



# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 10-58 SECTION M-2

### EQUAL EDUCATIONAL/EMPLOYMENT OPPORTUNITY & NONDISCRIMINATION Revisions Approved: September 27, 2022

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This General Order contains the following numbered sections:

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

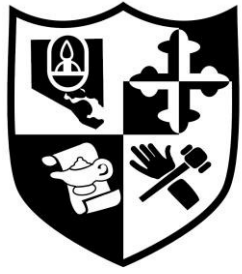
#### **I. DIRECTIVE**

The Baltimore City School Police Force (“BCSPF” or “School Police”) is committed to maintaining work and school environments free from all forms of discrimination. Discrimination 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**

Discrimination is prohibited under federal and state laws, including but not limited to, Title VI and Title VII of the 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 ACA (Nondiscrimination – Employees and Third Parties) and Board Policy JBA (Nondiscrimination – Students); and the accompanying Administrative Regulation ACA-RA (Reporting Discrimination – Employees and Third Parties) and Administrative Regulation JBA-RA (Reporting Discrimination and Harassment – Students).

Under these applicable legal requirements, BCSPF prohibits discrimination of any kind, directed at any students, employees, or third parties, because of their actual or perceived personal characteristics. Actual and perceived personal characteristics, as set forth in Board Policies ACA and JBA, include race, ethnicity, color, ancestry, national origin, nationality, religion, sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, family structure, ability (cognitive, social/emotional, and physical), veteran status, genetic



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information, age, immigration or citizenship status, socioeconomic status, language, or any other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all.

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 discrimination against students, City Schools employees, or third parties.

The purposes of this General Order are to: (a) incorporate and align with the provisions of Board Policies ACA and JBA, as well as Administrative Regulations ACA-RA and JBA-RA; and (b) set forth specific additional protocols for reporting, processing, investigating, and responding to complaints of 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. The BCSPF also shall make reasonable accommodations including for qualified individuals with disabilities.

### III. DEFINITIONS

This General Order adopts and incorporates the definitions set forth in Board Policies ACA and JBA, including, but not limited to definitions of the following terms: *complainant, discrimination, harassment, hate crime, employee, responsible employee, personal characteristics, respondent, retaliation, and third party.*

### IV. REPORTING PROTOCOLS FOR DISCRIMINATION

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

#### A. Reporting Bullying, Harassment, or Intimidation Against Students Based on Their Actual or Perceived Personal Characteristics



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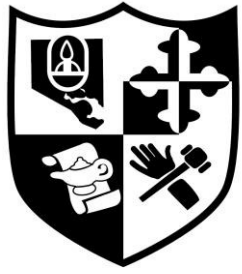
### **EQUAL EDUCATIONAL/EMPLOYMENT OPPORTUNITY & NONDISCRIMINATION** **Revisions Approved: September 27, 2022**

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1. A student (or a parent/ guardian of a student) who believes they have been subjected to bullying, harassment, or intimidation by another student, based on actual or perceived personal characteristics, 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).
2. The same procedures apply when a student (or a parent/guardian of a student) believes they have been subjected to bullying, harassment, or intimidation, based on actual or perceived personal characteristics, by a City Schools employee or a third party.
3. All City Schools responsible employees are mandatory reporters. If any City Schools responsible employee receives a bullying, harassment, or intimidation report directly from a student or parent/guardian, or if they witness or become aware of bullying, then they must: (a) ensure that a Bullying, Harassment, or Intimidation Reporting Form (“Bullying Reporting Form”) (JICK-RA Form 1 has been submitted; or fill out the Bullying Reporting Form, if it has not yet been submitted; and (b) report the incident directly to the school principal.
4. All reports of bullying, harassment, or intimidation, based on actual or perceived personal characteristics, that may constitute a hate crime, as well as all reports of sexual harassment as set forth in Board Policy JBB and Administrative Regulation JBB-RA, shall be forwarded directly to the Equal Educational/Employment Opportunity & Title IX Compliance Manager (“EEO Manager”) in the City Schools’ Department of Fair Practices & Compliance within one business day of receipt, so as to facilitate prompt compliance with federal and state law.

#### **B. Reporting Other Student Discrimination Complaints**

1. A student (or a parent/ guardian of a student) who believes they have been subjected to any form of discrimination (other than bullying, harassment, or intimidation) by another student may file a complaint with a City Schools staff member or administrator in accordance with Administrative Regulation JBA-RA. A complaint may also be made to the EEO Manager. A student who files a complaint against another student shall utilize the Student Discrimination Reporting Form (see JBA-RA/JBB-RA Form 1).
2. A student (or a parent or guardian of a student) who believes they have been subjected to discrimination (other than bullying, harassment, or intimidation) by a City Schools employee or a third party may file a complaint with any responsible employee or directly



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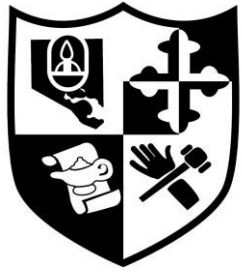
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with the EEO Manager. A student who files a complaint against a City Schools employee or a third party shall utilize the Student Discrimination Reporting Form (see JBA-RA/JBB – RA Form 1).

