

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-40 SECTION K-2

SEXUAL HARASSMENT AND OTHER SEX-BASED DISCRIMINATION

Revisions Approved: September 27, 2022

This General Order contains the following numbered sections:

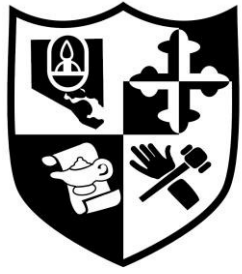
- I. Directive
- II. Purpose
- III. Definitions
- IV. Reporting Protocols for Sex-Based Discrimination
- V. Additional Procedures for Sex-Based Discrimination Complaints Involving BCSPF Personnel
- VI. Impact of External Complaints/Investigations
- VII. Effective Date

I. DIRECTIVE

The Baltimore City School Police Force (“BCSPF” or “School Police”) is committed to maintaining work and school environments free from all forms of discrimination, including sexual harassment. Discrimination, sexual or otherwise, is improper, and constitutes unlawful conduct that the BCSPF will not tolerate in schools or the workplace. Retaliation by or against any student, employee, or 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 General Order.

II. PURPOSE

Sex-based discrimination, including sexual harassment and sexual violence, is prohibited under federal and state laws, including but not limited to, Title VII of Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; 42 U.S.C. Section 1983; Title 20, MD. CODE ANN., STATE GOV'T; applicable regulations promulgated to implement these federal and state laws; Baltimore City Board of School Commissioners Policy ACB (Sex-Based Discrimination – Employees and Third Parties) and Board Policy JBB (Sex-Based Discrimination – Students); and the accompanying Administrative Regulation ACB-RA (Reporting Incidents of Sex-Based Discrimination – Employees and Third Parties) and Administrative Regulation JBB-RA (Reporting Incidents of Sex-Based Discrimination – Students). All City Schools employees, including every member of the BCSPF, must adhere to these legal requirements, and each employee is responsible for reporting any suspected, observed, or alleged sex-based discrimination against students, City Schools employees, or third parties. The purposes of this General Order are to: (a) incorporate and



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align with the provisions of Board Policies ACB and JBB, as well as Administrative Regulations ACB-RA and JBB-RA; and (b) set forth specific additional protocols for reporting, processing, investigating, and responding to complaints of sex-based discrimination involving members of the BCSPF.

School Police command officers and supervisors shall ensure that all employees are equitably treated according to this General Order. This General Order applies to all actions affecting employment, promotion, transfer, termination, wages, benefits, and other conditions and privileges of employment.

III. DEFINITIONS

This General Order adopts and incorporates the definitions set forth in Board Policies ACB and JBB, including, but not limited to definitions of the following terms: *complainant, discrimination, sex-based discrimination, sexual harassment, sexual violence, employee, responsible employee, respondent, retaliation, and third party.*

IV. REPORTING PROTOCOLS FOR SEX-BASED DISCRIMINATION

This section provides an overview of mandatory reporting protocols for all City Schools employees, including members of the BCSPF, regarding sex-based discrimination, which are set forth in more detail in Board Policies ACB and JBB, as well as the accompanying administrative regulations.

A. Reporting Sex-Based Discrimination Against Students (Other than Sexual Harassment)

1. A student (or a parent/ guardian of a student) who believes they have been subjected to sex-based discrimination by another student may file a complaint with a City Schools staff member or administrator in accordance with Administrative Regulation JBB-RA. A complaint may also be made to the Equal Educational/Employment Opportunity & Title IX Compliance Manager (“EEO Manager”) in the City Schools’ Department of Fair Practices & Compliance. A student who files a complaint against another student shall utilize the Sex Discrimination Reporting Form (see JBB-RA Form 1), except to the extent that the allegations involve sexual harassment, as described further below.
2. A student (or a parent or guardian of a student) who believes they have been subjected to sex-based discrimination by a City Schools employee or a third party may file a



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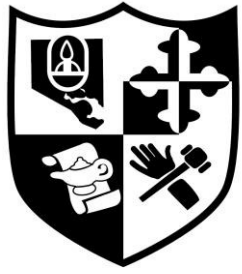
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complaint with any responsible employee or directly with the EEO Manager. A student who files a complaint against a City Schools employee or a third party shall utilize the Sex Discrimination Reporting Form (see JBB – RA Form 1).

