

**I. Policy Statement**

The Board of Education is committed to providing an educational and work environment that is free from discrimination, fosters equitable opportunities, and values diversity and commonality. The Board prohibits discrimination on the basis of race, color, creed, national origin, immigration status, religion, physical, mental, or educational disability, pregnancy, age, gender, gender expression, gender identity, genetic information, sexual orientation, marital status, veteran status or socioeconomic status in the educational program, including co-curricular and extra-curricular activities, and in the workplace.

The Board recognizes its responsibility to promote worth, dignity, respect, and safety and therefore prohibits discrimination through curriculum, instruction, professional development, and resource selection.

Employees, students, and third parties share responsibility for the health, safety, and general welfare of students and for creating and ensuring an environment free from discrimination.

Employees, students, and third parties may be subject to disciplinary action or consequences for discriminatory behavior even when the behavior does not rise to the level of discrimination as defined by prevailing federal and state laws.

**II. Purpose**

The purpose of this policy is to establish expectations for behavior that promote a safe, supportive school and work environment and provide direction for students, employees, and third parties in recognizing and reporting discrimination in accordance with this policy and with local, state, and federal requirements.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. **Discrimination** – Any act or omission due to an individual’s status or perceived status in a protected class that creates an intimidating, hostile, or offensive working or educational environment; or substantially interferes with an individual’s ability to work, learn, or otherwise is sufficiently serious to limit an individual’s employment opportunities, or to limit a student’s ability to participate in or benefit from the educational program.

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- B. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. Biological Parent – A natural parent whose parental rights have not been terminated.
  2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
  3. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
  4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
  5. Caregiver – An adult resident of Howard County who exercises care, custody, or control over the student but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care).
  6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- C. Protected Class – A group’s characteristics to include the following: race, color, creed, national origin, immigration status, religion, physical, mental, or learning disability, pregnancy, age, gender, gender expression, gender identity, genetic information, sexual orientation, marital status, veteran status or socioeconomic status.
- D. Respondent – An individual named by a complainant as allegedly violating the policy.
- E. Retaliation – The act or process of threatening or otherwise penalizing a person for reporting an alleged violation of policy or for participating in an investigation of an alleged violation.
- F. School-Related Activity – Any school system activity, on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or an activity in which the student does not directly participate but represents the school or student body simply by being present (e.g., spectator at a school event).
- G. Third Party – Parents, mentors, volunteers, vendors, contractors and others with whom students or employees interact during school or school-related activities.

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**IV. Standards**

- A. It is a violation of this policy for any student, employee, or third party to engage in acts of discrimination in schools, school system offices, or at school-related activities, or at school system sponsored activities.

Student, employee, or third party behavior may be severe enough to violate state and/or federal laws prohibiting discrimination in educational institutions and the workplace.

This generally occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or educational status.
  2. Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive environment, which may include online and social media.
- B. It is a violation of this policy for any student, employee, or third party to engage in retaliation with regard to allegations or complaints of discrimination.
- C. Discrimination on the basis of gender includes harassment, which is addressed in Policy 1020 Sexual Discrimination, and Title IX. Harassment, defamation, and intimidation that are not discriminatory in nature are addressed in Policy 1040 Safe and Supportive Schools, and in Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation.
- D. The HCPSS will promote the worth and dignity of all individuals through curriculum, instruction, professional development, and resource selection in accordance with state regulation.
1. The HCPSS will provide PreK-12 curricula and instructional strategies that enable students to demonstrate an understanding of and respect for living in a culturally pluralistic society.
  2. Instructional staff will use strategies that appropriately address students' identities and learning styles while providing rigorous instruction for all students to increase academic achievement.
  3. Instructional staff will be provided with curricula that:
    - a. Avoids stereotyping, discrimination, bias, and prejudice;
    - b. Reflects the diverse experiences relating to cultural groups and individuals;
    - c. Is representative of the diversity of society and assist students to demonstrate an understanding of the experiences of individuals and groups.

