

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-40 SECTION K-2

SEXUAL HARASSMENT Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions
- IV. General
- V. Internal Complaint
- VI. External Resolution
- VII. Effective Date

I. DIRECTIVE

Baltimore City School Police Force (BCSPF) is committed to maintaining a work environment free from all forms of discrimination, including sexual harassment. Discrimination, sexual or otherwise, is improper and unlawful conduct which the BCSPF will not tolerate in the workplace.

Retaliation by or against any employee/third party exercising their rights or fulfilling obligations under this General Order and the applicable federal and state laws is equally unlawful and will be investigated and remedied in the manner provided for in this policy.

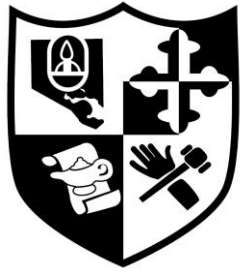
II. PURPOSE

The purpose of this General Order is to define “sexual harassment” and establish complaint, investigation, and resolution procedures for cases of alleged discrimination, harassment, or retaliation. This General Order is in alignment with the Baltimore City Schools Board Policy ACB: Sexual Harassment- Employees (December 11, 2012).

Sexual harassment is an unlawful form of discrimination under Title VII of the Civil Rights Act of 1964, as amended in 1971 and 1994, Title IX of the Education Amendments of 1972, and Title 20 of the State Government Article, Annotated Code of Maryland.

III. DEFINITIONS

- a. **Discrimination-** An illegal practice, procedure or treatment of a person, or group of



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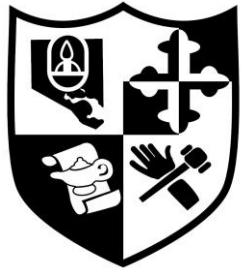
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persons based on factors that are prohibited by federal, state, or local law, including race, color, religion, age, sex, national origin, disability, sexual orientation, or marital status. As used in this policy, “discrimination” has the meaning conferred by federal and state law and includes sexual harassment. Throughout this policy, the term “discrimination” also refers to retaliatory conduct as described above.

- b. Employee-** Any person subject to the Personal Rules and Regulations of the Baltimore City Public Schools System, as well as contractual employees, union employees, and members of the Baltimore City Board of School Commissioners.

- c. Sexual Harassment-**
 - 1.** Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a.** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
 - b.** Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c.** Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
 - 2.** May be displayed or expressed in the following manner:
 - a. Verbal-** vulgar and derogatory comments of a sexual nature.
 - b. Physical-** touching, hitting, pushing, or other forms of physical contact of a sexual nature.
 - c. Visual-** displaying, exhibiting and/or distributing materials or items of a sexual nature that are offensive or objectionable in a professional, business environment.
 - 3.** The following examples are illustrative but not totally inclusive of sexual harassment:
 - a.** Granting or withholding rights or privileges depending upon an employee’s response to sexual overtures.
 - b.** Passing over a candidate for promotion in favor of one who has or may not have submitted to the advances.
 - c.** Continuing romantic and/or sexual advances in spite of continued rejection.
 - d.** Unwanted touching, rubbing or other physical contact of a sexually



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suggestive or offensive nature.

- d. Third party-** Means parents, mentors, volunteers, vendors, contractors, and others with whom employees interact during school or school related activities.

IV. GENERAL

Complaints of suspected sexual harassment may be delivered orally or in writing by the victim, by supervisory personnel, or by any other person having information about the situation.

Members filing a written complaint are requested to utilize a Discrimination Complaint Form (Annex A), to ensure the minimum required information is included. Any BCSPF employee having knowledge of suspected sexual harassment involving any other BCSPF employee (victim or perpetrator) should report it.

An employee alleging sexual harassment may file a complaint internally by following the procedures delineated under “Internal Complaint”.

