August 11, 2021

MEMORANDUM

To: Members of the Board of Education

From: Monifa B. McKnight, Interim Superintendent of Schools

Subject: Final Action, Policy ACI (06-29-2021-03)

Question

During the *Final Action, Policy ACI, Sexual Harassment of Employees* discussion, Board members requested the following information:

A.   Ms. Wolff requested information that the school system is participating in the national incident reporting process for vetting potential employees.

B.   Ms. Silvestre requested information regarding the Board's participation in the training that was referenced during the presentation.

Response A:

Montgomery County Public Schools (MCPS) participates in the following reporting processes for the purpose of vetting potential employees:

- *The National Association of State Directors of Teacher Education and Certification (NASDTEC) Educator Identification Clearinghouse*

  Potential hires of certificated staff are vetted through the National Association of State Directors of Teacher Education and Certification (NASDTEC). Certificated staff include teachers, counselors, librarians, media specialists, psychologists, principals, assistant principals, or certain other administrators who hold a state-issued certificate that proves they have obtained the necessary credentials and knowledge for their position. The NASDTEC Educator Identification Clearinghouse is the national collection point for professional educator discipline actions taken by the fifty states, the District of Columbia, U.S. Department of Defense Educational Opportunity schools, and Guam. NASDTEC, through the Clearinghouse, maintains a database of all disciplinary actions reported by NASDTEC members and disseminates this information to all participating NASDTEC jurisdictions. The goal of the Clearinghouse is to provide each NASDTEC member state/jurisdiction with a notification of an action taken against the certificate/license

of an educator by other member states/jurisdictions and in doing so, to protect the interests of children served by the professional education community within the United States and beyond.

Incidents recorded in NASDTEC may include procedural events (e.g., failure to pay a recertification fee or complete a required recertification course) or a criminal incident that resulted in the revocation of a certificate.

- *Federal Bureau of Investigations Record of Arrest and Prosecutions BACK (Rap Back)*

  Potential hires of all staff (e.g., certificated and non-certificated employees); certain volunteers designated for background checks in MCPS Regulation IRB-RA, *Volunteers in Schools*; and contractors working on MCPS property are fingerprinted, and those fingerprints are submitted to Rap Back, a service provided by the Federal Bureau of Investigations (FBI).

  The FBI's Rap Back identifies persons arrested and/or prosecuted for misdemeanors and felonies which may span a range of offenses (e.g., misdemeanors such as disorderly conduct, or felony offenses such as assault). Not all offenses identified in Rap Back are reportable offenses specified under the Code of Maryland Regulations §13A.08.01.17, but the MCPS Department of Compliance and Investigations reviews all incidents identified by Rap Back.

  Rap Back eliminates the need for repeated background checks by providing MCPS with on-going status notifications of any criminal history record information reported to the FBI and State (if available) regarding fingerprinted employees, contractors, and specified volunteers. Currently, Rap Back receives information from all 50 states and U.S. territories.

- *Child Welfare Services in the Montgomery County Department of Health and Human Services (Child Protective Services, or CPS)*

  MCPS contracts with CPS to review all databases available to them to determine whether any potential hires and new volunteers specified in MCPS Regulation IRB-RA, *Volunteers in Schools*, have been "indicated" for abuse or neglect of a child or vulnerable adult. "Indicated" means that a CPS unit in any participating locale has investigated and found evidence to support a reported claim of abuse or neglect.

  Databases available to Montgomery County CPS contains records for the state of Maryland. Retroactive reviews of all existing MCPS staff hired prior to 2013 are ongoing and have been prioritized for review in the following order:

school-based staff, then staff from transportation and maintenance units, psychologists, and other staff who have direct contact with students; followed by all other staff who do not have regular direct contact with students.

Response B:

MCPS is providing required summer training for all school-based administrators and athletic specialists on Title IX/Sexual Harassment and incidents of hate-bias, including newly updated revisions and applications of the following Board of Education policies and their implications for school leadership:

- BOE Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*
- BOE Policy ACF, *Sexual Misconduct and Sexual Harassment of Students*
- BOE Policy ACI, *Sexual Harassment of MCPS Employees*

Attached is a copy of the PowerPoint presentation for the training. Student Welfare and Compliance will provide the Board of Education with a link to the video recording of the training by August 27, 2021.

If you have questions, please contact Mrs. Stephanie P. Williams, general counsel, via e-mail, or at 240-740-5600.

MBM:SPW:smd

Attachment

Copy to:
  Executive Staff
  Mr. Edmundson
  Mrs. Simmons
  Ms. Webb

MCPS Policy ACA/ACF/ACI Summer Training

for
School-based Administrators:
Principals, Assistant Principals, ASAs, and Athletics Specialists

PDO Course #90320

BOE Policy ACA: *Nondiscrimination, Equity, and Cultural Proficiency*

BOE Policy ACF: *Sexual Misconduct and Sexual Harassment of Students*

BOE Policy ACI: *Sexual Harassment of MCPS Employees*

Agenda

Time	Agenda Item	Presenter
8:30-9:00 AM	Welcome / Introductions • Background • Overview • Next Level of Work • COR Student Data Access	Greg Edmundson *Director, Student Welfare and Compliance* Shella Cherry *Director, Student Leadership & Extracurricular Activities* Jason Sherwood *Technology Implementation Specialist*
9:00-9:20 AM	Investigations Review • Data Collected • Observations	Ed Clarke *Chief Safety Officer*
9:20-10:10 AM	Policy Presentations | MCPS Policy Title	Lead Presenter
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Policy ACF: *Sexual Misconduct and Sexual Harassment of Students*	Greg Edmundson Kathy Greene
Policy ACA: *Nondiscrimination, Equity, and Cultural Proficiency*	Troy Boddy Kathy Greene
Policy ACI: *Sexual Harassment of MCPS Employees*	Michaele Simmons Kathy Greene		Troy Boddy *Director, Equity Initiatives Unit* Shella Cherry *Director, Student Leadership & Extracurricular Activities* Greg Edmundson *Director, Student Welfare and Compliance* Kathy Greene *Senior Specialist, Student Welfare and Compliance* Michaele Simmons *Director, Department of Compliance & Investigations* Stephanie Williams, *General Counsel*
10:10-10:25 AM	Questions from the Chat	Shella Cherry
10:25-10:30 AM	Training Evaluation	All

How did we get here?

New Hate-Bias Protocols

Winter 2020

→ Social Media Allegations

Summer 2020

→ Response Team Developed → Title IX Federal Action Pending → Students Vocal in Media and Awaiting Response

County Council Hearing and Presentation → Let's Talk Respect Town Hall → Hate-Bias Incidents on the Rise Nationally → Board of Education Updates → Culture of Respect Student Training Module

Increased Awareness of Reporting Outlets → Gathering/ Organizing COR Student Data → Senior Leadership Team Presentation → Board of Education Adoption of Revised/New Policies → Summer 2021 Enhanced Training for School Administrators

Listening, Connecting, and Responding to the Students

Student facilitators led the *Let's Talk Respect Student Town Hall* meeting sharing the roles of various MCPS staff and Montgomery County resources that provide support to students.

CULTURE OF RESPECT STUDENT TRAINING

MCPS

Welcome to the **MCPS Culture of Respect Student Train...** course. This course is made up of three parts:

- Pre-Assessment
- Training Module (approximately 30 minutes)
- Post-Assessment

You will review several different scenarios and identify if the scenario is an example of:

- Bullying
- Cyberbullying
- Harassment
- Hate/Bias

- Hazing
- Intimidation
- Sexual Harassment

Scenario 6

You are walking to class with your best friend. You hear a student from your first period chemistry class ...ke a racial slur directed at your friend. The student then yelled, "Go back to your country." Both of you are in shock. What would you do?

...his scenario? ??? ?

2 SSL Hours

#ThinkBeforeYouPost

Newton was wrong...

"What goes up on the internet does not come down!"

Before you...

THINK!!

T = is it **True**?
H = is it **Helpful**?
I = is it **Inspiring**?
N = is it **Nice**?
K = is it **Kind**?

Social media is a way to connect with family and friends

- **Don't post hearsay** it can be harmful, defamatory, and have a negative impact on you and others
- **Don't be a cyberbully**, social media should not be used as a platform to harass, threaten, embarrass, or target another person
- Don't use social media **to accuse someone of a crime**

We are a community that is made stronger by our collective commitment to honor and respect all members of the group.

MCPS released the first edition of the Culture of Respect Training to all secondary students.

Listening, Connecting, and Responding to the Students


Mr. Asante shared resources directly to student network.

Listening, Connecting, and Responding to the Students

MCPS hosted the annual PRIDE Town Hall where 6 workshops were held, 2 led by students, sharing best practices to creating a more welcoming and inclusive school environment.

June	July	August	September	October
Share COR Student Data with Assoc/Directors in OTLS		**TIMELINE OF FUTURE WORK**		
Finalize Plan and Communications				
Send COR Student Data to School Principal				
	School Admin / ILT share COR Student Data and discuss next steps and plan			
	Conduct Systemwide training for all School-based Administrators: Bullying/Harassment, Hate-Bias, Title IX/Sexual Harassment, Policies ACF/ACI			
		School Admin submit School Improvement Action Plan (Including Culture and Climate enhancement plans using COR Student Data – *Secondary Only*)		
		Begin planning "Let's Talk Respect: Vol. II" - Student Town Hall		
		Develop Phase II of Culture of Respect Student Training Module [December 2021 Release]		
				Event: "Let's Talk Respect: Vol. II" - Student Town Hall

School Improvement Action Plan
2021-2022 School Year

SCHOOL NAME

Building on our work from last year, the 2021-2022 School Improvement Plan (SIP) will focus on recovery and addressing the ongoing impact of the pandemic on our students and staff. The equity impact questions that guide our work note that as leaders during these unprecedented times it is important for us to lead discussions with our teams that encourage them to slow down their thinking to explore new more adaptive possibilities. What COVID has taught us is that what we have always done The questions below will help you develop more adaptive and equitable approaches. in the past doesn't work in our current state.

All schools have the same SIP goal: **To mitigate the learning interruptions to ensure all students are on grade level or higher for** *literacy and math by the end of the year.*

This action plan should serve as a living document and be used to ... school improvement work throughout the year. Please add links to this document that represent your reflections, plans, and results. ... questions reflect our commitment to support your leadership teams in embedding the focus on equity and learning ... point and depth of work within each of the categories below will be differentiated based on the ne...

Questions


SCHOOL CLIMATE FOR STUDENTS AND FAMILIES

- How will you support staff in their learning about trauma informed practices? What will you do to ensure that all staff have completed the asynchronous trauma informed training and completed the checklist that is a part of part one of that training?

- How will your leadership teams/school use the school-specific *Culture of Respect Module* student survey data to drive discussions and actions to build a healthier culture/climate around recognizing/reporting bullying, harassment (sexual harassment / Title IX), hazing, gender identity norming, hate-bias, etc.? (secondary schools only)

- How will you collect parent voices to understand and support student well-being and a welcoming environment for families through a racially proficient lens?

