency removal.** Nothing in this administrative regulation shall preclude the Board of Education from removing a respondent from an education program or activity on an emergency basis, provided the Board of Education: (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency removals are not an appropriate action to address emotional or mental health needs, which should instead be addressed by supportive measures. All such removals must be made in accordance with other applicable laws, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.
- D. Administrative Leave.** Nothing in this administrative regulation shall preclude the Board of Education from placing a non-student employee respondent on administrative leave during the pendency of the grievance process described below. Placement of any employee on such administrative leave must be made in accordance with other applicable laws, including but not limited to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

E. Title IX Coordinator’s Response to Report of Sex Discrimination or Sexual Harassment. Upon receiving a report of alleged sex discrimination, including sexual harassment, regardless of whether a formal complaint is filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. If the complainant does not wish to file a formal complaint and the Title IX Coordinator concludes that misconduct has occurred that does not meet the definition of sexual harassment as defined in Section I of this Regulation, the Title IX Coordinator shall refer the matter to: (a) the Director of Human Resources if the alleged perpetrator is an employee; or (b) the school principal of the school the alleged perpetrator attends if the alleged perpetrator is a student.

III. GRIEVANCE PROCESS

A. Generally. Upon receiving a formal complaint, the Title IX Coordinator shall initiate the following grievance process, which shall at all times be guided by the following basic principles:

- (1) **Equitable treatment of the parties** by providing remedies to a complainant after a determination of responsibility against a respondent has been made and by following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the Board of Education’s education program or activity. Remedies may include the same actions described as supportive measures, but remedies need not avoid punishing or burdening the respondent.
- (2) **Objective evaluation of all relevant evidence**, including both inculpatory and exculpatory evidence, and prohibit credibility determinations depending on a party’s status as complainant, respondent, or witness.
- (3) **Requirement that any person designated as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal process not have a conflict of interest against complainants and respondents generally or an individual complainant and respondent.** The Board of Education will ensure that all persons serving as Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive training on: (a) the definition of sexual harassment set forth above; (b) the scope of the Board of Education’s education program or activity; (c) how to conduct an investigation and grievance process; and (d) how to serve impartially. The Board of Education will ensure that

investigators also receive training on to prepare an investigation report. The Board of Education will ensure that decision-makers also receive training on any technology to be used at live hearings and on issues of evidence and questioning, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant. Training shall not rely on sex stereotypes and shall promote impartial investigations and adjudication of formal complaints.

- (4) **Presumption that the respondent is not responsible for the alleged conduct until a determination has been made at the conclusion of the grievance process.**
- (5) **Prompt resolution of the grievance process, provided, however, that delays may be permissible for good cause such as law enforcement involvement, absence of a party, witness, or advisor, or translation or other accommodation needs.**

B. Range of Disciplinary Sanctions and Remedies. Sanctions and remedies may only be implemented following issuance of a determination regarding responsibility and should be implemented in a measured way based upon the totality of the circumstances. The following are examples of possible sanctions and remedies:

- (1) As to students, change of student educational placement, suspension, and expulsion; and
- (2) As to employees, suspension without pay and termination of employment.

C. Written Notice of Allegations. Upon receiving a formal complaint, the Title IX Coordinator shall promptly, and in no event more than three (3) business days thereafter, provide written notice to all known parties which shall contain:

- (1) **Notice of the grievance process**, including the informal resolution process;
- (2) **Notice of the allegations**, including sufficient details known at the time (i.e., names of known parties, the conduct alleged to be sexual harassment, the date and location of the conduct, if known) and a deadline (which shall be no fewer than seven (7) calendar days and no greater than fourteen (14) calendar days) by which the respondent shall provide a written response to the allegations to both the Title IX Coordinator and the investigator, whom the Title IX Coordinator shall identify;

- (3) **A statement that the respondent is presumed not responsible for the alleged conduct and that responsibility will be determined at the conclusion of the grievance process;**
- (4) **Notice of the parties' right to have any advisor, who may be, but is not required to be, an attorney;**
- (5) **Notice of the parties' right to inspect and review evidence; and**
- (6) **Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false information during the grievance process.**

If in the course of investigation the Board of Education decides to investigate allegations about the complainant or respondent that are not included in the original written notice, notice of the additional allegations must also be provided in writing to the known parties.

The Title IX Coordinator shall simultaneously provide a copy of the written notice described above to the investigator who shall have received the training described above.

D. Consolidation of Formal Complaints. The Board of Education may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

E. Dismissal of Formal Complaint.

- (1) **Mandatory.** The investigator must dismiss a formal complaint if the conduct alleged in the formal complaint:
 - a. Would not constitute sexual harassment as defined in Section I of this Administrative Regulation even if proved;
 - b. Did not occur in the recipient's education program or activity;
or
 - c. Did not occur against a person in the United States of America.