4. The HCPSS will provide professional development to prepare employees to design, manage, implement, and evaluate multicultural education.
- E. Discrimination complaints can be filed by those who believe they are being subjected to discrimination and by those who believe they are a witness to discrimination against others.
- F. A student will file a discrimination complaint orally or in writing with a teacher, school counselor, school-based administrator, or the Equity Assurance Manager/designee for action in accordance with established procedures. All such reports that allege discrimination by an employee or third party will be filed with or forwarded to the Equity Assurance Manager/designee.
- G. An employee or third party will file a discrimination complaint with the Equity Assurance Manager/designee or with a school-based administrator or supervisor as appropriate. All such reports will be forwarded to the Equity Assurance Manager/designee.
- H. Staff members and school-based administrators who believe discrimination has occurred will take action promptly in accordance with established procedures as defined in the implementation procedures of this policy.
- I. The school-based administrator, supervisor, or the Equity Assurance Manager/designee will commence an investigation of the allegations of discrimination regardless of how the alleged discrimination is reported within two working days, and address any findings of discrimination.
- J. Utilization and/or exhaustion of these procedures are not a prerequisite for the filing of an administrative complaint of discrimination with a government agency or taking other legal action.
- K. Upon completion of an investigation of a complaint, the individual conducting the investigation will consult with the Equity Assurance Manager/designee. After consultation, that individual will send a written report of the findings and recommended corrective action, if any, within confidentiality guidelines to the complainant and the respondent within thirty calendar days excluding extenuating circumstances.
- L. The complainant and the respondent are entitled to appeal the findings and/or recommended corrective action. All appeals will be decided by the Superintendent/Designee.
- M. In all phases of complaint resolution, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties. These efforts may be limited by the school system's legal and regulatory obligation to investigate and address allegations of discrimination.

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- N. To provide resolution of violations, employees in supervisory or management positions are responsible for taking steps designed to end any existing discrimination by those under their supervision, prevent any recurrence, and remedy any detrimental effects on the complainant and others.
  - O. Upon the finding of violation, remedies available to complainants include, but are not limited to, counseling, imposition of an order against the guilty party prohibiting further contact with the complainant or others, reinstatement of employment to the complainant, reconsideration of an award of a contract with the school system or any other remedy as is just and services the interest of reinstating the complainant to his/her position prior to the discrimination.
  - P. Violations of this policy are cumulative; subsequent offenses will affect the nature and severity of the consequences.
  - Q. Students who violate this policy will have consequences that include all appropriate forms of discipline including expulsion from schools. Disciplinary action against a student will be administered in accordance with the HCPSS Student Code of Conduct, Policy 9000 Student Residency, Eligibility, Enrollment, and Assignments and Policy 9200 Student Discipline. In addition, a student who violates this policy may also be required to participate in an appropriate education intervention and/or counseling designated by the school administrator and designed to increase his or her understanding of the offense and the impact on others.
  - R. Employees who violate this policy will have consequences that include all appropriate forms of discipline including termination of employment. Disciplinary action against school system employees will be administered in accordance with Policy 7030 Employee Conduct and Discipline. A violation of this policy may require, as a condition of continuing employment or other relationship with the school system, participation in counseling and/or other interventions designed to assist in the recognition and correction of the offending behavior/conduct.
  - S. Action against third parties will be taken in accordance with relevant school system policies and other applicable state and federal laws. Actions may include ceasing further business with the third party, modifying the terms of the contract, discontinuance of the contract, or banning from the property.
  - T. Notice that acts of discrimination are prohibited in the Howard County Public School System (HCPSS) will be communicated to all students, families, employees, and third parties, and the community annually by public notifications, school web-sites, school newsletters, faculty handbooks and other customary channels.

## **V. Responsibilities**

- A. Principals will notify students, families, third parties, and employees in their schools in a timely manner of all of the provisions within this policy.

- B. Supervisors will notify all those under their immediate supervision of the provisions within this policy.
- C. The Superintendent/Designee will facilitate the communication of the provisions within this policy annually through customary channels such as email, literature, power points, or any other viable communication.
- D. The Equity Assurance Manager/designee will commence appropriate action within two working days upon receipt of the complaint regardless of how the complaint is reported.
- E. Employees will monitor the behavior of students, staff, and third parties, and respond within one working day in an appropriate manner to both observed and reported violations of this policy.
- F. All employees in supervisory or management positions will take the necessary steps designed to end any existing discrimination by those under their supervision, to prevent any recurrence, and to correct discriminatory effects on the complainant and others.

