

When a student or employee has been excluded from participating in, denied the benefits of, or been subjected to discrimination under any employment, academic, extra-curricular, research, occupational training, or other education program or activity on the basis of race, color, gender-identity or expression, genetic information, age, national origin, religion, marital status, sexual orientation, or disability; harassment, violence or a hate crime may have occurred. An example is, but is not limited to, treating one person differently from another in determining whether such person satisfies any requirement or condition for the provision of aid, benefit, or service.

Harassment, violence, and hate crimes that occur in school, on school property, at school sponsored activities, or on school-provided transportation are subject to disciplinary action in accordance with the Student Discipline Policy JK. If during the course of investigation, for a disciplinary action that possibly violates this policy (JK), it is determined that a student may have committed a crime the appropriate law enforcement agency shall be contacted.

Harassment, violence, and hate crimes take many forms. The following list is intended to clarify, by definition, the various forms of harassment, violence and hate crimes. Please refer to the document entitled **Harassment, Violence, and Hate Crimes** for additional clarification. Included below in bold type to the left of the definitions are the offense codes that shall be used should a student be suspended for these acts in accordance with the Student Discipline Policy (JK).

**401, 402,
403, or 404**

Assault: *Is:*

- a. an act done with intent to cause fear in another of immediate bodily harm or death;
- b. the intentional infliction of or attempt to inflict bodily harm upon another; or
- c. the threat to do bodily harm to another with present ability to carry out the threat.

There are many forms of assault, which can include but is not limited to hate crimes, racial violence and religious violence.

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Sexual Assault or Violence: *Is a physical act of aggression or force or the threat thereof, which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Sexual violence may include, but is not limited to:*

- a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
- d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

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Sexual Harassment: *Consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:*

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or

- c. such conduct has the purpose or effect of unreasonably interfering with an individual's academic pursuit by creating a hostile or offensive educational environment.

Sexual harassment may include, but is not limited to:

- a. unwelcome verbal harassment or abuse
 - b. unwelcome pressure for sexual activity
 - c. unwelcome behavior or words directed at an individual because of his or her sexual orientation
 - d. unwelcome behavior or words directed at an individual because of his or her gender-identity or expression
 - e. unwelcome sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property
 - f. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status
 - g. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status
 - h. unwelcome behavior or words directed at an individual because of gender.
1. The board prohibits discrimination on the basis of sex and gender-identity or expression in its educational program or activities, as required by Title IX of the 1972 Education Amendments and Title VII of the Civil Rights Act of 1964 and recognizes sexual harassment as a form of sexual discrimination.
 2. Under certain circumstances, sexual harassment may constitute child abuse. The school system will notify appropriate law enforcement officials in every case where there is reason to believe that child abuse has occurred, in accordance with the Maryland child abuse reporting law.

703

Harassment: *Any attempt to threaten or intimidate another person or interfere with the educational environment. Examples of harassment may include but are not limited to:*

- a. physical or verbal attacks
- b. name calling
- c. jokes, rumors, notes, cartoons, graffiti
- d. theft or damage to property

Harassment may be specific in nature and include:

- a. Racial Harassment
- b. Religious Harassment
- c. National Origin Harassment
- d. Disability Harassment
- e. Socioeconomic Status Harassment

Complaint/Reporting Procedures

Any student who believes he or she has been the victim of harassment should report the alleged act immediately to a teacher, counselor, school nurse, or school administrator. Nothing in this procedure shall prevent any person from reporting harassment directly to the Superintendent or designee.

A. Building Level

1. The building principal or designee is responsible for receiving reports of harassment. Any adult Board of Education employee who receives a report shall inform the building principal immediately.
2. Initial complaints may be given verbally or in writing. If a verbal complaint is made, a written statement will be obtained from the student in his or her own words identifying the alleged harasser(s) and circumstances that led to the complaint. If due to a student's age or other mitigating circumstances, a written statement cannot be obtained from the student, the principal or designee will prepare a written description of the student's allegations in writing.

B. County Level

1. Any complaint that cannot be resolved at the school level should be forwarded to the Superintendent or designee.
2. If the complaint involves the Superintendent's designee, the complaint shall be filed directly with the Superintendent.
3. Submission of a good faith complaint or report will not affect the complainant's or reporter's educational opportunities.
4. The Board of Education will respect the privacy of the complainant and others involved in the alleged incident.

Complaint Investigation Procedures

- A. If any student believes that comments, gestures, or actions from any other individual violates the harassment, violence, and hate crime policy, the student should report the alleged act to a teacher, counselor, school nurse, or school administrator. The principal or their designee should ask for a formal written complaint form to be filled out.
 1. Under no circumstances, shall a student, who believes that he or she has been the victim of harassment, hate, and/or violence, be required to first report that harassment to a principal if the principal is the individual who has allegedly done the harassing. Any student who has a claim of harassment and/or violence filed against a principal shall contact the Supervisor of Personnel to file their complaint.
- B. The principal or immediate supervisor will, in a timely fashion, investigate any complaints of harassment, violence, or hate crime using the following guidelines:
 1. When a complaint is made, the official conducting the investigation will be objective, showing the sensitivity and respect to the student making the complaint. The official will obtain the names of all witnesses and information about surrounding circumstances, which might help resolve any questions of fact.
 2. The official will interview the person accused of the harassment, violence, or hate crime behavior, as well as any witnesses. If possible, he/she will also obtain written statements from these individuals.

3. The official will keep a written log of the investigation. The official may use the suggested forms, included in the document entitled Harassment, Violence and Hate Crimes, but they are not required if another means of documentation has been established that meets the requirements of these complaint procedures.
4. Throughout the investigation, the official will stress that, not only is the Board committed to maintaining a learning environment free of harassment, violence, or hate crime, but it is also committed to protecting innocent individuals from false accusations.
5. The official will, in a timely fashion, make a determination as to whether the alleged conduct occurred and whether it constituted harassment, hate, and/or violence.
6. Any student who is found to be responsible for harassment, violence, or a hate crime will be subject to disciplinary action as outlined in the Allegany County Board of Education Policy Manual JG.
7. Confidentiality will be maintained throughout the complaint process in order to protect the student who files a complaint, to encourage reporting of any incidents of harassment and/or violence, and to protect the reputation of any student wrongfully charged with violation of the harassment, violence, and hate crime policy.
8. No student will suffer reprisals for reporting any incidents of harassment and/or for participating in any investigation.

In-Service

- A. The superintendent shall take appropriate steps to inform students of the contents of this policy, what harassment, violence and hate crimes are, and where to go for help.
- B. Administrators shall be in-serviced annually on this policy. The in-service shall explain what constitutes harassment, including sexual harassment, violence, and hate crimes and inform administrators of their duties, responsibilities, and potential liability. The document entitled Harassment, Violence and Hate Crimes will be used for this training.
- C. This policy shall appear in the student handbook and the Allegany County Public School calendar.
- D. Orientation for all students will include harassment awareness and be provided by the appropriate school staff. The principal will verify annually that training has been provided for all students.
- E. This policy should be reviewed annually for state and federal compliance.

Board Reviewed 08/03/21	Superintendent Approved 08/03/21
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