Such a dismissal shall not preclude action by the Board of Education under another provision of the Board of Education's code of conduct.

Upon dismissing any formal complaint, the investigator shall promptly inform the Title IX Coordinator, who shall promptly refer the matter to: (a) the Director of Human Resources if the alleged perpetrator is an employee; or

(b) the school principal of the school the alleged perpetrator attends if the alleged perpetrator is a student.

(2) **Permissive.** The investigator or decision-maker may dismiss a formal complaint or any allegations therein if at any time during the investigation or other proceeding:

a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

b. The respondent is no longer enrolled or employed by the Board of Education; or

c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

(3) **Notice Required.** Upon a dismissal required or permitted under this subsection, the Title IX Coordinator, investigator, or decision-maker must promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.

F. Informal Resolution. After the filing of a formal complaint but before a determination regarding responsibility has been issued, the Board of Education may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Board of Education:

(1) Provides the parties written notice disclosing:

a. The allegations;

b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and

c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(2) Obtains the parties' voluntary, written consent to the informal resolution process; and

- (3) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

G. Investigation of Formal Complaint. Upon receiving the respondent's written response to the allegations contained in the written notice described above, the investigator shall:

- (1) Promptly:
 - a. Interview the complainant and respondent within seven (7) calendar days of the investigator receiving the respondent's written response (barring extenuating circumstances); and
 - b. Interview any individuals identified in the Title IX Coordinator's written notice, the respondent's written response, and/or the interviews with the complainant and respondent within fourteen (14) calendar days following the interviews of the complainant and respondent (barring extenuating circumstances);
- (2) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- (3) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- (4) Provide the parties with the same opportunities to have others present during any meetings or proceedings, including the opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney, provided, however, that the investigator and/or decision-maker may establish restrictions regarding the extent to which the advisor may participate in the meetings or proceedings, as long as the restrictions apply equally to both parties;
- (5) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings, with sufficient time for the party to prepare to participate;
- (6) Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
- (7) Provide both parties:

- a. An equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the investigator does not intend to rely; and
 - b. At least ten (10) calendar days from the provision of such evidence to submit a written response to such evidence; and
- (8) Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

H. Determination Regarding Responsibility. The decision-maker, who shall not be the same person as the Title IX Coordinator or the investigator, shall issue a written a determination regarding responsibility, which shall apply the preponderance of the evidence standard, and which shall contain:

- (1) **Identification of the allegations potentially constituting sexual harassment** as defined in Section 1 of this Administrative Regulation;
- (2) **A description of the procedural steps taken from receipt of the formal complaint through the determination**, including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (3) **Findings of fact supporting the determination;**
- (4) **Conclusions regarding the application of the Board of Education's code of conduct to the facts;**
- (5) **A statement of, and rationale for, the result as to each allegation**, including a determination regarding responsibility, any disciplinary sanctions the Board of Education imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Board of Education's education program or activity will be provided by the Board of Education to the complainant; and
- (6) **The Board of Education's procedures and permissible bases for the complainant and respondent to appeal.**

The decision-maker shall provide the written determination to the parties simultaneously, and shall also provide a copy to the Title IX Coordinator. The determination regarding responsibility becomes final either on the date that the Board of Education provides the parties with the written determination or the result of the appeal, if an appeal is filed, or if an appeal

is not filed, the date on which an appeal would no longer be considered timely.

If the respondent is a student and the disciplinary sanction is a suspension for more than ten days or expulsion, the decision-maker shall follow the procedure set forth in Board Policy 10.23 and AR 10.23.

If the respondent is a tenured certificated employee and the disciplinary sanction is suspension without pay or termination of employment, the decision-maker shall follow the procedure set forth in Board Policy 2.4.

The Title IX Coordinator is responsible for effective implementation of any remedies.

If the final determination is that the alleged conduct occurred but did not meet the definition of sexual harassment as defined in Section I of this Administrative Regulation, the Title IX Coordinator shall refer the matter to: (a) the Director of Human Resources if the alleged perpetrator is an employee; or (b) the school principal of the school the alleged perpetrator attends if the alleged perpetrator is a student.

I. Appeals. Either party may appeal a determination regarding responsibility or a dismissal of a formal complaint or any allegations therein on the following bases:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
- (3) The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Such appeal must be made in writing to the Title IX Coordinator within ten (10) calendar days of the issuance of the decision being appealed and shall provide in detail the grounds supporting the appeal. The Title IX Coordinator shall promptly notify the other party in writing when an appeal is filed and simultaneously provide a copy of the appeal materials. The Title IX Coordinator shall also notify both parties regarding the identity of the decision-maker who will preside over the appeal.

