

PROCEDURE TITLE: COMPLAINT PROCEDURES RELATING TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND ITS IMPLEMENTING REGULATIONS		
ADOPTION/EFFECTIVE DATE: October 12, 2015	MOST RECENTLY AMENDED::	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 for the prompt and equitable resolution of complaints which allege a violation of Title IX and its implementing regulations.
- C. Designation of a Title IX Coordinator responsible to coordinate efforts to comply with Title IX and its implementing regulations.

II. Definitions

- A. **Discrimination** means the following.
 - 1. 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.
 - 2. 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.
 - 3. Being subject to sexual harassment, including harassment on the basis of sexual orientation or gender identity, as defined below.

B. **Sexual Harassment**, including harassment on the basis of sexual orientation or gender identity, means the following.

1. Being subject to conduct by a member of the school community, that is sexual in nature, is unwelcome, and submission to such conduct is used as the basis or a condition for decisions affecting a student's or other person's participation in academic programs, services or activities provided by HCPS.
2. Being subject to conduct by a member of the school community that is sexual in nature, is unwelcome, is severe or pervasive, and is objectively offensive so that it deprives the student or other person access to, participation in or benefit from academic programs, services or activities provided by HCPS.
3. Being subject to conduct by a member of the school community that is sexual in nature, is unwelcome, and submission to such conduct is made a condition of a person's employment or any aspect of the individual's employment.
4. Being subject to sexual conduct that is unwelcome; that is severe and pervasive; that is hostile and/or abusive to a degree that such conduct would alter the conditions of employment of a reasonable person.

C. **Sexual Conduct** means behavior which relates to sex and includes, but is not limited to the following.

1. Making sexual propositions or pressuring a person for sexual favors;
2. Touching of a sexual nature;
3. Writing graffiti of a sexual nature;
4. Displaying or distributing sexually explicit drawings, pictures, or written materials;
5. Performing sexual gestures or touching oneself sexually in front of others;

6. Telling sexual or dirty jokes;
 7. Spreading sexual rumors or rating persons as to sexual activity or performance;
 8. Circulating or showing e-mails or websites of a sexual nature; or
 9. Making statements of a sexual nature.
- D. **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, sexual orientation or gender identity in employment; access to facilities, program or activities and prohibit sexual harassment.
- E. **Complainant** means any person who files a complaint under these procedures.
- F. **Title IX Coordinator** means the Supervisor of Equity and Cultural Diversity, 102 S. Hickory Avenue, Bel Air, Maryland 21014, telephone 410-809-6064.
- G. **Retaliation means:**
1. 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
 2. 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.
- H. **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.
- I. **Days** means calendar days.
- J. **HCPS** means Harford County Public Schools.
- K. **Member Of School Community** means:

1. Board of Education member.
2. Any employee of Harford County Public Schools ("HCPS")
3. Any HCPS volunteer.
4. A student.
5. 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.

III. Complaint Procedure

- A. Complaints alleging discrimination on the basis of sex, sexual orientation or gender identity or retaliation shall be submitted orally or in writing to the Title IX Coordinator, 102 South Hickory Avenue, Bel Air, Maryland, 21014, at 410-809-6064.
 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 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.

Approved By:


Barbara P. Canavan
Superintendent of Schools

10/12/15
Date

Procedure Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE
Adopted 10/12/2015		

Responsibility for Procedure Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:	DESIGNEE POSITION:
PROCEDURE NUMBER PRIOR TO NOVEMBER 1, 2005:	

REFERENCES¹

References are set forth in the procedure.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.