MONTGOMERY COUNTY PUBLIC SCHOOLS
Expanding Opportunity and Unleashing Potential
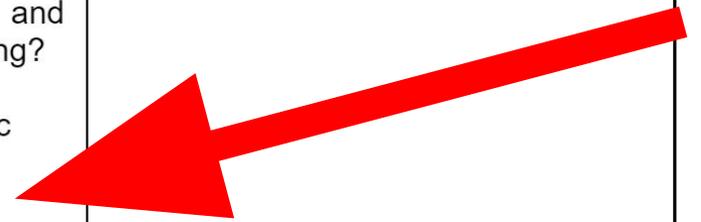
COR Survey Data

Student survey results for your school can be found in Synergy using report **U-STU704: Culture of Respect Survey Summary**. Directions for accessing this report are located in this [support guide](#) and [screencast](#). The report includes:

- Summary graph of student responses to Likert scale questions

- Summary graph of student responses to areas of concern

- Individual responses (student identifiers are not included)
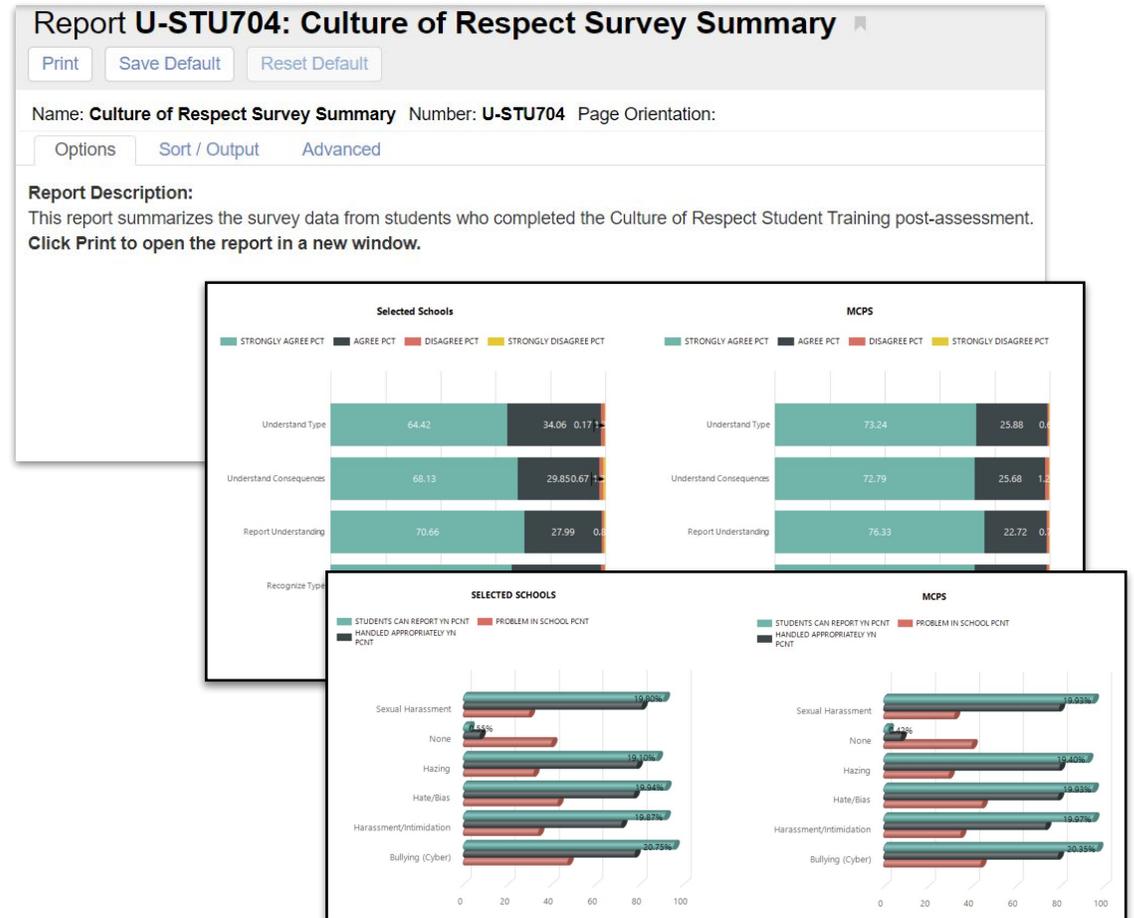
Team	Offices Involved
Investigations	**Department of School Safety and Emergency Management (DSSEM)** Office of Employee Engagement and Labor Relations (OEELR) Office of School Support and Improvement (OSSI) Student Welfare and Compliance (SWC)
Communications	**Office of Communications (Communications)** Office of School Support and Improvement (OSSI)
Student Support	**Office of Student and Family Support and Engagement (OSFSE)** Student Leadership Equity Initiatives Unit
Legal	**Office of General Counsel (OGC)**

Social Media Sexual Assault/ Harassment Allegations

Responsible Office

Department of Systemwide Safety and Emergency Management

WHAT WERE THE NEXT STEPS?

- August 2020, Ed Clarke met with Neal Owens and Mary Whalen, and assignments were made to look at each social media entry and provide a summary.

- A tracking number system was created for easy identification.

- There were 112 original entries with numerous posts contained in many.

  The DSSEM established a review team to conduct a "deep scrub" and analysis of all incidents.

- The team consisted of Ed Clarke, Cluster Security Coordinators (CSC) - Neal Owens, Mary Whalen, Ted Onley, and Cedric Boatman.

- A "complaint/allegation" form was created to capture each significant incident posted.

Department of Systemwide Safety and Emergency Management
Complaint/Allegation Reporting Form
(Confidential)

Complaint/Allegation #: 19/20-079-85	Date: 10/26/20	Time: 1332
Case Status: **Employee Misconduct Suspected**	Investigator(s): Clarke, Whalen, Onley, Owens, Boatman	

Outreach to Victim Conducted: Unknown

Summary of Findings & Follow-Up Steps

The investigative team met on today's date to review this case.

An anonymous female student from BCC High School posted on Instagram (survivors@bcc) that when she was in 7th grade at Westland Middle School her English teacher would try to get her to talk more in class and then talk more to him. He started by making fun of the victim and then began giving her special privileges like awards and leaving class early, even when she didn't want to leave early. He made the victim stay late after class and he would sometimes try to have personal conversations with her. When the victim appeared uncomfortable, he would make odd comments to make it seem like she was the one acting weird. The teacher refused to give her a pass so that she would be late to her next class and when he found out where her locker was, he would corner her after school and try to walk out with her. The victim believes that the teacher's actions were a means of grooming her. She was only 13 at the time and he was persistent and married with children, thinking that he could manipulate her because she was quiet. The victim reports that he still teaches at Westland.

The victim is a member of the class of 2021.

Employee Misconduct Suspected- referred to The Office of Employee Engagement and Labor Relations (Michaele Simmons).

SCOPE OF THE REVIEW

- Due to the severity of the allegations, a comprehensive design and approach was developed to review the allegations.

- The team worked diligently for over 3 months for a total of 450 hours.

- The team reviewed 1,246 complaints; 878 (70%) were found to be culture/climate concerns, while 368 (30%) were found to be significant incidents, requiring documentation and additional follow-up.

- Additional internal and external involved parties became part of the review process to provide additional information about specific allegations.

- The involved parties consisted of the following: Dr. Rathbone, Michaele Simmons, Greg Edmundson, Kathy Greene, Dr. Moran, Dr. Harris, security team leaders, principals, and school resource officers.

The Investigation

- The allegations were serious and ranged from reports of sexual misconduct, harassment, and assault.
- The majority of incidents involved high school student conduct outside of school. The in-school conduct reported on social media had been previously reported, investigated, and addressed as necessary.
- The majority of social media allegations did not identify alleged victims or alleged offenders, and in most cases did not allege either.
- The risk of re-traumatization existed in the few cases where a victim had been identified and the investigation team took these concerns into consideration when connecting students/families with support structures.
- A comprehensive look at the culture and climate in our schools was needed.
- A plan for increasing the awareness of recognizing and how to report incidents of sexual harassment for our students and communities was highly needed.

WHAT DID WE DO WITH COMPLAINTS/ALLEGATIONS?

- The team reviewed every single post.

- Types of complaints were then placed into the following categories:
  - employee misconduct
  - closed exceptionally
  - suspended pending further information
  - criminal act suspected- referred to law enforcement
  - insufficient information to proceed
  - code of conduct violation- referred to school administration

- Other complaints that fell into a culture/climate concerns were documented by category into a summary by cluster.

CATEGORY OF SCHOOL COMPLAINTS

There were 368 significant complaints
- High School: 309
- Middle School: 54
- Elementary School: 6

Elementary School, 6, 2%

Middle School, 54, 14%

Unk. H.S/Outide of MCPS, 7, 2%

High School, 309, 82%
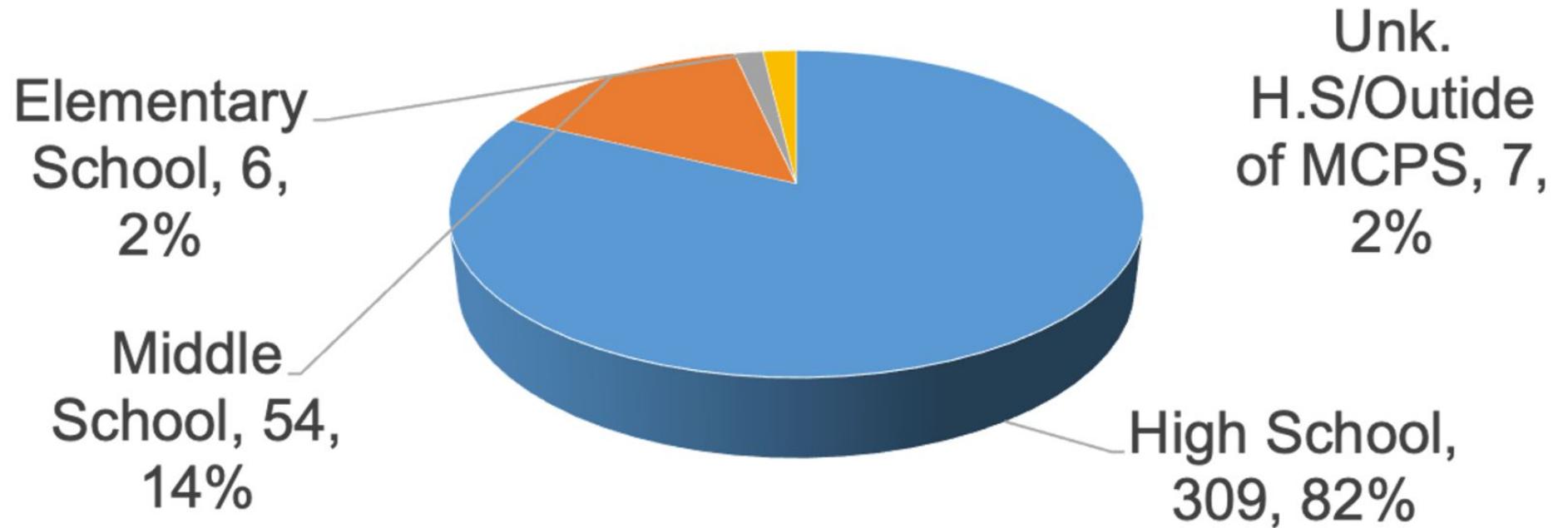
WHERE THE INCIDENTS TOOK PLACE