The decision-maker who presides over the appeal shall not be the same person as the decision-maker who reached the decision being appealed, the investigator, or the Title IX Coordinator. Each party shall have the opportunity to submit a written response to any appeal no more than

fourteen (14) calendar days after the Title IX Coordinator provides a copy of the appeal materials. The decision-maker presiding over the appeal shall issue a written decision simultaneously to both parties and to the Title IX Coordinator describing the result of the appeal and the rationale for the result.

J. Recordkeeping. The Board of Education shall maintain for a period of seven (7) years records of:

- (1) Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board of Education's education program or activity;
- (2) Any appeal and the result therefrom;
- (3) Any informal resolution and the result therefrom; and
- (4) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board of Education shall make these training materials publicly available on its website.

For each response required under Section II.E of this Administrative Regulation, the Board of Education shall create and maintain for a period of seven (7) years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the Board of Education shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board of Education's education program or activity. If the Board of Education does not provide a complainant with supportive measures, then the Board of Education shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

IV. RETALIATION

- A. Retaliation Prohibited.** The Board of Education shall not, and shall not permit any of its employees, agents, or students, to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX and its regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding.

The Board of Education shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual

harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted or required by law.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described above.

B. Conduct Not Constituting Retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation under this Administrative Regulation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation under this Administrative Regulation.

V. CONDUCT NOT RISING TO THE LEVEL OF SEXUAL HARASSMENT AS DEFINED IN SECTION I OF THIS ADMINISTRATIVE REGULATION.

A. In general. The Board of Education acknowledges that there may be instances when a student or employee exhibits harassing behavior of a sexual nature that nevertheless does not meet the definition of “sexual harassment” as defined by Section I of this Administrative Regulation (which is based upon the definition “sexual harassment” set forth in the Title IX regulations, *see* 34 C.F.R. § 106.30). Such conduct is nevertheless prohibited and may be the subject of discipline pursuant to the following procedures.

B. Sexual Harassment Defined. For purposes of this Section of this Administrative Regulation, sexual harassment is broadly defined as unwelcome behavior towards a person based on their sex. Sexual harassment may be perpetrated by a member of the same or opposite sex 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:

(1) Submission to such conduct is made whether explicitly or implicitly a term or condition of an individual’s employment or education; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individuals’ academic or professional performance or creating an intimidating, hostile or offensive employment or education environment.

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

C. Investigation Generally. Upon referral of a matter from the Title IX Coordinator, the Director of Human Resources or the school principal, whichever is appropriate, shall promptly conduct an investigation of the allegations. In conducting an investigation, the Director of Human Resources and/or the school principal may rely in whole or in part on the record developed by the Title IX Coordinator or through the formal grievance process.

D. Investigation of Sexual Harassment by Employees. 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 of the Education Article of the Annotated Code of Maryland and Board Policy. The procedure for handling complaints of sexual harassment by employees that does not meet the definition of sexual harassment set forth in Section I of this Administrative Regulation is as follows:

(1) Processing of sexual harassment complaints involving employees is the responsibility of the Human Resources Department. If the complaint concerns a school based employee, the principal shall also participate in the investigation. An attorney may be used to facilitate the investigation if deemed appropriate.

(2) The individuals conducting the investigation must be objective, asking questions but expressing any opinion as to the merits of the claim.

(3) If necessary, the individuals conducting the investigation will interview and obtain a written, signed statement from the person making the complaint. Sensitivity and respect must be shown to all parties involved.

(4) The names of all witnesses and all surrounding circumstances which might help resolve any question of fact must be obtained.

(5) Next, the person accused of the sexual harassment behavior must be interviewed.

(6) Witnesses must also be interviewed.

(7) If possible, written, signed statements must be obtained from all persons interviewed.

(8) A written log of the investigation should be kept.

(9) Throughout the investigation it should be stressed that not only is Talbot County Public Schools committed to maintaining an environment free of sexual harassment but also to protecting innocent individuals from false accusations.

(10) A prompt determination of whether the alleged conduct occurred and whether it constituted sexual harassment must be made.

(11) 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 Education Article of Annotated Code of Maryland and/or Board Policy.

E. Investigation of Sexual Harassment by Students

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. The procedure for handling complaints of sexual harassment by a student that does not meet the definition of sexual harassment set forth in Section I of this Administrative Regulation may be found in Board Policy and Administrative Regulation 10.16 Student Conduct – Bullying, Harassment or Intimidation.

F. Retaliation Prohibited. The Board of Education prohibits any form of retaliatory action against any employee or student who files complaint of sexual harassment or who participates in any investigation or proceeding under this procedure.

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