3. Any responsible employee who has notice of an alleged incident of 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 discrimination from a student, they must reduce it to writing utilizing the Student Discrimination Reporting Form. The Student Discrimination Reporting Form must be signed by the student and/or their parent or guardian in order to verify the accuracy of the complaint.
6. If the complaint relates to sex-based discrimination against a student based on actual or perceived sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, please follow the procedures laid out in Board Policy JBB and Administrative Regulation JBB-RA.

#### **C. Reporting Discrimination Against an Employee or Third Party**

1. An employee or third party who believes they have been subjected to discrimination by another employee or third party may file a complaint with a City Schools administrator or other employee in accordance with Administrative Regulation ACA-RA. A complaint may also be made directly to the EEO Manager. An employee or third party subjected to 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 discrimination complaint should utilize the Equal Employment Opportunity Complaint Form (ACA-RA/ACB-RA Form 1). In the event that a principal/designee or supervisor receives an oral complaint of discrimination from an employee, they must reduce it to writing utilizing the Equal Employment Opportunity Complaint Form (ACA-RA/ACB-RA Form 1). The Equal Employment Opportunity Complaint Form must be signed by the complainant in order to verify the



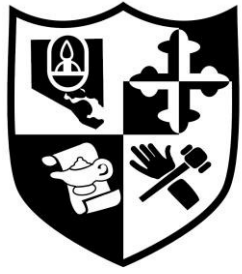
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- accuracy of the complaint.
3. Any responsible employee who has notice of alleged discrimination against any employee or third party must, within one business day, report the occurrence to the EEO Manager. In the event that the alleged perpetrator 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 (ACA-RA/ACB-RA Form 1).
  5. If the complaint filed by an employee or third party relates to sex-based discrimination, including harassment, based on actual or perceived sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, please follow the procedures laid out in Board Policy ACB and Administrative Regulation ACB-RA.
- D. Any doubt about whether particular conduct is discrimination must be resolved in favor of reporting the conduct.
- E. Discrimination may constitute criminal activity, such as a hate crime, 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 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 school investigation is not contingent on the outcome of the law enforcement investigation.
- F. Filing of a complaint or otherwise reporting discrimination will not reflect upon 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, 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



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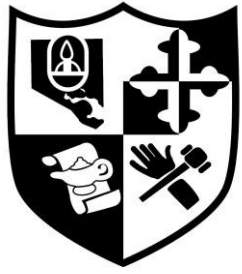
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1. Neither the victim nor witnesses should be promised confidentiality at the onset of the investigation. It cannot be predicted what will be discovered or if a hearing might result from the ultimate outcome of the investigation. However, City Schools 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 discrimination; and to take disciplinary actions when discrimination occurs. Information will only be shared on a "need to know" basis.
2. City Schools shall investigate any report of 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 ACA and JBA 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 DISCRIMINATION 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 ACA and JBA, as well as the accompanying administrative regulations.
- B. In addition to the protocols set forth in more detail in Board Policies ACA and JBA, as well



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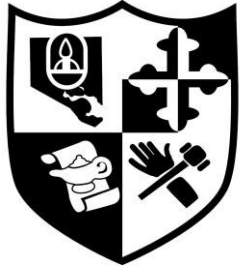
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as the accompanying administrative regulations, when the EEO Manager receives a discrimination complaint involving BCSPF personnel, the EEO Manager shall notify the Chief of School Police and the School Police Internal Affairs Unit.

1. The EEO and Title IX Compliance Unit will serve as City Schools' designated unit to fulfill the job duties and responsibilities specified in Titles VI and 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 student 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, as set forth in more detail in Board Policy JBB.
2. Inquiries regarding City Schools' 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](mailto: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 an investigation could result in disciplinary action, it shall be conducted in compliance with the protocols set forth in more detail in Board Policies ACA and JBA, 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 discrimination from occurring in the future and to eradicate the effects of the



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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' 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 ACA and JBA, as well as this General Order, to inform all BCSPF personnel of methods and procedures on preventing, recognizing, and addressing discrimination.

**VI. IMPACT OF EXTERNAL COMPLAINTS/INVESTIGATIONS**

- A. As set forth in Board Policies ACA and JBA, any employee may file a 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 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 ACA and JBA.

**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 \_\_\_\_\_