- School: 187
- Community: 157
- School Bus: 11
- School Event: 10

On School Bus, 11, 3%

At School Event, 10, 3%

In Community, 157, 43%

At School, 187, 51%
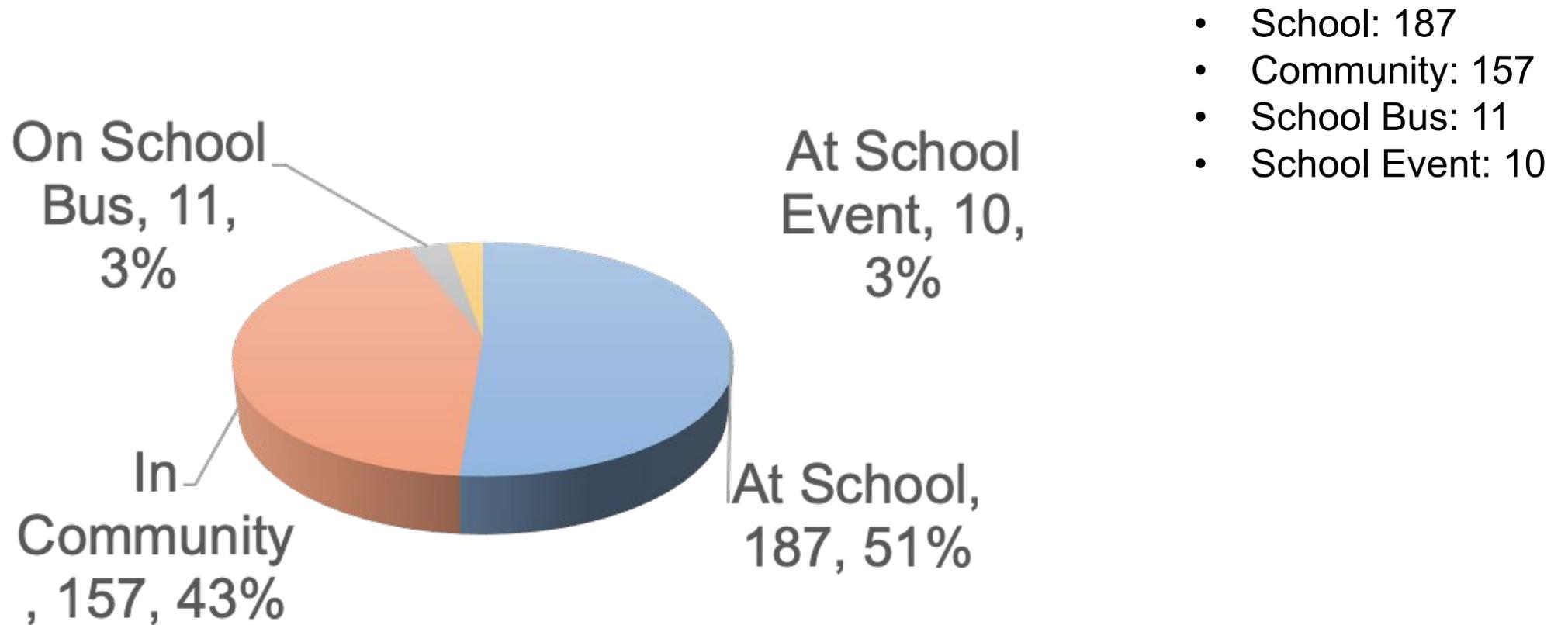
COMPLAINT OUTCOME

- Closed Exceptionally: 247
- Suspended: 141

Suspended, 141, 36%

Closed Exceptionally, 247, 64%

- Closed Exceptionally
- Suspended
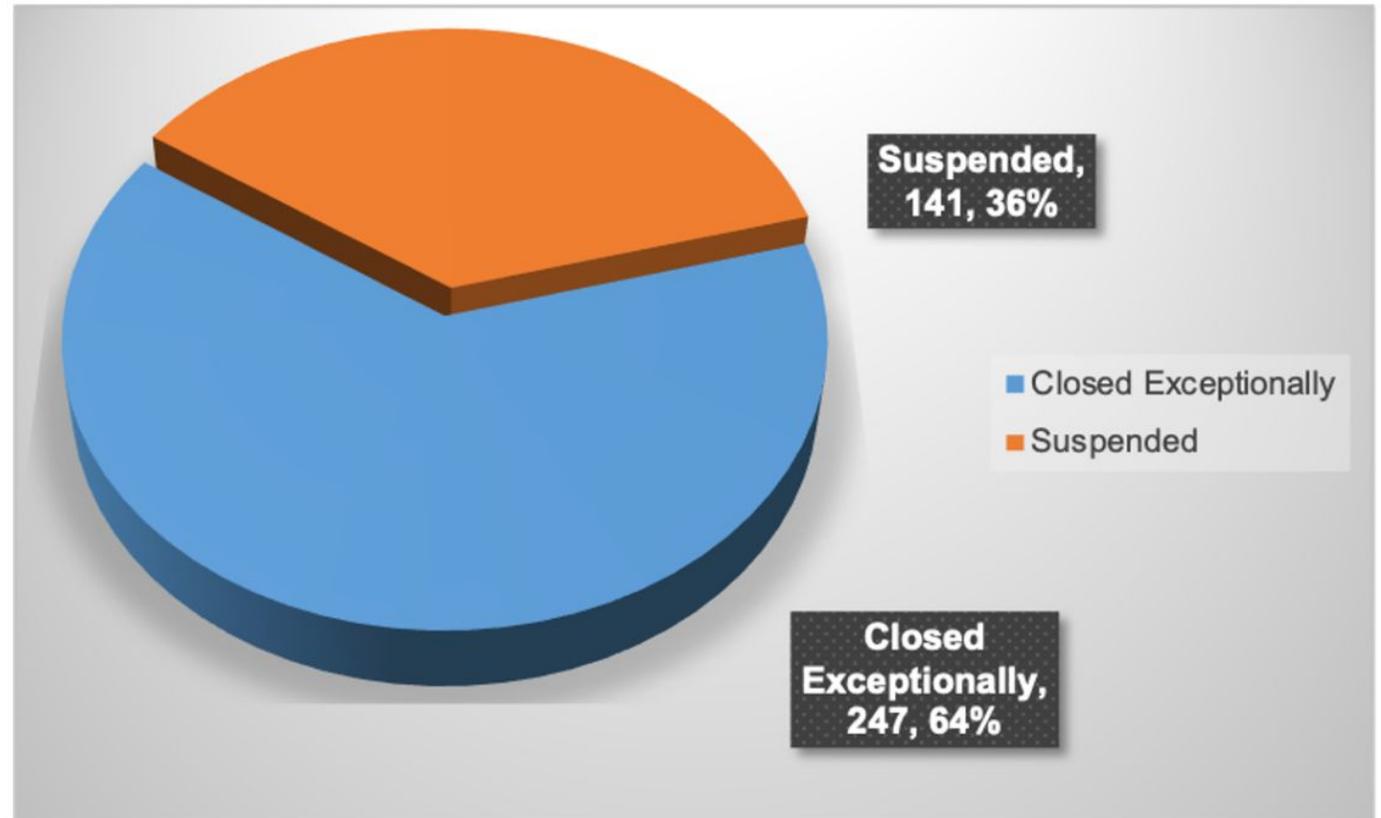
ADDITIONAL INFORMATION COLLECTED FROM COMPLAINTS
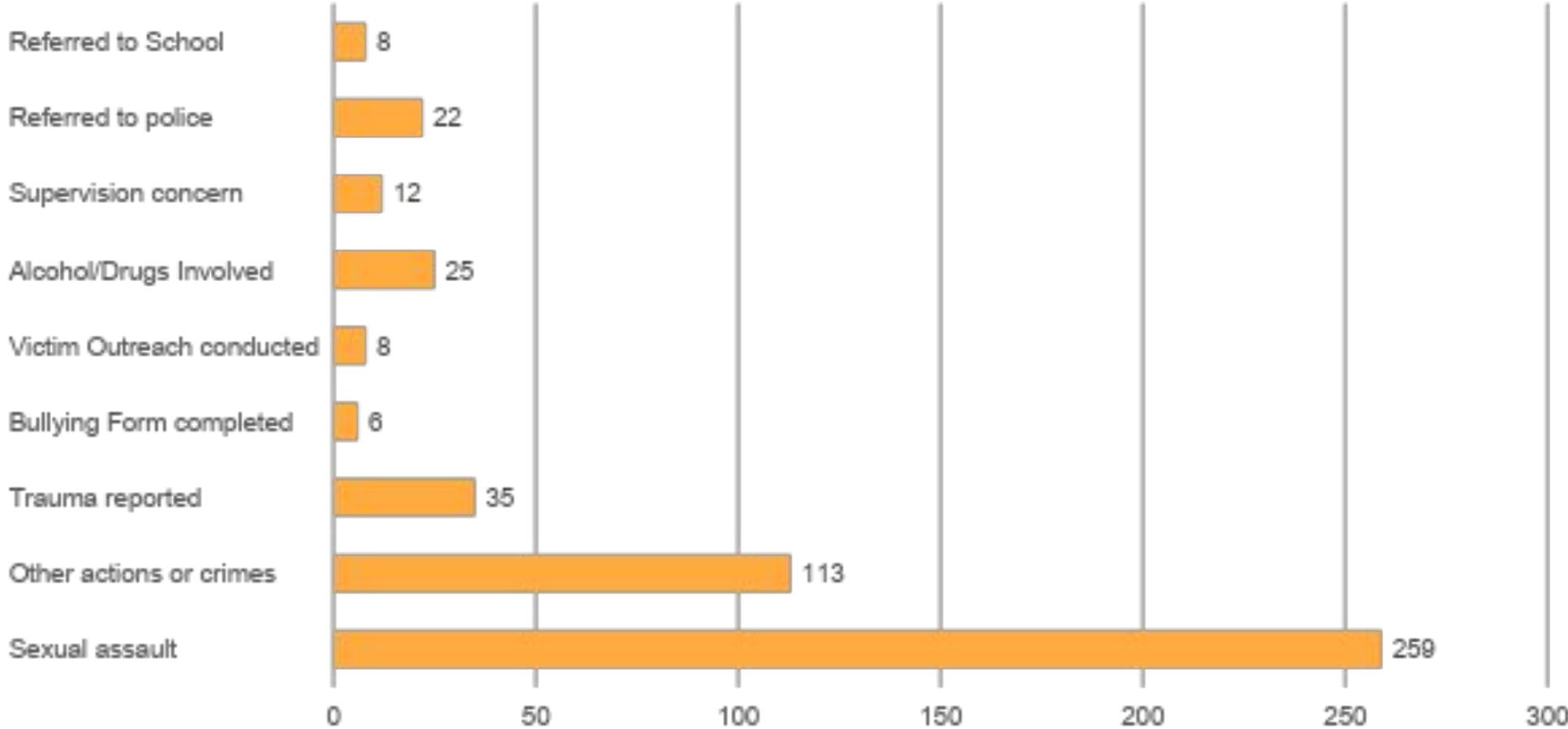
TYPE OF VICTIM