3. Any responsible employee who has notice of an alleged incident of sex-based discrimination against a student must, within one business day, report the occurrence to the complainant's school principal/designee. Once on notice, the school principal/designee must then notify, within one business day, the EEO Manager.
4. In the event that the respondent is a City Schools employee, the principal/designee and the EEO Manager must also notify the Office of Labor Relations within one business day of receiving the complaint. In the event that the respondent is an administrator, the responsible employee who received the complaint must immediately notify the EEO Manager. The EEO Manager is then responsible for notifying the Office of Labor Relations.
5. In the event that a responsible employee receives an oral complaint of sex-based discrimination from a student, they must reduce it to writing utilizing the Sex Discrimination Reporting Form. The Sex Discrimination Reporting Form must be signed by the student and/or their parent or guardian in order to verify the accuracy of the complaint.

B. Reporting Sexual Harassment Against Students

1. A student (or a parent/ guardian of a student) who believes they have been subjected to sexual harassment by another student should file a complaint against the other student utilizing the reporting process set forth in Board Policy JICK (Bullying, Harassment, or Intimidation) and Administrative Regulation JICK-RA (Procedures for the Reporting, Investigation, and Prevention of Complaints Regarding the Bullying, Harassment, or Intimidation of Students), or by filing an oral complaint with any responsible employee. As set forth in Administrative Regulation JICK-RA, reports of sexual harassment shall be forwarded to City Schools' EEO Manager within one business day of receipt. A student (or a parent/guardian of a student) may also make a complaint directly to the EEO Manager.
2. The same procedures apply when a student (or a parent/guardian of a student) believes they have been subjected to sexual harassment by a City Schools employee or a third party.



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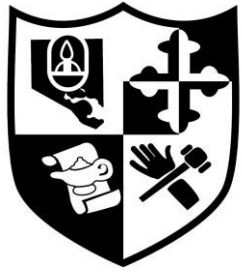
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3. A responsible employee who has notice of alleged sexual harassment against a student must report to the complainant's school principal/designee as soon as possible, but no longer than one business day, after the following:
 - a. Receipt of a report of sexual harassment from a student or other person;
 - b. Conduct witnessed or observed by the responsible employee that is or reasonably could be sexual harassment; and/or
 - c. Discovery or disclosure to the responsible employee of evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise reliable information that provides the responsible employee reason to believe that a student or other individual may have been sexually harassed in violation of Board Policy JBB, even if no other person has reported the sexual harassment.
4. In the event that a responsible employee receives an oral complaint of sexual harassment from a student, they must document it utilizing the reporting process set forth in Board Policy JICK and Administrative Regulation JICK-RA.
5. Once on notice, the school principal/designee must ensure that the appropriate forms have been completed, and then forward the forms to the EEO Manager within one business day.
6. In the event that the respondent is a City Schools employee, the principal/designee and the EEO Manager must also notify the Office of Labor Relations within one business day of receiving the complaint. In the event that the respondent is an administrator, the responsible employee who received the complaint must immediately notify the EEO Manager. The EEO Manager is then responsible for notifying the Office of Labor Relations.

C. Reporting Sex-Based Discrimination Against an Employee or Third Party

1. An employee or third party who believes they have been subjected to sex-based discrimination by another employee or third party may file a complaint with a City Schools staff member or administrator in accordance with Administrative Regulation ACB-RA. A complaint may also be made directly to the EEO Manager. An employee or third party subjected to sex-based discrimination by a City Schools student also may file a complaint directly with the principal/designee of the school that the student attends.
2. Any employee or third-party who files a sex-based discrimination complaint should