## **VI. Delegation of Authority**

The Superintendent is authorized to develop appropriate procedures for the implementation of this policy.

## **VII. References**

- A. Legal
  - Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681
  - Title VI and VII of the Civil Rights Act of 1964, 42 U.S.C., Sec 601 and Sec. 2000e.2
  - Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634
  - Americans with Disabilities Act (ADA), 42 U.S.C. 12131 et seq.
  - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400-1487
  - Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Sec. 794
  - The Annotated Code of Maryland, Article 49B Human Relations Commission:
    - Discrimination in Employment, Section 16 (Unlawful Employment Practices)
  - The Annotated Code of Maryland, Education Article, Section 7-421 (Safe Schools Reporting Act of 2005)
  - COMAR 13A.04.05 (Education that is Multicultural)
  - COMAR 13A.08.01.15 (Reporting Delinquent Acts)
- B. Other Board Policies
  - Policy 1000 Civility
  - Policy 1020 Sexual Discrimination
  - Policy 1030 Child Abuse and Neglect
  - Policy 1040 Safe and Supportive Schools

Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation  
Policy 7030 Employee Conduct and Discipline  
Policy 8000 Curriculum  
Policy 8080 Acceptable Use of Computer Technology  
Policy 9020 Students' Rights and Responsibilities  
Policy 9060 Rehabilitation Act of 1973 Compliance: Section 504  
Policy 9200 Student Discipline  
Policy 10000 Parent, Family and Community Involvement

C. Relevant Data Sources

D. Other  
Formal Concern Form  
HCPSS Student Code of Conduct  
HCPSS Student Statement/Witness Form  
Recognizing Safe Schools Zone Resolution

### **VIII. History**

ADOPTED: May 28, 1980  
REVIEWED:  
MODIFIED: August 14, 2014  
REVISED: October 25, 1990  
January 30, 2001  
February 7, 2008  
June 7, 2018  
EFFECTIVE: July 1, 2018

**I. Announcement/Dissemination of Information**

Notification of the provisions of this policy and these implementation procedures will be given annually to all students, families, employees, and third parties. Principals are responsible for the initial notification of Policy 1010 to all students, families, third parties, and employees in their schools during new student orientation and the first week of school. Supervisors are responsible for notifying those under their supervision. Methods used include three or more of the following:

- A. Periodic announcements in schools over the public address system at the beginning of the school year and at other times as appropriate, during the school year.
- B. Publications in school and Howard County School System (HCPSS) newsletters, handbooks, and other documents.
- C. Notifications posted in commonly used areas, such as the cafeteria, auditorium, gymnasium, atrium, and other areas within the school/community facility.
- D. Notifications posted on school and HCPSS websites and other approved media, including, but not limited to, the learning management system and the staff communication tool.
- E. Periodic notification/reviews for students by classroom teachers or other appropriate employees, whether an incident occurred or not.
- F. Provided and reviewed with new students and parents through the registration process.

**II. Reporting Violations of Policy**

School-based administrators and supervisors will maintain a school and work place culture, in which students, staff, and families, and the community may complete a reporting form or orally report alleged discrimination without fear of retaliation.

- A. Suspected Discrimination Against Students by Other Students
  - 1. A student should report orally or in writing discrimination by other students to a teacher, school counselor, school-based administrator, or the Equity Assurance Manager/designee. Immediate reporting is encouraged.

2. Staff members who receive such a complaint of discrimination from a student or who believe discrimination has occurred, regardless of how it is reported, will take action designed to stop the discrimination and report the complaint of discrimination immediately to an administrator or the Equity Assurance Manager/designee.
3. Administrators receiving such complaints, regardless of how it is reported, will commence an investigation of the allegations of discrimination within two working days. Administrators will communicate regularly with the parents of the complainants on the matter. Significant or repeated discrimination by the same offender will be reported to the Equity Assurance Manager/designee and the parents will be contacted.
4. The Equity Assurance Manager/designee will refer complaints received directly from students alleging student to student discrimination, regardless of how it is reported, to school-based administrators for investigation and appropriate action unless the Equity Assurance Manager/designee determines that extenuating circumstances, such as significant or repeated discrimination by the same offender, warrant the Equity Assurance Manager/designee's involvement.
5. An administrator or the Equity Assurance Manager will continue to communicate with parents to provide notification that the investigation is still on going.
6. When the school-based administrator does the investigation the administrator will provide notice to the parties in writing of the outcome of the complaint and the basis for the decision within thirty (30) calendar days of the administrator's receipt of complaint.
7. If the administrator is unable to complete these activities within the prescribed time limit, all parties will be notified and a revised timeline will be provided.