Female Victims: 360
Male Victims: 16

Male, 16, 4%

Female, 360, 96%

• Male • Female
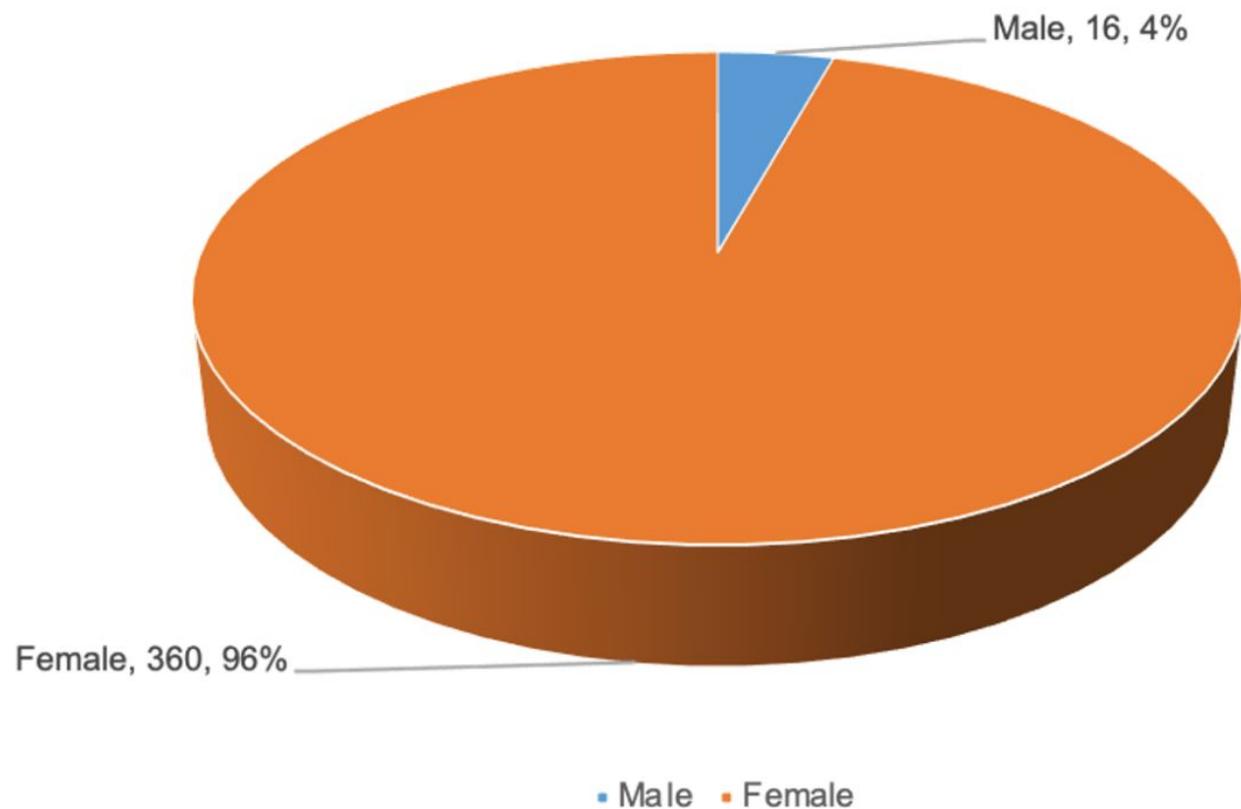
TYPE OF COMPLAINTS RECEIVED

Duplicate Incident, 10

Title IX, 3

Safe Schools Tip Line, 9

Insufficient Evidence, 10

Staff taking Inappropriate Actions, 80

Staff being insensitive, taking no action, showing favortism, 52
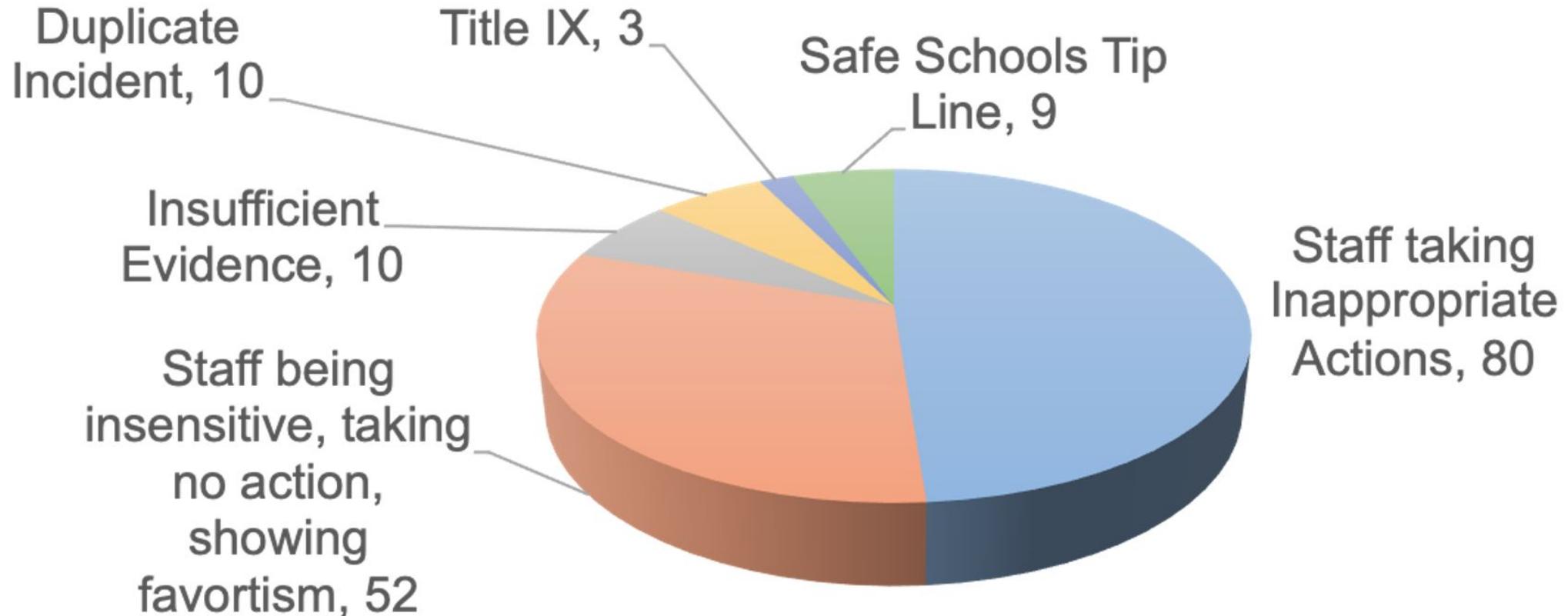
SIGNIFICANT COMPLAINTS VERSUS CULTURE/CLIMATE

Pie chart comparing Total Significant Incidents, 368, 30% and Climate Culture Posts, 878, 70%

Legend: ■ Total Significant Incidents   ■ Climate Culture Posts
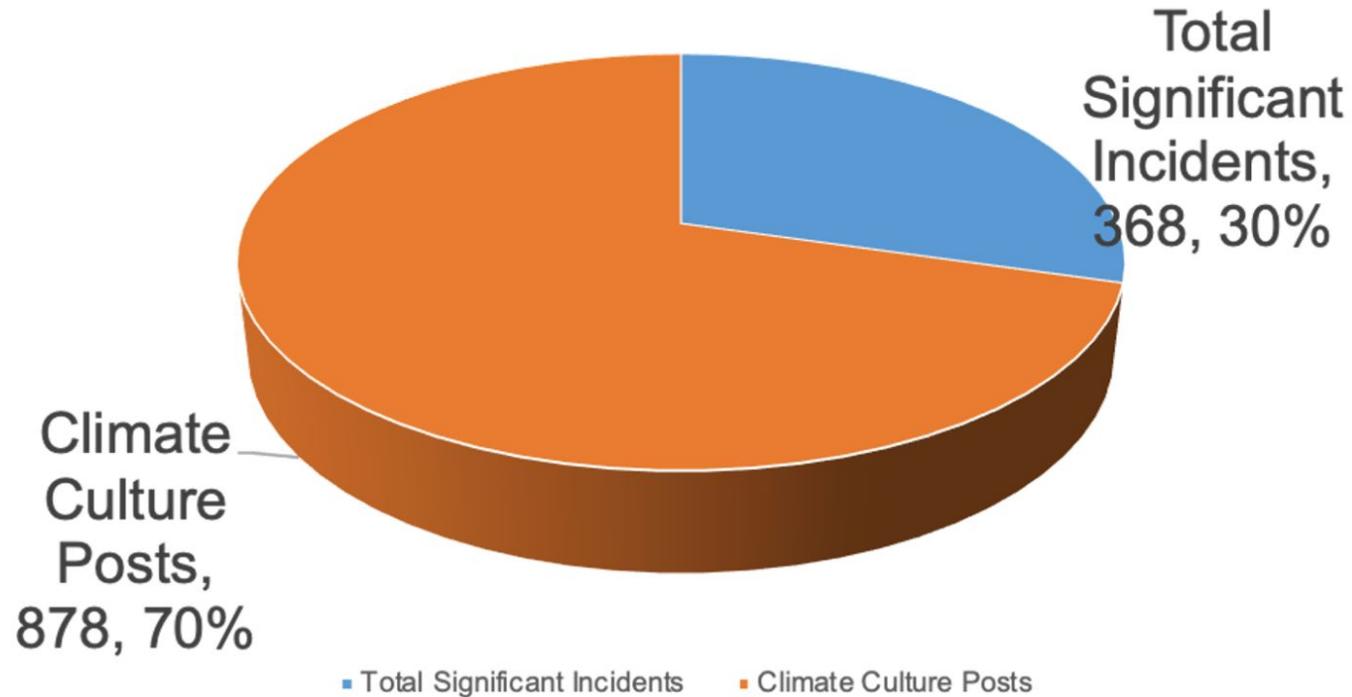
Common Culture/Climate Investigative Observations

- Female victims feeling like no one cares, especially counselors and administrators.
- Sexual harassment of female students by male students.
- Sexual coercion and manipulation of female students by males.
- Male students asking female students for nude photos.
- Perceived grooming of female students by staff members.
- Self-harm and trauma felt by female students after being victimized.
- Male students inappropriately touching, shaming, catcalling female students.
- Sexual assaults committed and condoned by school officials and male students.
- Inequality between female and male sports.
- Lack of supervision on school buses.
- Shaming girls because they are overweight and because of their looks.
- Girls drinking at parties and being sexually assaulted.
- Fear of female students to report incidents at school because no one cares.
- Male students telling female that they will harm or kill themselves if they wont have sex with them.
- Female students being rated by male students.
- Female students feeling unsafe at school.

Investigation Team Recommendations

- Disseminate information to our school leaders.
- Brief Senior Leadership Team, Cabinet, and performance directors on review outcomes.
- Refer employee complaints to the Department of Compliance & Investigations.
- Report suspected criminal acts to law enforcement (SVID).
- Refer Code of Conduct violations to school administrators through cluster security coordinators.
- Conduct comprehensive training with all employees districtwide regarding identifying and reporting acts of misconduct, including the need to address culture and climate issues in schools.
- Identify schools with high reporting volumes and provide additional support and measures.
- Include elements of culture and climate issues/concerns in the school improvement action plan process.
- Ensure data tracking and monitoring processes are reviewed for multi-office supports.
- Provide continuous opportunities for students to dialogue with schools and offices (including follow-up survey opportunities) to ensure improvements in culture and climate in our schools.
- All follow up efforts provided to DSSEM for tracking purposes.