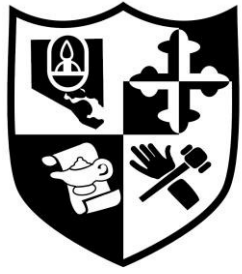
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- utilize the Equal Employment Opportunity Complaint Form (ACB-RA Form 1). In the event that a principal/designee or supervisor receives an oral complaint of sex-based discrimination from an employee, they must reduce it to writing utilizing the Equal Employment Opportunity Complaint Form (ACB-RA Form 1). The Equal Employment Opportunity Complaint Form must be signed by the complainant in order to verify the accuracy of the complaint.
3. Any responsible employee who has notice of alleged sex-based discrimination against any employee or third party must, within one business day, report the occurrence to the EEO Manager. In the event that the alleged perpetrator is an employee, the EEO Manager is then responsible for notifying the Office of Labor Relations.
 4. An employee or a third party's complaint against their supervisor should be filed in writing with the EEO Manager utilizing the Equal Employment Opportunity Complaint Form (ACB-RA Form 1).
 5. In the event that the alleged sex-based discrimination involves sexual harassment against an employee or third party, the complainant has the option to initiate the processes set forth in Administrative Regulation JBB-RA, consistent with the U.S. Department of Education's Title IX implementing regulations. Board Policy JBB and Administrative Regulation JBB-RA, although written to apply to student complainants, should be construed to apply to employees and third parties as complainants when they elect to use the Board Policy JBB process for sexual harassment complaints.
- D. Any doubt about whether particular conduct is sex-based discrimination must be resolved in favor of reporting the conduct.
- E. Sex-based discrimination may constitute criminal activity or child abuse, which triggers mandatory reporting obligations under the Family Law Article of the Annotated Code of Maryland and Board Policy JLF. For incidents of sex-based discrimination that are also considered criminal activity, any criminal investigation conducted by law enforcement is separate and independent from any City Schools' investigation. City Schools will collaborate with law enforcement regarding the timeline for investigations to avoid interfering with or obstructing a law enforcement investigation; however, the delay must be temporary, and the parties must be notified that the City Schools investigation is not contingent on the outcome of the law enforcement investigation.
- F. Filing of a complaint or otherwise reporting sex-based discrimination will not reflect upon



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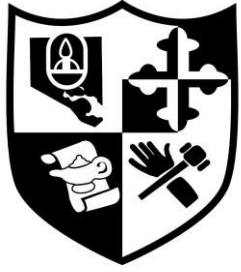
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an employee's status nor will it affect the employee's future employment opportunities, unless the complaint or report was knowingly and materially false. Nor shall retaliatory action be taken against an employee or third party for filing a complaint of, or otherwise reporting, sex-based discrimination. Further, any person who attempts to interfere, restrain, coerce, intimidate, harass, or discriminate against an employee who files a complaint, or any person who participates in the investigative process, will be subject to disciplinary action.

G. Confidentiality and Privacy

1. Neither the victim nor witnesses should be promised confidentiality at the onset of the investigation. It cannot be predicted what will be discovered or if a hearing might result from the ultimate outcome of the investigation. However, City Schools will make reasonable efforts to maintain the confidentiality of the complainant, witnesses, and the individual against whom the complaint is filed, consistent with City Schools' legal obligations, including the necessity to investigate allegations of sex-based discrimination; and to take disciplinary actions when sex-based discrimination occurs. Information will only be shared on a "need to know" basis.
2. City Schools shall investigate any report of sex-based discrimination, to the extent possible, even when the complainant has made an anonymous report.
3. City Schools shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair City Schools' ability to provide the supportive measures.
4. All meetings, hearings, or other proceedings conducted will be private except to the extent that the parties are permitted to be accompanied by others as provided in Board Policies ACB and JBB or the accompanying administrative regulations.
5. City Schools officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained in connection with the provision of treatment to the party without the party's voluntary written consent.
6. No person acting on behalf of City Schools shall 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. A violation of any of these provisions may constitute retaliation.

