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June 9, 2015

Via Email Only

Beth Gellman-Beer, Esquire
Team Leader
U.S. Department of Education
Office for Civil Rights
Wanamaker Building, Suite 515
100 Penn Square East
Philadelphia, Pennsylvania 19107

Re: OCR Case No.: 03091226

Dear Ms. Gellman-Beer:

Thank you for your letter of March 26, 2015. It is indeed gratifying - - after traveling this long, hard road - - to learn that the Howard County Public School System's policies and procedures are now approved by OCR.

It is my understanding that the Howard County Board of Education will consider adoption of the approved policy at its regularly scheduled meeting on June 11, 2015. Upon approval, the 2015-2016 school year Student Handbook will be amended to include the language set forth in Exhibit A hereto. Similarly, the 2015-2016 Employee Handbook will be amended to include the language set forth in Exhibit B hereto. Additionally, the Howard County Public School System's website will be amended to include the language set forth in Exhibit C hereto. The District's current sexual harassment discrimination brochure, which is provided to all new employees and is available in all school locations, will be amended to reflect the language in Exhibit D hereto. I am also enclosing, as Exhibit E hereto, copies of the revised sexual discrimination forms for use by employees, third parties and students. These forms will be available both through the District's website and in hard copy at school and administrative locations, as well as the office of the Title IX coordinator.

With regard to the April 2014 training, I am enclosing, as Exhibit F hereto, the names of the individuals attending and their respective titles. I am also enclosing a copy of the PowerPoint presentation that was presented with support from OCR. The PowerPoint presentation was made available online through the principal's HUB, which contains various resource material on Title IX, as well as other school system policies and procedures.

Beth Gellman-Beer, Esquire
June 9, 2015
Page 2

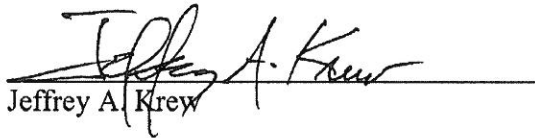
For your further information, I am enclosing a schedule of upcoming trainings and events to communicate changes to the District's sexual discrimination policy as Exhibit G hereto.

I trust that this submission will meet with your approval and that this case can finally be closed. Thank you for your kind consideration.

Very truly yours,

JEFFREY A. KREW, LLC

by:


Jeffrey A. Krew

JAK/km

Enclosures

cc: Howard County Public School System

The Board of Education of Howard County is committed to providing an educational and work environment that is free from sexual discrimination. To that end, the Board of Education prohibits discrimination on the basis of sex in its educational program, cocurricular and extracurricular activities, and in the workplace, as required by law.

Employees and third parties share responsibility for the health, safety and general welfare of students; for contributing to a school environment free from sexual harassment discrimination; and for maintaining appropriate relationships with students. Employees, students, and third parties may be subject to disciplinary action or consequences for inappropriate behavior of a sexual nature, even when the behavior does not rise to the level of sexual discrimination as defined by prevailing federal and state laws.

It is a violation of this policy for any student, employee, or third party to engage in sexual discrimination or to engage in retaliation with regard to complaints of sexual-discrimination.

Sexual discrimination includes sexual harassment, sexual assault and sexual violence and is characterized as unwelcome conduct of a sexual nature that interferes with a student's ability to learn, study, work, achieve, or participate in school activities or with an employee's/third party's term, condition, or privilege of employment/ relationship with the school system. Sexual discrimination can be committed by a student, employee, or third party.

Sexual harassment is unwelcome behavior of a sexual nature. Examples of sexual harassment include, but are not limited to: offensive language verbally or in writing, including electronic formats; visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures; unwelcome sexual advances; spreading rumors about or evaluating someone for their sexual behavior; taunting or ridiculing someone because of perceived or actual sexual orientation; or pressuring someone for sexual activity.

Sexual assault is unwanted sexual contact or threat. Examples of sexual assault include, but are not limited to: unwanted touching of a person's body in a sexual way without the person's consent such as patting, pinching, or impeding or blocking a person's physical movement, or engaging in unwelcome sexual contact.

Sexual violence is any type of contact that occurs without the explicit consent of the recipient such as fondling, forced sexual intercourse, sexual battery, rape, molestation or incest.

A student who chooses to file a sexual discrimination complaint must do so orally or in writing with a teacher, school counselor, school-based administrator, or the Title IX Coordinator for action in accordance with established procedures. All such reports must be filed with or forwarded to the Title IX Coordinator who will oversee and support the investigation.

In each phase 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 sexual discrimination.

Upon completion of an investigation of a complaint received, the investigator will send a prompt, written report of the findings and actions to be taken, if any, to the appropriate parties. Such reporting will follow established confidentiality guidelines.

Violations of this policy are cumulative; subsequent offenses may affect the nature and severity of the consequences. Use and/or exhaustion of these procedures is not a prerequisite for the filing of complaints with the federal Office for Civil Rights.

Effective July 1, 2014, Policy 9200 has been revised to reflect changes to the Code of Maryland Annotated Regulations as they relate to Student Discipline 13A.08.01.11. Updates to Policy 9200, Student Discipline, will be applied in the implementation of this policy.