Sexual Misconduct and Sexual Harassment of Students

Responsible Offices

Student Welfare and Compliance

Office of The General Counsel

Sexual Misconduct and Sexual Harassment of Students

All inappropriate student conduct [MCPS Code of Student Conduct]

Bullying, harassment, and intimidation prohibited by Board Policy JHF

Sexual Misconduct as defined by Board Policy ACF

Sexual Harassment as defined by Board Policy ACF AND Title IX Federal Regulations
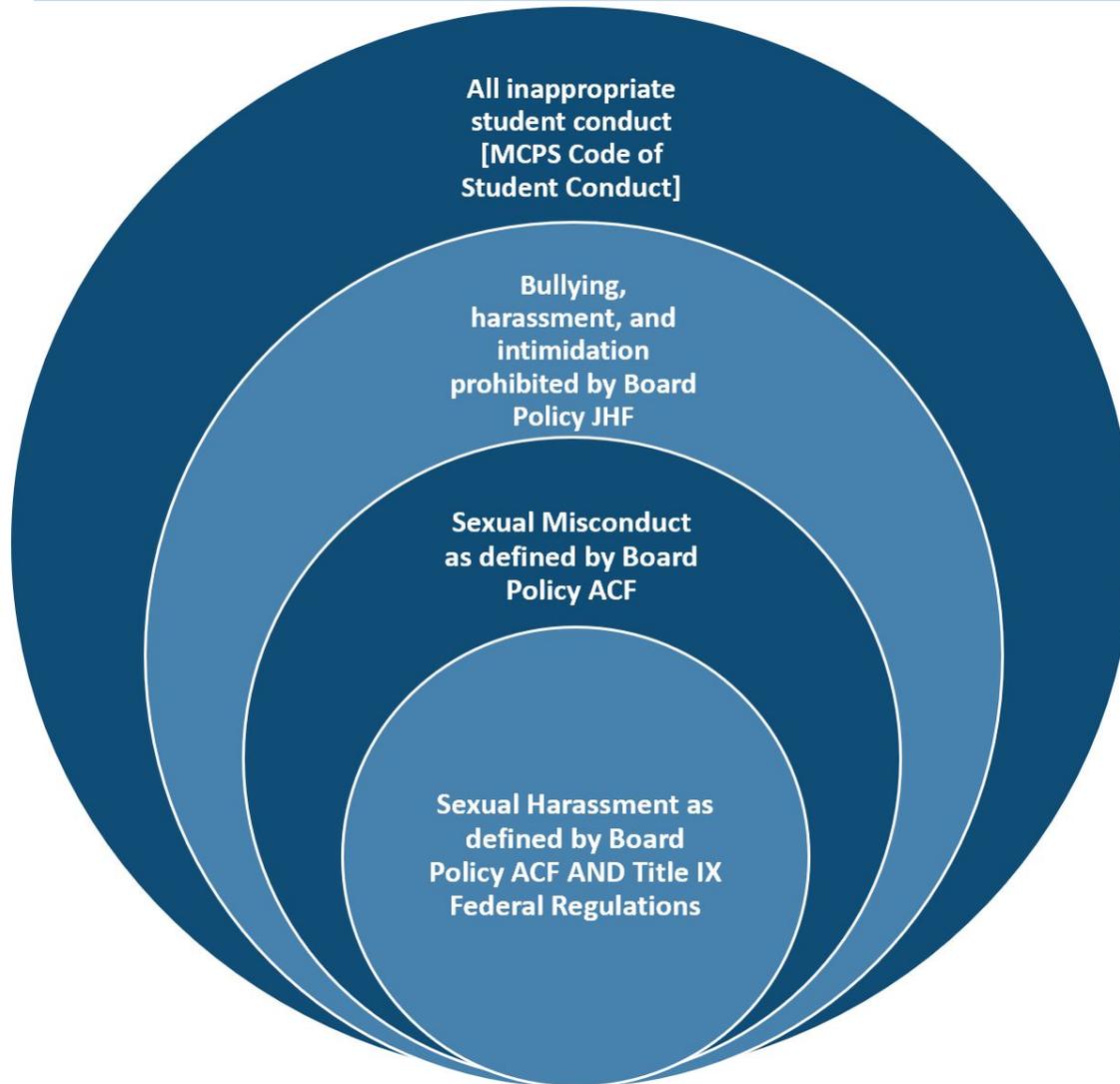
Sexual Misconduct and Sexual Harassment are subsets of bullying, harassment, and intimidation [Policy JHF] and are governed by additional regulations, policies, and laws, including Title IX of the Educational Amendments of 1972. [Policy ACF]

Gale-Bailey Elementary School, Charles County Maryland, Parents file suit after an October 2019 sexual assault.

The parents of the three 4th grade girls claim they were sexually assaulted on their elementary school playground. The girls went to a recess teacher about the boys, but were told to "go play and avoid the three." The parents did not learn about the incident until their children got off of the school bus crying.

"They were playing a game of tag"

Principal and Vice Principal removed from Charles County Schools

She Was Raped by a Classmate. She Still Had to Go to School With Him.

The case jolted a working-class town, prompting a walkout by students and a debate over whether school officials are equipped to address sexual assault.

"What most likely happened in this school is typical of many schools — no training, poor training, or they might have a policy but it's not fully explained," Mr. Howe said.

Ms. Camp said Mr. Mann had assured her that Mr. Dowdy would not go anywhere near Taylor.

Early in the fall semester, Taylor said she repeatedly told her counselor that Mr. Dowdy's fifth-period class was across the hall from where she spent her study period.

Months went by, she said, but neither she nor Mr. Dowdy was reassigned to another room for that period.

"Some friends used to walk on the side to make sure he wasn't looking at me," she said.

Taylor said she also began receiving harassing Snapchat messages from classmates who questioned whether the rape had happened.

"Ur mom found out u got embarrassed n then lied about it," one message said.

Taylor said she had showed the messages to the principal and the assistant principal, who promised to follow up, but messages kept flooding her phone.

The New York Times

Supreme Court Rules for Cheerleader Punished for Vulgar Snapchat Message

The decision set new limits on disciplining students for off-campus speech but did not totally bar administrators from doing so.

June 23, 2021

Brandi Levy, a Pennsylvania high school student, had expressed her dismay on Snapchat over not making the varsity cheerleading squad. Danna Singer/ACLU, via Getty Images

WASHINGTON — The Supreme Court ruled on Wednesday that a Pennsylvania school district had violated the First Amendment by punishing a student for a vulgar social media message sent while she was not on school grounds.

The decision, on a vote of 8 to 1, did not establish a categorical ban on regulating student speech outside of school, citing the need of school systems to be able to deal with issues like bullying and threats.

Instead, it set out factors that courts should assess in weighing the right of administrators to punish speech in nonschool settings, with one important component being whether parents are better suited to handle the situation.

Bullying, Harassment, or Intimidation Reporting Form

MCPS Form 230-35
July 2018

Office of Student and Family Support and Engagement
MONTGOMERY COUNTY PUBLIC SCHOOLS • Rockville, Maryland 20850

This form is to be confidentially maintained in accordance with the Safe Schools Reporting Act of 2005, Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

See Montgomery County Board Policy ACA, Nondiscrimination, Equity, and Cultural Proficiency, Board Policy JHF, Bullying, Harassment, or Intimidation, and MCPS Regulation JHF-RA, Bullying, Harassment, or Intimidation for additional information and definitions.

DIRECTIONS: Complete this form if you are a student victim, the parent/guardian of a student victim, a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying, harassment or intimidation. Return the completed form to the Principal at the alleged student victim's school. Contact the school for additional information or assistance at any time. Bullying, harassment, or intimidation are serious and will not be tolerated.

In accordance with Maryland law, bullying, harassment, or intimidation means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being, and is:

(1) Either (a) motivated by an actual or perceived personal characteristic including race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, or language, or other legally or constitutionally protected attributes or affiliations; (b) sexual in nature; or (c) threatening or seriously intimidating; and

(2) Either (a) occurs on school property, at a school-sponsored activity or event, or on a school bus; or (b) substantially disrupts the orderly operation of a school.

Cyberbullying is a form of bullying, harassment, and intimidation. "Cyberbullying" means a communication transmitted by means of an electronic device and includes the use of social media sites. Cyberbullying shall include any future applications that fall under "electronic communication." "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or tablet.

(PLEASE PRINT ALL INFORMATION)

Today's date ____/____/____ School _____ School System Montgomery County Public Schools

Person Reporting Incident: Name _____

Telephone _____-_____ E-mail _____

Check an appropriate box:

☐ Student ☐ Parent/guardian of a student ☐ Close adult relative of a student ☐ School staff ☐ Bystander

1. Name of alleged student victim _____ Age____ School_____

Name of alleged student victim _____ Age____ School_____

Name of alleged student victim _____ Age____ School_____

2. Name(s) of alleged witness(s) (If known) (Please print)	Age	School (if known)

3. Name(s) of alleged offender(s) (If known) (Please print)	Age	School (if known)	Is alleged offender a student?
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

4. On what date(s) did the incident happen? ____/____/____ ____/____/____ ____/____/____
   Mo./Day/Year   Mo./Day/Year   Mo./Day/Year

DISTRIBUTION: School Confidential File

Page 1 of 2

ANSWER

Even if the parents do not complete MCPS Form 230-35, the teacher **must** complete it and report the incident to the school administration.

Learning ~ Relationships ~ Respect ~ Excellence ~ Equity

ONLINE FORM HERE!

Sexual <u>Misconduct</u> defined

Under MCPS policy, **sexual misconduct** is defined as **unwelcomed verbal, written or physical behavior directed at an individual, or against a particular group, because of actual or perceived sex, sexual orientation, gender identity, gender expression..** that takes place under any of the following circumstances:

What is Sexual Misconduct?

▪When submission to or rejection of such conduct is made (explicitly or implicitly):

  ▪A term or condition of;
  ▪Used as a basis for, or as a factor in decisions <u>affecting</u>;
  ▪Has the purpose or effect of creating an intimidating, hostile, or offensive environment for;
  ▪Unreasonably <u>interferes</u> with; or
  ▪Is sufficiently severe or pervasive that it <u>alters</u> the terms, conditions, or privileges of

… an individual's education, or ability to participate in a MCPS activity or program.

[Misconduct can happen on school grounds, sporting events, off-campus or online]

Sexual <u>Harassment</u> defined

Under MCPS policy and Title IX of the Educational Amendments of 1972, conduct considered **sexual harassment** is considered if a MCPS student experiences one or more of the following:

What is Sexual Harassment?

▪Conduct meets one or more of the following conditions:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively <u>denies</u> a person equal access to MCPS's educational programs or activities; or
- The federal definitions of "Sexual Assault", "Dating Violence", "Domestic Violence", or "Stalking"; or
- A MCPS employee conditioning the provision of an aid, benefit, or service of MCPS contingent on an individual's participation in unwelcome sexual conduct; or
- Under circumstances in which MCPS have substantial control over both the harasser and the context in which the harassment occurred.

[Factors are evaluated from both the subjective and objective viewpoints, considering not only the effect that the conduct actually had on the person, but also the impact it would likely have had on a reasonable person in the same situation.]