V. ADDITIONAL PROCEDURES FOR SEX-BASED DISCRIMINATION



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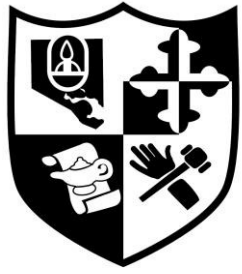
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COMPLAINTS INVOLVING BCSPF PERSONNEL

- A. Internal complaints involving allegations that BCSPF personnel discriminated against students, other employees, or third parties, as well as allegations that students, other employees, or third parties discriminated against BCSPF personnel, shall be investigated and addressed in accordance with the protocols set forth in more detail in Board Policies ACB and JBB, as well as the accompanying administrative regulations.
- B. In addition to the protocols set forth in more detail in Board Policies ACB and JBB, as well as the accompanying administrative regulations, when the EEO Manager receives a sex-based discrimination complaint involving BCSPF personnel, the EEO Manager shall notify the Chief of School Police and the School Police Internal Affairs Unit.
 - 1. The EEO and Title IX Compliance Unit serves as City Schools' designated unit to fulfill the job duties and responsibilities specified in Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, and Title 20 of the State Government Article of the Annotated Code of Maryland, including investigating and responding in a timely manner to complaints of sex-based discrimination received by the EEO and Title IX Compliance Unit. The EEO Manager will fulfill the job duties and responsibilities of the Title IX Coordinator, including overseeing investigations of and responses to internal complaints of sex-based discrimination.
 - 2. Inquiries regarding City Schools' sex-based discrimination policies should be directed to the EEO Manager. The EEO Manager for City Schools can be contacted at:

Equal Educational/Employment Opportunity and Title IX Compliance Unit
200 E. North Avenue, Room 208
Baltimore, Maryland 21202
(410) 396-8542
eeo-titleixcompliance@bcps.k12.md.us

- 3. Investigations of internal complaints against BCSPF personnel shall be conducted by an investigator designated by the EEO Manager in conjunction with the Baltimore City School Police Internal Affairs Unit. At the outset of the investigation, the EEO Manager and the School Police Internal Affairs Unit shall collaborate on a plan for conducting the investigation and sharing information regarding the progress of the investigation. If such



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an investigation could result in disciplinary action, it shall be conducted in compliance with the protocols set forth in more detail in Board Policies ACB and JBB, the accompanying administrative regulations, and all other applicable legal requirements, including, but not limited to, Maryland Annotated Code, Public Safety Article, §§ 3-301 *et seq.*, as amended. (See General Orders 10-9, 13-2 and 13-4).

4. The Baltimore City School Police Internal Affairs Unit and the Chief of School Police, or designee, as appropriate, shall consult with the EEO Manager regarding supportive measures, while the complaint is being investigated, such as placing employees or third parties in separate working environments, as well as remedies to prevent the sex-based discrimination from occurring in the future and to eradicate the effects of the discrimination on the complainant, and if applicable, the school or workplace in general. Resolution shall also include discipline for respondents who are found in violation of City Schools' sex-based discrimination policies.
5. With support from the EEO and Title IX Compliance Unit, the BCSPF shall provide ongoing education and training programs, consistent with Board Policies ACB and JBB, as well as this General Order, to inform all BCSPF personnel of methods and procedures to prevent, identify, and address sex-based discrimination, including sexual harassment.

VI. IMPACT OF EXTERNAL COMPLAINTS/INVESTIGATIONS

- A. As set forth in Board Policies ACB and JBB, any employee may file a sex-based discrimination complaint with the United States Equal Employment Opportunity Commission, or the corresponding state or local agency, and any student, employee, or third party may file a sex-based discrimination complaint with the Office for Civil Rights in the United States Department of Education. Any employee may also file a criminal complaint with the Baltimore City Police Department at any time. This may be done in conjunction with a complaint made to City Schools or with no complaint to City Schools.
- B. Upon the EEO and Title IX Compliance Unit's receipt of a copy of a complaint to an external agency, the response to the external agency complaint will supersede any response to the internal complaint.
- C. Addresses of external agencies are set forth in Board Policies ACB and JBB.



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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 _____