Child Abuse and Neglect

Contact: Department of Special Education and Student Services—410-313-6656; School Administration Office—410-313-6607

Reference: Policy 1030 – Child Abuse and Neglect

Employees must make an immediate oral report of suspected abuse or neglect of children and vulnerable adults to the Department of Social Services or the police in accordance with Policy 1030, Child Abuse and Neglect. A written report must be submitted within 48 hours. Suspected instances of abuse or neglect must be reported even if the alleged victim is not personally known by the reporting individual, or if the abuse occurred in another state or in the past. A person who in good faith makes a report of abuse or neglect is immune from any civil liability or criminal penalty.

It is not the role of the employee or the school system to investigate a suspected abuse or neglect situation. Any doubt is to be resolved in favor of the child or vulnerable adult, and an oral report made immediately.

Discipline for failure to report suspected abuse or neglect and for crimes with regard to abuse or neglect may include suspension, termination, and suspension or revocation of the employee's license or certificate.

Due to the sensitive nature of this issue and legal ramifications, there are very strict protocols outlined in policy which must be followed. Employees are strongly encouraged to review this policy in detail.

Discrimination

Contact: Equity Assurance Office – 410-313-6654

Reference: Policy 1010 – Discrimination

The Board of Education prohibits discrimination on the basis of race, color, creed, national origin, religion, physical or mental disability, age, gender, marital status, or sexual orientation in its educational program, including co-curricular and extra-curricular activities, and in the workplace.

Employees are responsible for monitoring student behavior and responding appropriately to both observed and reported violations of policy. Policy 1010 establishes expectations and direction for recognizing and reporting discrimination in accordance with the policy and with local, state, and federal requirements. Employees may be subject to disciplinary action for discriminatory behavior.

Sexual Discrimination/Harassment

Contact: Equity Assurance Office – 410-313-6654

Reference: Policy 1020 – Sexual Discrimination

Sexual discrimination or Harassment is unwelcome conduct of a sexual nature that interferes with a student's ability to learn, study, work, achieve, or participate in school activities or with an employee's term, condition, or privilege of employment. The Board of Education prohibits discrimination on the basis of sex in its educational program, co-curricular and extra-curricular activities, and in the workplace, as required by law.

Employees are responsible for maintaining appropriate relationships with students, as well as monitoring student behavior and responding appropriately to both observed and reported violations of policy. Employees may be subject to disciplinary action for inappropriate behavior of a sexual nature, even when the behavior does not rise to the level of sexual harassment as defined by prevailing federal and state laws.



Howard County Public Schools

Exhibit C

Sexual Discrimination (Harassment)

Howard County Public Schools is committed to providing an educational and work environment that is free from sexual discrimination. HCPSS prohibits discrimination on the basis of sex in its educational program, co-curricular and extra-curricular activities and in the workplace as required by law.

Sexual Discrimination includes sexual harassment, sexual assault and sexual violence and is characterized as unwelcome conduct of a sexual nature that interferes with a student's ability to learn, study, work, achieve, or participate in school activities or with an employee's term, condition or privilege of employment/relationship with the school system. Sexual discrimination can be committed by a student, employee or third party.

More information can be found in [Policy 1020 Sexual Discrimination](#)

Title IX Compliance

Title IX of the Education Amendments of 1972 and 1975 states that no person in the United States shall on the basis of gender, be excluded from participating in, be denied the benefit of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

Title IX applies to students, school employees, or anyone present on school campus regardless of sexual orientation, gender identity, immigration status or disability status. It includes all of a school's operations, including school-sponsored activities or travel that occurs away from school.

Filing a Complaint

A student who chooses to file a sexual discrimination complaint must do so orally or in writing with a teacher, school counselor, school-based administrator, or the Title IX Coordinator for action in accordance with established procedures. All such reports must be filed with or forwarded to the Title IX Coordinator who will oversee and support the investigation.

A school system employee or third party who chooses to file a sexual discrimination complaint must do so with the Title IX Coordinator or with a school-based administrator or supervisor as appropriate. All such reports must be forwarded to the Title IX Coordinator who will oversee and support the investigation.

Downloadable Forms:

For Students:

[BHI \(Bullying/Harassment/Intimidation\) Form- English](#)

[BHI \(Bullying/Harassment/Intimidation\) Form-Spanish](#)

For Employees/Third Party:

[Sexual Discrimination/Harassment Complaint Form](#)

Reports should be addressed to:

Title IX Coordinator
Office of Equity Assurance
Howard County Public Schools
10910 Clarksville Pike
Ellicott City, MD. 21042
410-313-6654

Additional Resources

Office for Civil Rights
US Department of Health & Human Services
1-800-421-3481

<http://www.hhs.gov/ocr/office/>

Maryland State Department of Education
Programs-Title XI

[http://www.marylandpublicschools.org/MSDE/programs/equity+ assurance/ti
tle IX.html](http://www.marylandpublicschools.org/MSDE/programs/equity+assurance/title%20IX.html)

Return completed form to your supervisor or to the Office of Equity Assurance.