Sexual misconduct is prohibited under MCPS Board Policy ACF. **All allegations of sexual misconduct must be investigated and documented.** Incidents of sexual misconduct may be categorized as sexual harassment under Title IX of the Educational Amendments of 1972.

Sexual Misconduct under MCPS Board Policy ACF
Unwelcome verbal, written, electronic, or physical behavior directed at an individual, or against a particular group, because of actual or perceived sex, sexual orientation, gender identity, gender expression.

Sexual Harassment under Title IX Federal Regulations
A student experiences unwelcome sexual conduct:
- Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively **DENIES** a person equal access to an MCPS educational program or activity; or
- The federal definitions of "Sexual Assault", "Dating Violence", "Domestic Violence", or "Stalking"; or
- A MCPS employee conditioning the provision of an aid, benefit, or service of MCPS contingent on an individual's participation in unwelcome sexual conduct; or
- Under circumstances in which MCPS have substantial control over both the harasser and the context in which the harassment occurred.
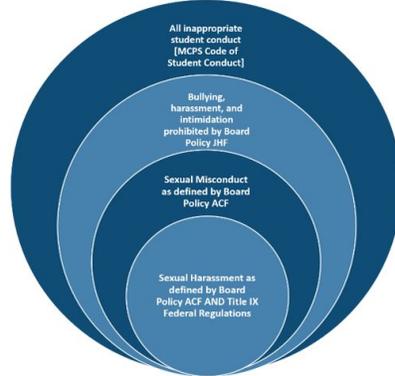
STEPS FOR ALLEGATIONS OF SEXUAL MISCONDUCT

☐ 1. **REPORT:** Student, staff member, parent/guardian, makes verbal or written report to any staff member/administrator. A report may also be made by emailing the Title IX Coordinator at COS-TitleIX@mcpsmd.org, Student Welfare and Compliance (SWC).

☐ 2. **COMPLETE MCPS FORM 230-35**, *Bullying, Harassment, or Intimidation Reporting Form:* All allegations of sexual misconduct must be documented on MCPS Form 230-35. The form may be completed by any staff member, student, or parent/guardian. **SUBMIT THE COMPLETED MCPS FORM 230-35 to PRINCIPAL/DESIGNEE.**

☐ 3. **PRINCIPAL/DESIGNEE WILL CONTACT OTLS-SSI:** Call OTLS-SSI within one hour of the incident being reported. OTLS-SSI will enter the incident into the SYNERGY and Student Welfare and Compliance will be contacted.

☐ 4. **POLICE NOTIFICATION:** *ANY CASE INVOLVING ALLEGED RAPE, SEXUAL ASSAULT* by threat/force, or violent nature require a call to **Special Victims Investigation Division** (SVID), **240-773-5400**.

☐ 5. **CPS/APS NOTIFICATION:** Cases where the student is an alleged victim of sexual abuse, or a staff members suspects that the student's behavior may indicate they are a victim of sexual abuse, call **CPS 240-777-4417**, or if the student is 18 years or older call **APS 240-777-3000**.

Circle diagram (outermost to innermost):
- All inappropriate student conduct [MCPS Code of Student Conduct]
- Bullying, harassment, and intimidation prohibited by Board Policy JHF
- Sexual Misconduct as defined by Board Policy ACF
- Sexual Harassment as defined by Board Policy ACF AND Title IX Federal Regulations

An incident of Sexual Misconduct has been reported:

1. Know the policy <u>QUICK REFERENCE is based on policy</u>
2. Complete MCPS FORM 230-35 (available online)
3. Inform Administration
4. Call POLICE (SVID) if case involves rape or sexual assault by force (or threat of force).
   IF SVID takes the case, you must immediately implement a safety plan to ensure both students have full access to school programming and activities, while not having interactions or access to each other.
5. Report Serious Incident to OTLS-SSI
6. If SVID does <u>not</u> take the case, an investigation must be done by the school. (Discipline handles through the *Student Code of Conduct*.)
7. Admin should send letters to victims and alleged perpetrators following any bullying cases of sexual misconduct.
8. Cases categorized as Sexual Harassment/Title IX have additional protocols to follow.
9. Call *Student Welfare and Compliance* for support

Important to Note...

MCPS Supportive Measures Plan

Montgomery County Public Schools provides a safe and secure learning environment that is free from of **harassment, intimidation, or bullying**. Complainants (students alleged to have been harassed) may **need supportive** measures to ensure their emotional and physical safety is secure during and after an investigation. This plan highlights key issues for you to consider to assist in providing supportive measures **to complainants**. It is also strongly encouraged that supportive measures be offered to respondents as appropriate. It is understood that each situation is different and that additional considerations may be included. The plan involves two components: the actions **school staff** will engage in and the expected actions of the **student(s)** involved. This plan has a **definite start and a proposed end date**. It is meant to cover the **entire school day.** The complainant needs to be safe during **before-school and after-school activities**, and protected from any **new bullying by the respondent or others** in support of the respondent or in retaliation for reporting the harassment, bullying or intimidation. The plan designates a **Primary Staff Contact** for the complainant. Ideally, this person someone with whom the student feels most comfortable. It is the intent of this plan that it be carried out in a way which is **minimally intrusive and not unreasonably burdensome**.

School Name: Click here to enter text.
Student's Name: Click here to enter text. **Grade Level:** Click here to enter text.
Student Number: Click here to enter text. **Bus Route Number:** Click here to enter text.
Primary Staff Contact: Click here to enter text.
Secondary Staff Contact: Click here to enter text.
Plan start date: Click here to enter text. **Proposed End date:** Click here to enter text.

Supportive measures should be tailored to the individual needs of the student. listed below may be needed, nor are the measures below an exhaustive list.

School/Staff:
☐ All necessary school staff will be informed of this plan and will make implement it successfully within the school.
☐ Any school staff who witness or are otherwise made aware of an bullying behavior directed toward the student will intervene imm behavior to administration.
☐ Student schedule was changed on Click here to enter a date.

2020–2021 STUDENT CODE OF CONDUCT

in Montgomery County Public Schools
www.montgomeryschoolsmd.org

Federal and state laws, Montgomery County Board of Education policies and Montgomery County Public Schools (MCPS) administrative regulations, and other guidelines, are subject to change and shall supersede the statements and references contained in this publication.

Student Name _____

Address _____

Phone _____

MONTGOMERY COUNTY PUBLIC SCHOOLS

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.
(Refer to *Disciplinary Response Matrix* guidance on page 10)

LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)

Engaging in behavior toward another that is physically, sexually aggressive.

Unwelcome sexual advances; requests for sexual favors; and/or other inappropriate verbal, written, or physical conduct of a sexual nature; directed toward others; inappropriate use of electronic devices/social media in such context. (Consideration would need to be given to the age, grade, developmental level, prior offenses, intentionality and circumstances in determining an appropriate course of action and consequences.)

Bullying/Harassment (407)
As part of any disciplinary response, schools should emphasize intervention strategies, and refer students to appropriate counseling.
*See Board Policy JHF, Bullying, Harassment, or Intimidation, and MCPS Regulation JHF-RA, Student Bullying, Harassment, or Intimidation, and MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form.

In accordance with Maryland law, conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being, and is—

(1) Either (a) motivated by an actual or a perceived personal characteristic, including race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes; (b) sexual in nature; or (c) threatening or seriously intimidating; and

(2) Either (a) occurs on school property, at a school-sponsored activity or event, or on a school bus; or (b) substantially disrupts the orderly operation of a school.

Cyberbullying is a form of bullying, harassment, and intimidation. "Cyberbullying" means a communication transmitted by means of an electronic device, and includes the use of social media sites. Cyberbullying shall include any future applications that fall under "electronic communication." "Electronic Communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer or tablet.

How Students Can Report

REPORT

- Contact school principal, counselor, or any MCPS staff member.
- Contact the Montgomery County Police Department, 301-279-8000.
- Submit **MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form**.
- Contact the **MCPS Title IX Coordinator** at **TitleIX@mcpsmd.org**. Reports and allegations concerning MCPS employees will immediately involve the Department of Compliance and Investigations. They can be reached at **DCI@mcpsmd.org**.
- **Safe Schools Maryland Tip Line** is an anonymous reporting system used to report threats to the safety and/or well-being of students. Call 1-833-MD-B-SAFE or download the App.
- Contact the **Victim Assistance and Sexual Assault Program (VASAP)** for support. VASAP provides information, referrals and advocacy, as well as crisis and ongoing counseling for victims of sexual assault.
- Contact the **Montgomery County Hotline** at 240-777-4357. A trained staff member or volunteer will provide supportive listening and information, 24 hours a day, seven days a week.
- Send a text to *EveryMind* hotline telephone number, 301-738-2255, daily between noon and midnight.
- Use the MCPS Student Reporting Phone Application *(Currently In Development)*

Liaison ➔ A person who acts as a link to assist communication and cooperation between groups

Roles of the School-Based Student Welfare Liaison:

1. Assist the principal in providing professional development for school-based personnel in recognizing, reporting, and preventing serious incidents, including child abuse & neglect, bullying and harassment (including sexual misconduct and harassment), incidents of hate-bias, hazing, and issues involving student gender identity.

2. Support the principal in responding to allegations, serving as the point of contact for the school (CPS, MCPD, County Agencies)

3. Facilitate the availability of supports (including safety plans) for all students involved, providing family needed resources (Tree House, MCPS Student Services, Counseling, school psychologists, PPW)

4. Be in the know – Aware of the Policies, Regulations, and Quick Reference materials to assist principal and staff as needed

Bullying, harassment (including sexual misconduct and sexual harassment), intimidation, hazing, incidents of hate-bias, and concerning issues involving student gender identity are not tolerated in MCPS. We are committed to ensuring our students feel safe, valued, and respected in our schools. Please see the multiple ways you can file a report below.

To file a Bullying Form online, click **HERE**

To file a Child Abuse & Neglect Form online, click **HERE**

To contact the MCPS Title IX Coordinator, click **HERE**

School Considerations:
1. **Include** this flyer in your Back-to-School Materials
2. **Inform** your school community of the person who serves your school as the Student Welfare Liaison and what this means.
3. **Ensure** all staff understand the multiple ways for students/families to report concerns.

How You Can Report
- ✓ Contact school principal, counselor, student welfare liaison, or any MCPS staff member.
- ✓ Contact the Montgomery County Police Department, 301-279-8000.
- ✓ Submit **MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form**.
- ✓ Contact the **MCPS Title IX Coordinator** at **TitleIX@mcpsmd.org**. Reports and allegations concerning MCPS employees will immediately involve the Department of Compliance and Investigations. They can be reached at **DCI@mcpsmd.org**.
- ✓ **Safe Schools Maryland Tip Line** is an anonymous reporting system used to report threats to the safety and/or well-being of students. Call 1-833-MD-B-SAFE or download the App.
- ✓ Contact the **Victim Assistance and Sexual Assault Program (VASAP)** for support. VASAP provides information, referrals and advocacy, as well as crisis and ongoing counseling for victims of sexual assault.
- ✓ Contact the **Montgomery County Hotline** at 240-777-4357. A trained staff member or volunteer will provide supportive listening and information, 24 hours a day, seven days a week.
- ✓ Send a text to *EveryMind* hotline telephone number, 301-738-2255, daily between noon and midnight.
- ✓ Use the MCPS Student Reporting Phone Application *(Currently In Development)*

Scenarios

ACF Scenario #1

❖ Student A and Student B are in a secluded area of the school.

