

POLICY TITLE: <b>NON-DISCRIMINATION</b>		
ADOPTION/EFFECTIVE DATE: 12-12-1973	MOST RECENTLY AMENDED: 11-16-2020	MOST RECENTLY REAFFIRMED: 06-11-2007
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: EQUITY AND NON-DISCRIMINATION		

## I. PURPOSE

The purpose of this policy is to set forth the following.

1. The Board's commitment to compliance with all federal and state anti-discrimination law and regulations applicable to Maryland public schools.
2. The Board's prohibition of conduct by members of the school community which violates federal and state anti-discrimination law or regulations applicable to Maryland public schools.

## II. DEFINITIONS

A. **Discrimination** means conduct, including harassment, as defined below, committed by a member of the school community, which violates federal and state law which prohibit discrimination or harassment in public schools, and which results in the unlawful exclusion from participation in, denial of the benefits of or unlawful differential treatment with respect to:

1. Programs, activities, or services provided by Harford County Public Schools ("HCPS"); or,
2. Employment or conditions of employment with HCPS.

B. **Federal And State Law And Regulations** which prohibit discrimination, and, in most cases, harassment, in Maryland public schools include:

1. Title VII of the Civil Rights Act of 1964 and its implementing regulations (42 U.S.C. Section 2000 to Section 2000 a-4 and 29 C.F.R. Part 1600 to Part 1690, *et seq.*) which set forth protections against discrimination in employment on the basis of race, color, national origin, sex and religion. (Referred to herein as "Title VII.")

2. Title IX of the Education Amendment of 1972 and its implementing regulations (20 U.S.C. Section 1681 and 34 C.F.R. Section 106.1 to 106.71) which set forth protections against discrimination on the basis of sex, sexual orientation, or gender identity. (Referred to herein as “Title IX.”)
3. Age Discrimination Act of 1975 and its implementing regulations (42 U.S.C. Section 6101-6107 and 34 C.F.R. 110.0-110.39), which set forth protections against discrimination on the basis of age.
4. Age Discrimination in Employment Act and its implementing regulations (29 U.S.C. Section 621 to Section 623 and 29 C.F.R. Section 1625.1 to Section 1625.31), which set forth protections against discrimination on the basis of age.
5. Genetic Information Act of 2008 (29 U.S.C. 1001, *et seq.*, and 42 U.S.C. 300 gg, *et seq.*, and C.F.R. 1601, *et seq.*), which sets forth protections against discrimination on the basis of genetic information.
6. Title 20 of the State Government Article of Maryland Annotated Code which sets forth protections against discrimination in employment on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability.
7. Section 7-424.1 and 7-424.3 of the Education Article of Maryland Annotated Code which set forth protections for students against bullying, harassment or intimidation.
8. Americans with Disabilities Act and its implementing regulations (42 U.S.C., Sections 12101-12103; 12111-12117 and 12131-12134; Code of Federal Regulations (C.F.R.) Title 29 Section 1630.1 to 1630.16 and Title 28 Section 35.101 to 35.178, which set forth protections against discrimination on the basis of disability.
9. Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (29 U.S.C. Section 794 and 34 C.F.R. Section 104.1 to 104.39) which set forth protections against discrimination on the basis of disability.

10. Title VI of the Civil Rights Act of 1964 and its implementing regulations (42 U.S.C. Section 2000 d to 42 U.S.C. 2000 d 7, 34 C.F.R. 100.1 to 100.13 and 29 C.F.R. 1691.1 to 29 C.F.R. 1691.13) which set forth protections against discrimination on the basis of race, color or national origin.

C. **Harassment** means:

1. being subject to unwelcome conduct based on race, color, national origin, religion, age, disability, or genetic information
  - a. which conduct is either made a condition of access to HCPS services, programs or activities or employment or terms of employment; or,
  - b. which is severe or pervasive and objectively offensive so that it deprives a student or other person from access to HCPS programs, services or activities or is hostile and abusive so as to alter the condition of employment of a reasonable person; or
2. being subject to cyberbullying, bullying, harassment or intimidation as defined in Board Policy Number 24-0006-000 entitled, "Cyberbullying, Bullying, Harassment and Intimidation of Students," which is incorporated herein by reference.
3. Sexual Harassment (Including Harassment on the Basis of Sexual Orientation and Gender Identity)
  - A. Sexual Harassment Under Title IX Means:
    1. 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);
    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 recipient'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).

B. Sexual Harassment Under Title XII means:

1. Being subject to unwelcome conduct on the basis of sex which is hostile or abusive so as to alter the condition of an individual's employment with HCPS; or,

2. An individual's employment or terms of employment with HCPS being conditioned upon the individual's participation in unwelcome conduct (i.e. *quid pro quo* sexual harassment).

D. **Member Of School Community** means:

1. A Board of Education member.
2. An employee of HCPS.
3. An HCPS volunteer.
4. A student.
5. A person who participates in activities of HCPS or is present on HCPS grounds or premises and is under the authority or control of HCPS.

E. **Retaliation** means:

1. unfavorable differential treatment imposed by a member of the HCPS school community upon a person because that person has opposed any act or practice which is unlawful under federal or state law or regulations which prohibit discrimination, or has made a charge, testified, assisted or participated in an investigation, proceeding or other matter pursuant to federal or state law or regulations which prohibit discrimination; or
2. being subject to coercion, intimidation or interference by a member of the school community because that person has opposed any act or practice which is unlawful under federal or state

law or regulations which prohibit discrimination or has made a charge, testified, assisted or participated in an investigation, proceeding or other matter pursuant to federal or state law or regulations which prohibit discrimination.

- F. **Student** means any person enrolled in HCPS for the purpose of receiving education services.

### III. Statement of Policy

- A. The Board is committed to providing an environment that is safe and optimal for academic achievement and productive work activity and free from any form of unlawful discrimination. Accordingly, the Board:
1. prohibits any conduct which constitutes discrimination or harassment in employment or in participation in or access to HCPS activities, programs or services.
  2. prohibits any conduct which constitutes retaliation.
- B. Any conduct by a member of the school community described in III. A. above is a violation of this policy. HCPS will investigate all complaints of harassment, discrimination, or retaliation and will take appropriate disciplinary or other action against any member of the school community who is found to have committed an act of discrimination, harassment or retaliation.
- C. The Superintendent shall establish procedures to implement this policy.

### Board Approval Acknowledged By:



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Sean W. Bulson, Ed.D., Superintendent

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	12/12/1973	Amended	10/27/2003	Amended	11-16-2020
Amended	1/21/1998	Reaffirmed	6/11/2007		
Amended	1/14/2002	Amended	11/9/2009		
Reaffirmed	5/6/2002	Amended	1/11/2016		

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: <b>Patrick P. Spicer</b>	JOB POSITION OF LAST EDITOR/DRAFTER: <b>General Counsel</b>
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

## **REFERENCES<sup>1</sup>**

References are set forth in the policy.

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<sup>1</sup> 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, regulations, or legal authority in support of a policy.