B. Suspected Discrimination Against Students by Employees/Third Parties

1. A student should report, orally or in writing, suspected discrimination by employees or third parties to a teacher, school counselor, school-based administrator, or the Equity Assurance Manager/designee. Immediate reporting is encouraged.
2. Individuals receiving a complaint against an administrator regardless of how it is reported should notify the Equity Assurance Manager/designee within one working day.

3. Administrators receiving complaints alleging discrimination against a student by a school system employee or third party, regardless of how it is reported, will notify the Equity Assurance Manager/designee within one working day.
  4. Upon receipt of a complaint, the Equity Assurance Manager/designee will record and notify the complainant that the investigation is in process within two working days. The Equity Assurance Manager/designee will render findings to the appropriate parties within thirty calendar days.
- C. Suspected Discrimination Against Employees/Third Parties
1. An employee or third party may report orally or in writing, suspected discrimination by an employee, third party, or student to the Equity Assurance Manager/designee, a school-based administrator or supervisor, as appropriate.
  2. School-based administrators and supervisors will forward complaints of discrimination from employees or third parties, regardless of how it is reported, to the Equity Assurance Manager/designee within one working day.
  3. Upon receipt of a complaint regardless of how it is reported, the Equity Assurance Manager/designee will record, and notify the complainant that the investigation is in process within two working days. The Equity Assurance Manager/designee will render findings to the appropriate parties within thirty calendar days.

### **III. Investigations Conducted by the Equity Assurance Manager/designee**

- A. The Equity Assurance Manager/designee will document complaints received, investigate them, and render findings (except as noted in Section II.A.4.).
1. The Equity Assurance Manager/designee will conduct an adequate, reliable, and impartial investigation of the complaint, which may include interviewing the complainant and witnesses along with the opportunity to present witnesses and other evidence. The Equity Assurance Manager/designee will provide notice to the parties in writing of the outcome of the complaint and the basis for the decision within thirty (30) calendar days of receipt of complaint by the school system's Equity Assurance Manager/designee, excluding extenuating circumstances.
  2. If the Equity Assurance Manager/designee is unable to complete these activities within the prescribed time limit, all parties will be notified and a revised timeline will be provided.
- B. Should the investigation show that prohibited actions occurred, then HCPSS will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

#### **IV. Resolution of Violations**

When violations have occurred, employees in supervisory or management positions are responsible for taking steps designed to end any existing discrimination by those under their supervision, prevent any recurrence, and correct discriminatory effects on the complainant and others.

- A. Disciplinary action against a student will be administered in accordance with the HCPSS Student Code of Conduct, Policy 9000 Student Residency, Eligibility, Enrollment and Policy 9200 Student Discipline. Disciplinary action against school system employees will be administered in accordance with Policy 7030 Employee Conduct and Discipline. Action against third parties will be taken in accordance with relevant school system policies and other applicable state and federal laws.
- B. A student who violates this policy may also be required to participate in an appropriate education intervention and/or counseling designated by the school administrator and designed to increase his or her understanding of the offense and its impact on others.
- C. A violation of this policy may require, as a condition of continuing an employment or other relationship with the school system, participation in counseling and/or other interventions designed to encourage the development of culturally responsive practices and behaviors.
- D. An individual who has been the object of, or who has been affected by, conduct prohibited under this policy will be contacted by a school-based administrator, supervisor, or the Equity Assurance Manager/designee to discuss the assistance and available resources.

#### **V. History**

ADOPTED: October 25, 1990

REVIEWED:

MODIFIED: August 17, 2017

REVISED: October 27, 1994

January 30, 2001

February 7, 2008

June 7, 2018

EFFECTIVE: July 1, 2018