❖ While patrolling the hallways, a security assistant witnessed the two students kissing, and also observed Student A fondling Student B's chest underneath the shirt.

❖ Both students stated they are dating and that the act was consensual.

ACF Scenario #2

❖ Student A and Student B are both student athletes on the school swim team.

❖ Student A disclosed to their parents that while in the pool during swim practice, Student B groped them several times between the legs.

❖ Student A now refuses to go to swim practice.

❖ Student A's parents reported the incident to school administration and to the police department.

❖ The police are investigating the allegations.

❖ Student A's parents demand that Student B be removed from the school swim team.

What steps will you take to respond to these scenarios?

Review of ACF Scenario #1

Did the conduct meet the following?

❑ Unwelcome sexual conduct when submission or rejection of such conduct is made explicitly or implicitly.
No, Student A **and** Student B state the **sexual act was consensual**.

❑ Creates an intimidating, hostile, or offensive environment?
No, Student A **and** Student B state the **sexual act was consensual**.

❑ Unreasonably <u>interferes</u> with, or is sufficiently severe or pervasive that it <u>alters</u> the terms, conditions, or privileges, of an individuals education, or ability to participate in a MCPS activity or program.
No, Student A **and** Student B state the **sexual act was consensual**.

❑ Misconduct can occur on school grounds, sporting events, off-campus, or online.
The misconduct **occurred in the school**.

* Sexual Misconduct on school grounds is inappropriate and against the Student Code of Conduct

Process for Sexual Misconduct Incidents

INCIDENT / COMPLAINT made by student, staff member, parent/guardian, or bystander

→

MCPS FORM 230-35, *Bullying, Harassment, or Intimidation Reporting Form* submitted to *Principal/Designee*:

→

Consult with *Student Welfare and Compliance*

→

PRINCIPAL will contact **OTLS-SSI**

OTLS-SSI will create an incident report in the **Incident Management System (IMS)** and forward to *Student Welfare and Compliance*

→

CONSIDER INTERIM MEASURES (SAFETY PLAN) to **ENSURE STUDENT SAFETY** while the investigation is pending

→

DESIGNEE conducts investigation, **MCPS FORM 230-36,** *Bullying Harassment, or Intimidation Investigation Form*

→

PARENT/GUARDIAN Communication

DISCIPLINE per **STUDENT CODE OF CONDUCT**

→

RECORD KEEPING: Update the incident report in IMS, **notify** *Student Welfare and Compliance* **of your findings**

→

Supportive Measures for involved students

Scenarios

ACF Scenario #1

❖ **Student A and Student B are in a secluded area of the school.**

❖ **While patrolling the hallways, a security assistant witnessed the two students kissing, and also observed Student A fondling Student B's chest underneath the shirt.**

❖ **Both students stated they are dating and that the act was consensual.**

ACF Scenario #2

❖ **Student A and Student B are both student athletes on the school swim team.**

❖ **Student A disclosed to their parents that while in the pool during swim practice, Student B groped them several times between the legs.**

❖ **Student A now refuses to go to swim practice.**

❖ **Student A's parents reported the incident to school administration and to the police department.**

❖ **The police are investigating the allegations.**

❖ **Student A's parents demand that Student B be removed from the school swim team.**

What steps will you take to respond to these scenarios?

Review of ACF Scenario #2

**Did the conduct meet <u>one</u> of the following?**

❏ Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively <u>denies</u> a person equal access to an educational program or activity?
Yes, Student A was groped **<u>several times</u>** between the legs and **<u>as a result refuses to go to swim practices</u>**.

❏ The federal definition of a *"sexual assault"*, *"dating violence,"* *"domestic violence,"* or *"stalking."*
Yes, groping Student A between the legs is a **non-consensual sexual act and is a *"sexual assault."***

❏ A MCPS employee conditioning the provision of an aid, benefit, or service of MCPS contingent on an individual's participation in unwelcomed sexual conduct.
No, the alleged offender is another student, **not an MCPS employee**.

❏ Under circumstances in which MCPS have substantial control over both the harasser and the context in which the harassment occurred.
Yes, the conduct occurred **during the school's swim team practice**.

* The alleged conduct meets the criteria for Title IX Sexual Harassment

Process for Title IX Incidents

INCIDENT / COMPLAINT made by student, staff member, parent/guardian, or bystander → Consult with *Student Welfare and Compliance* → **Report allegations to SVID** → **Principal notifies OTLS-SSI** → **OTLS-SSI creates an incident report** in the Incident Management System (IMS) and forwards *to Student Welfare and Compliance*

↓

Interim Measures (SAFETY PLAN) to ensure student safety while police investigate → **SVID investigation complete** → DESIGNEE conducts school investigation **MCPS FORM 230-35** **Bullying, Harassment, or Intimidation Investigation Form** → **Parent/Guardian Communication** → **DISCIPLINE per STUDENT CODE OF CONDUCT**

↓

Title IX Letters to involved families → RECORD KEEPING: Update the incident report in IMS, notify Student Welfare and Compliance of findings → **Supportive Measures** For involved students

Online Resources

<u>Resources and linked documents</u>:

- **Student Welfare and Compliance webpage <u>found here</u>**

- **MCPS Nondiscrimination Statement <u>found here</u>**

- **Support for a student who may be the target of bullying, harassment (including sexual harassment), and/or intimidation can be <u>found here</u>**

- **Support for a student who may be the target of sexual harassment or sexual assault by force or threat of force can be <u>found here</u>**

- **Support for a student who may need a Safety and Supportive Measures Plan can be <u>found here</u>**

- **Support for anyone who suspects the abuse or neglect of a child or vulnerable adult can be <u>found here</u>**

- **Student Rights and Responsibilities can be <u>found here</u>**

Nondiscrimination, Equity, and Cultural Proficiency

Responsible Offices

Equity Initiatives

Student Welfare and Compliance

Policy ACA

○ The Montgomery County Board has stated affirmations on human relations, nondiscrimination, and equity going back to the 1960s and 1970s.

○ All 23 counties are now required to have an equity policy

○ Updated June, 2021
  ■ Hate Symbols and Language
  ■ Other updates required by MSDE

Hate Symbols

Using language or displaying images and/or symbols that promote hate and can reasonably be expected to cause substantial disruption to school or district operations or activities .

Hate-Bias Incidents

May be a type of discrimination, motivated by an intent to target individuals based on actual or perceived personal characteristics that include race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations.

Incidents of Hate-Bias

[Protocols were revised in 2020 to support schools in addressing incidents of hate-bias.](#)

Creating and Maintaining Safe Spaces in Schools:

A Collaborative Model

Responsive Actions

Preventative Actions

Restorative Actions
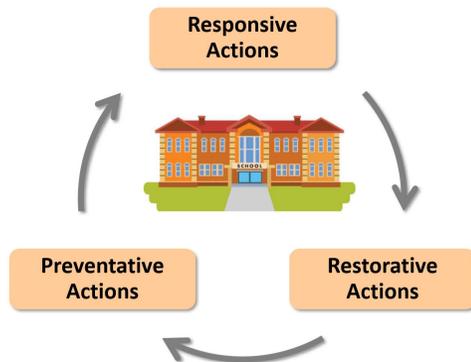
Addressing Hate-Bias Incidents in Schools

Hate-Bias Incidents Responding Procedures

Founded on the principles of Board of Education Policy ACA: *Nondiscrimination, Equity, and Cultural Proficiency*, **Hate-Bias Incidents** are incidents involving discrimination based on personal characteristics that include race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations.

Discrimination in any form will not be tolerated. It impedes Montgomery County Public Schools' (MCPS) ability to discharge its responsibilities to all students and staff, and achieve our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all.

The Board recognizes that equity goes beyond meeting the letter of the law. Equity also requires proactive steps to identify and redress implicit biases and structural and institutional barriers that too often have resulted in identifiable groups of students and staff being unjustifiably or disproportionately excluded from or underrepresented in key educational program areas and sectors of the workforce, as well as over-identified in student discipline actions.

MCPS will be proactive in our approach, as well as investigate and respond to incidents of hate bias, whether or not they rise to the level of criminal activity as identified by the Montgomery County Police Department.

POLICY — BOARD OF EDUCATION OF MONTGOMERY COUNTY

Nondiscrimination, Equity, and Cultural Proficiency
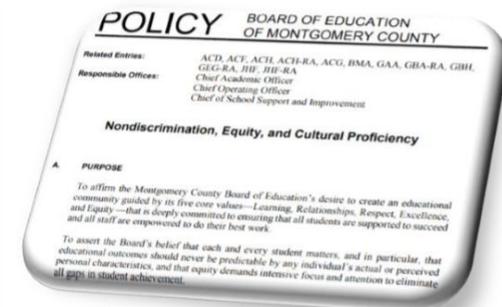
1. **INCIDENT / COMPLAINT:** Student, staff member, parent/guardian, or bystander makes verbal or written report to any staff member/administrator.

2. **COMPLETE MCPS FORM 230-35**, *Bullying, Harassment, or Intimidation Reporting Form and SUBMIT to Principal/Designee*: May be completed by a staff member, student, parent/guardian, or close relative. Staff members will assist the student/parent/guardian if they cannot complete the form. *[Available Online]*

3. **VERBAL REPORT**: All hate-bias incidents of crime must be reported to the Montgomery County Police Department (MCPD) 301-279-8000 per SRO MOU. If imminent danger to a child, call 911.

4. **BEHAVIORAL THREAT ASSESSMENT**: Principal will triage the situation and work with members of the **Behavioral Threat Assessment Team (BTAT)** to determine the degree (scope and scale) of risk, threat, or targeted violence posed by an individual or group based on the incident.

5. **PRINCIPAL WILL CONTACT OSSI: REPORT THE INCIDENT WITHIN ONE HOUR OF INCIDENT** being reported. OSSI will create an incident report in the Incident Management System (IMS) and notify *Student Welfare and Compliance*, mobilizing a central support team, if appropriate.
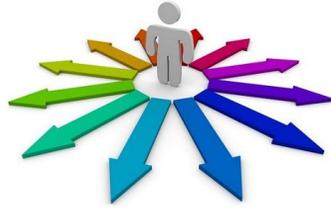
Scenarios

ACA Scenario #1

- **While at lunch, in the cafeteria, a Latino student and an Asian student have an argument.**

- **A crowd of bystanders gather around the two students.**

- **The argument escalates, and one of the two students yells racial slurs at the other student.**

- **The two students engage in a physical altercation.**

ACA Scenario #2

- **A community member reported, that while walking, they noticed swastika drawings painted on the exterior wall of the school.**

- **The Building Service Manager verified that several four foot swastikas and anti-Semitic threats were spray painted on the exterior side wall of the school.**

What steps will you take to respond to these scenarios?