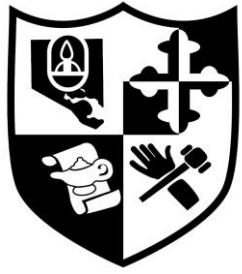
V. INTERNAL COMPLAINT

The complaint should be filed with one of the following:

- a. Supervisor(s)
- b. Chief of School Police
- c. Chief Human Capital Officer
- d. Internal Affairs unit

1. Complaints Involving Sworn Officers

Investigations of internal complaints against sworn members shall be conducted in conjunction with the Baltimore City School Police Internal Affairs unit. Of such an investigation could result in punitive disciplinary action being taken against a sworn member, the investigation shall be conducted in compliance with the Law Enforcement Officer’s Bill of Rights (LEOBR). Maryland Code Annotated, Public Safety Article, § 3-101, *et. seq.*



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NOTE: If a hearing has been convened, for a sworn member facing punitive disciplinary action, the decision and notification procedures detailed in the LEOBR shall be followed.

A student or staff member alleging sexual harassment may file a complaint with any staff member. If the complaint involve

2. General Complaints

A student or staff member alleging sexual harassment may file a complaint with any staff member. If the complaint involves only students the principal/designee will carry out the investigation and report all pertinent information to the Chief Executive Officer or their designee.

If the complaint involves staff and student, the principal/designee will carry out the investigation and report to the Chief Executive Officer/designee.

If the complaint involves only staff, the Chief Human Capital Officer will carry out the investigation and report to the Chief Executive Officer/designee.

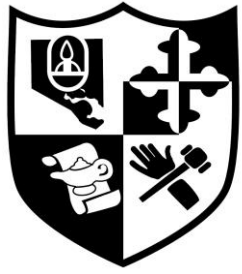
In addition, if the complaint is against the principal, the student or staff member may bypass that principal and report the incident to any staff member; that staff member will follow up with immediate notification to the Chief Executive Officer.

A formal complaint should be filed as soon as possible after the incident occurs. Investigation of the complaint will be conducted in a timely manner.

Baltimore City Public Schools will maintain confidentiality and protect individual privacy to the extent reasonably possible. Information about the investigation will be furnished only to those with a legitimate and legal need to receive it.

Baltimore City Public Schools may authorize paid administrative leave for the alleged victim or perpetrator or temporarily transfer the victim or perpetrator to another assignment and locating pending the outcome of the investigation. All measures necessary will be taken to prevent retaliation or further discriminator during the investigation.

a. Findings and Recommendations



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Upon review, the Chief Executive Officer/designee will notify the alleged victim, the alleged perpetrator, and the appropriate supervisors and Commanders of the findings and recommendations. The Chief Executive Officer/designee shall make the final decision as to remedial action. The supervisor(s) of the victim and perpetrator (ie. Commander(s), or the Chief of School Police) have direct responsibility for implementing and overseeing the remedial action.

b. Remedial Action

Remedial action may include counseling with the affected employee(s), transferring the affected employee(s), rearranging work schedules and furnishing administrative leave or leave without pay. In addition, perpetrators are subject to discipline, up to and including discharge. Civilian personnel may grieve such discipline in accordance with the Baltimore City Schools Policies and Procedures. Sworn personnel, if subject to punitive disciplinary action, are entitled to employ the provisions of the LEOBR and may request a hearing board.

c. Education and Training

The BCSPF shall provide ongoing education and training programs to inform all employees of method and procedures to prevent, identify, and handle sexual harassment.

VI. EXTERNAL RESOLUTION

Employees may file complaints with one of the following outside agencies:

Baltimore City Community Relations Commission
Equitable Building
10 North Calvert Street, Suite 915
Baltimore, Maryland 21202
(410) 396- 3141

Maryland Commission on Human Relations
6 Saint Paul Street, Suite 900
Baltimore, Maryland 21202
(410) 767-8600



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U.S. Equal Employment Opportunity Commission
10 South Howard Street, 3rd Floor
Baltimore, Maryland 21202
(410) 962-3932

VII. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____ Date _____