Process for Reporting Hate-Bias Incidents

INCIDENT / COMPLAINT made by student, staff member, parent/guardian, or bystander

→

MCPS FORM 230-35, *Bullying, Harassment, or Intimidation Reporting Form submitted to Principal/Designee*:

→

VERBAL REPORT of crimes to the Montgomery County Police Department (MCPD)

→

BEHAVIORAL THREAT ASSESSMENT to determine the degree (scope and scale) of risk, threat, or targeted violence posed

PRINCIPAL WILL CONTACT OSSI; OSSI will create an incident report in the Incident Management System (IMS) and notify *Student Welfare and Compliance*

→

INVESTIGATION BY PRINCIPAL/DESIGNEE

→

CONSIDER INTERIM MEASURES (SAFETY PLAN) TO ENSURE STUDENT SAFETY WHILE THE INVESTIGATION IS PENDING,

→

PARENT/GUARDIAN Communication

RECORD KEEPING: Student Welfare and Compliance will record and monitor incident of Hate-Bias

→

HATE-BIAS RESPONSIVE, RESTORATIVE, & PREVENTATIVE ACTIONS

Hate-Bias Incidents Responding Procedures

Hate-Bias Resource Addendum

Resource	Description
Change the Discourse	Tools and resources to create a safe environment for productive dialogue on challenging issues in the classroom and office.
Student/Staff Facilitator Training: Help Create an Inclusive School Community	Different views around race, culture, immigration, sexual orientation, gender identity, and politics are affecting relationships, safety, and a sense of community in some MCPS high schools. To help address these challenges, the Equity Unit Study Circles Program is holding a facilitator training for high school students and staff. Participants will learn how to create a safe environment for students and staff to engage in honest and productive dialogue. • Trainees will develop the skills to: • Create an environment where everyone feels safe to share their perspective • Stay neutral in difficult and uncomfortable conversations • Identify the structures required for productive dialogue Facilitator Resource Guide
Helping Elementary School Children Talk about Stereotypes and Discrimination	4 one-hour sessions for 4th and 5th grade students Can be facilitated by classroom teachers
How to Design and Facilitator Community Conversations about Bias and other challenging issues	A training to help teachers develop the skills to design and facilitate community circle. This training is designed to be used during staff or planning meetings. Focused on: • A structure for safe and productive conversations • Process that connects to the goal of the session • Skill Building for Students • Facilitation Skills
Online Facilitator Modules	These short online modules are used to supplement training. They could b[e] provide teachers support for facilitating in the classroom. Session 1 Session 2
Special Interest Groups and Organizations (list not exhaustive)	*Communities United Against Hate (CUAH)* www.cuahmcmd.org *Jewish Community Relations Council (JCRC)*, 301-770-0881 *Anti-Defamation League (ADL)*, 202-452-8310 *ADL Resource and Tools:* https://www.adl.org/education-and-resources/resource-knowledge-base *National Association for the Advancement of Colored People (NAACP)*, 301-657-2062 *The Black & Brown Coalition,* www.mocoedequitynow@gmail.com *Identity*, 301-963-5900 *Impact Silver Spring*, 301- 298-5117 *New Wave Muslim Initiative*, https://nwmi.org/ *Muslim Community Center*, https://mccmd.org/ *Chinese American Parents Association* https://www.capamc.org/

Recommended links for educators and parents:
https://www.ushmm.org/teach/teaching-materials/antisemitism-racism
https://www.adl.org/education/resources/tools-and-strategies/resources-to-address-and-challenge-antisemitism
https://www.adl.org/education/resources/tools-and-strategies/antisemitism-today
https://pjlibrary.org/beyond-books/pjblog/february-2017/how-to-talk-to-children-about-anti-semitism
https://www.parentmap.com/article/how-parents-and-teachers-can-stop-rise-antisemitism

Recommended links for parents:
How to Talk to Children About Antisemitism (elle.com)
https://www.niot.org/blog/how-10000-menorahs-helped-town-defeat-hate
https://www.jssa.org/tips-talking-children-anti-semitism/
https://www.adl.org/education/resources/tools-and-strategies/table-talk/hate-symbols
https://www.today.com/parents/how-talk-kids-about-anti-semitism-america-t115227

MONTGOMERY COUNTY PUBLIC SCHOOLS
Expanding Opportunity and Unleashing Potential

Sexual Harassment of MCPS Employees

Responsible Offices

Department of Compliance and Investigations

Human Resources and Development

- Sexual harassment is prohibited conduct
- MCPS Responsibility
  - Prevent
  - Investigate
  - Correct
- Employees are responsible for their conduct even if the conduct was not intended to discriminate or harass (e.g. offensive jokes, slurs, epithets or name calling, insults or put downs, and interference with work or school performance).
- If the conduct does not meet the definition of sexual harassment, it may violate other laws, Board policies, and other established standards of conduct.
- Any employee who violates this policy will be subject to disciplinary action, which may include but is not limited to, a reprimand, reassignment, demotion, suspension, or termination.

Examples of Sexual Harassment in the Workplace

- Repeatedly asking a co-worker out on a date after he/she has declined.
- Showing images of naked individuals, body parts, offensive cartoons, or pictures of sexual partners.
- Asking about a persons private sex life.
- Approaching a co-worker from behind and grabbing their waist, massaging their shoulders, or rubbing/patting his/her leg.
- Denying opportunities unless sexual favors are provided (quid pro quo).

Process for Reporting Sexual Harassment

Staff to Student

- **IMMEDIATELY** report to SVID and CPS
- Principal reports to OTLS-SSI
- Principal/Supervisor contacts DCI

Process for Reporting Sexual Harassment

Staff to Staff

Victim completes Administrative Complaint MCPS Form 430-42 and emails to the DCI drop box (DCI@mcpsmd.org)

Provide support

If the victim does not feel comfortable filing an administrative complaint the principal/supervisor must contact DCI to request an investigation.

Reporting Sexual Harassment

An employee alleging a violation of Title VII, including but not limited to sexual harassment may file a complaint with:

- **US Equal Employment Opportunity Commission (EEOC)**
- **Office of Civil Rights (OCR)**
- **Maryland Commission on Civil Rights (MCCR)**
- **Montgomery County Police Department (MCPD)**

Scenarios

ACI Scenario #1

❖ Student A disclosed to their soccer coach that a staff member has been communicating with them through text messages and on social media.

❖ Student A shared a text messages sent from the staff member, asking to meet up with Student A at a local park.

❖ Student A reported they met the staff member at the park, the two kissed and hung out for hours.

❖ While at the park, Student A asked the staff member to purchase vodka for them.

❖ The staff member agreed, drove Student A to the liquor store, purchased the vodka for Student A, and then dropped Student A off at another Student's house.

ACI Scenario #2

❖ Several staff members report that a male staff member has repeatedly asked them to go out on a date with him.

❖ They report that he continually asks them about their personal lives and always tries to hug them when he sees them.

❖ The staff members are afraid to file an administrative complaint.

What steps will you take to respond to these scenarios?

Resources

Resources and linked documents:

- **Employee Assistance Program webpage** found here
- **Regulation ACH-RA Workplace Bullying** found here
- **Regulation GKA-RA Administrative Complaint** found here
- **Administrative Complaint Form 430-42** found here
- **Employee Code of Conduct can be** found here
- **Montgomery County Police Special Victims Investigations Division**
  240-773-5400
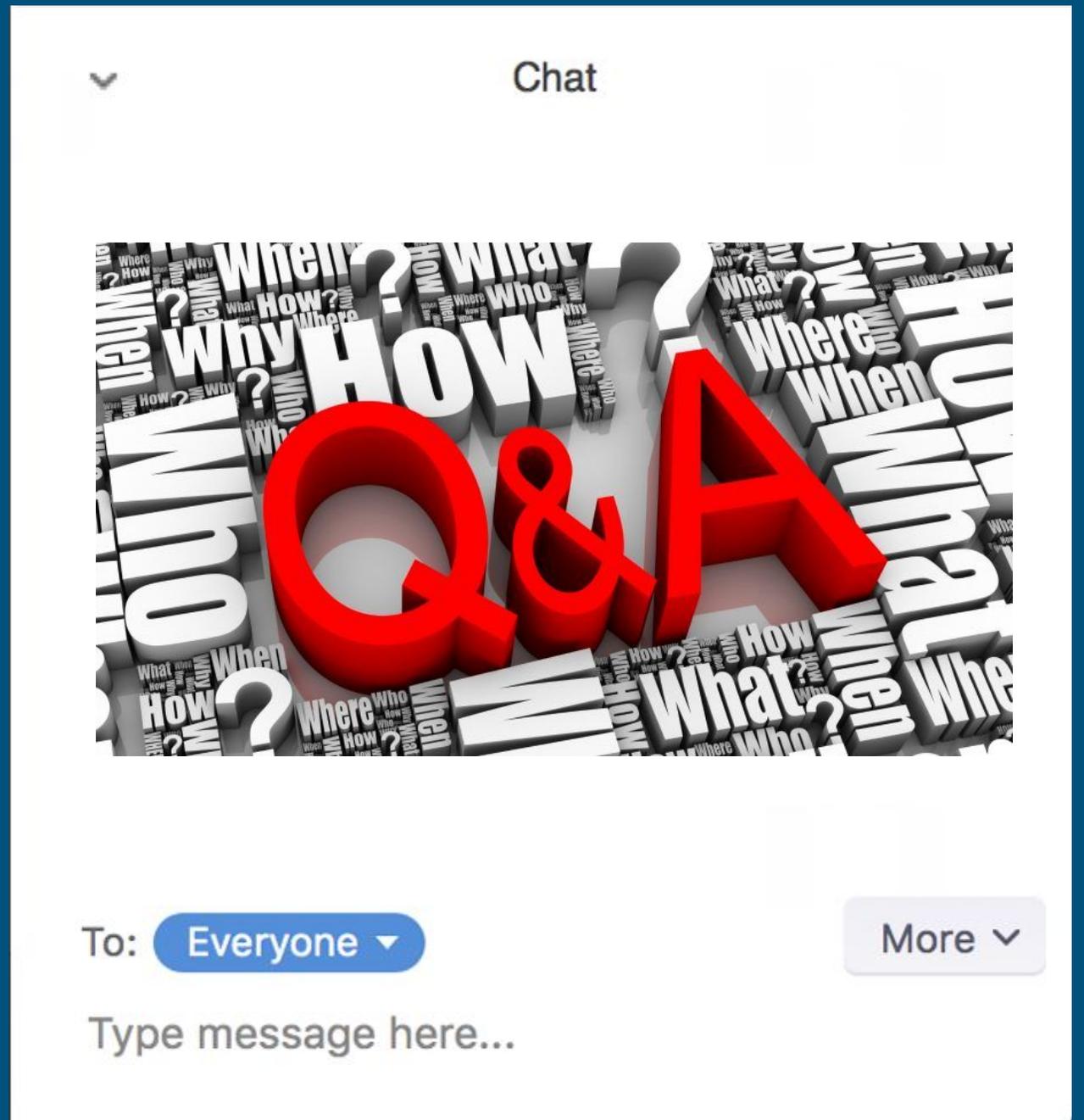
Please complete the PDO #90320 Course Evaluation by clicking HERE

https://bit.ly/CORPolicySummerTraining

Completion will ensure proper credit for the course!

Thank you!

Summer 2021: School-Based Admin [Board Policy ACA, ACF, and ACI]

This course will provide school-based administrators and athletics specialists with enhanced training on Title IX/Sexual Harassment and incidents of hate bias, including newly updated revisions and applications of the following Board of Education policies and their implications for school leadership:

* BOE Policy ACA: Nondiscrimination, Equity, and Cultural Proficiency
* BOE Policy ACF: Sexual Misconduct and Sexual Harassment of Students
* BOE Policy ACI: Sexual Harassment of MCPS Employees

* Required