Office of Equity Assurance

Phone: 410-313-6654

Fax: 410-740-1645

July 2014

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Sexual Harassment Discrimination

Howard County Public School System

What is sexual discrimination/harassment?

Sexual harassment discrimination includes discrimination sexual harassment, sexual assault, and sexual violence Sexual harassment and is characterized as unwelcome conduct of a sexual nature that interferes with a student's ability to learn, study, work or achieve or participate in school activities or with an employee's/ third party's term, condition, or privilege of employment/relationship with the school system. sexual discrimination can be committed by a student, employee, or third party.

Sexual harassment is unwelcome behavior of a sexual nature. Examples of sexual harassment include, but are not limited to: offensive language verbally or in writing, including electronic formats; visual harassment such as derogatory posters, photography or cartoons, drawings, clothing or gestures; unwelcome sexual advances; spreading rumors about or evaluating someone for their sexual behavior; taunting or ridiculing someone because of perceived or sexual orientation; or pressuring someone for sexual activity.

- When the unwelcome conduct interferes with a student's ability to learn, study, work, achieve or participate in school activities;
- When the unwelcome conduct interferes with an employee's/third party's term, condition, or privilege of employment/relationship with the school system.
- When the unwelcome conduct by a student, employee or third party has the effect of substantially interfering with an individual's work or educational performance or creates an intimidating, hostile, or offensive environment.

Examples of behavior that may be considered sexual harassment

- Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats
- Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures
- Offensive touching

- Unwelcome sexual advances
- Unwelcome sexual contact
- Spreading rumors about or evaluating someone for their sexual behavior
- Taunting or ridiculing someone because of perceived or actual sexual orientation
- Pressuring someone for sexual activity

Sexual assault is unwanted sexual contact or threat. Examples of sexual assault include, but are not limited to, unwanted touching to a person's body in a sexual way without the person's consent such as patting, pinching or blocking a person's physical movement or engaging in unwelcome sexual contact.

Sexual violence is any type of contact that occurs without the explicit consent of the recipient such as fondling, forced sexual intercourse, sexual battery, rape, molestation or incest.

What should I do if I believe I am a victim of sexual discrimination? being sexually harassed?

Whenever possible, tell the harasser to stop.

A student who believes that he or she has been sexually harassed, sexually assaulted or a victim of sexual violence should report sexual harassment promptly to a teacher, school counselor, school-based administrator, or the Title IX Coordinator. Such reports may be made orally or in writing. Students are encouraged to use the Bullying, Cyberbullying, Harassment, or Intimidation Reporting Form.

An employee or third party who believes that he or she has been sexually harassed should report such conduct promptly to their supervisor or Title IX Coordinator. Use of the Sexual Discrimination/Harassment Complaint Form is encouraged.

Support and assistance will be provided through available resources to the victim of sexual discrimination.

Sexual harassment is unwelcome conduct of a sexual nature; it can be committed by a student, employee, or third party.

What are my responsibilities and rights related to sexual discrimination/harassment ?

Students have a right to participate in all school and school-sponsored activities in

an atmosphere free from sexual **discrimination**. Students have a responsibility not to engage in sexual behaviors that are unwelcome or offensive to others.

Employees have the right to work in an atmosphere free from sexual **discrimination harassment**. Employees and third parties share responsibility for the health, safety and general welfare of students; for contributing to a school environment free from sexual **discrimination harassment**; and for maintaining appropriate relationships with students.

Students, staff and third parties are legally protected against sexual harassment by Title IX of the Education Amendments of 1972 and 1975 and Title VII of the Civil Rights Act of 1964. Federal law prohibits schools from discrimination on the basis of sex. Sexual assault and abuse are also covered under the Criminal Code of Maryland.

What are the consequences if it is determined that I have sexually **discriminated/ harassed another individual?**

Disciplinary action against a student, if warranted, will be administered in accordance with the Student Code of Conduct and Policy 9200, 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.

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.

An employee who violates this policy may, as a condition of continued employment, be required to participate in counseling and/or other interventions designed to assist in the recognition and correction of unwelcome sexual conduct.

Am I being harassed? Am I harassing someone?

Ask yourself the following questions:

- Is the behavior of a sexual nature?
- Is the behavior unwelcome by anyone involved?
- Does the behavior make you or any other person feel uncomfortable?
- Does the behavior interfere with anyone's ability to learn or work in the school or office environment or at school-related activities?

- Is the behavior part of a pattern of repeated behavior?
- Would you want this behavior directed toward a friend or member of your family?

Howard County Public School System's Policy Statement on Sexual Harassment

The Board of Education of Howard County is committed to providing an educational and work environment that is free from sexual discrimination harassment. To that end, the Board of Education prohibits discrimination on the basis of sex in its educational program, co-curricular and extra-curricular activities, and in the workplace, as required by law.

Employees and third parties share responsibility for the health, safety and general welfare of students; for contributing to a school environment free from sexual harassment discrimination; and for maintaining appropriate relationships with students. Employees, students, and third parties may be subject to disciplinary action or consequences for inappropriate behavior of a sexual nature, even when the behavior does not rise to the level of sexual harassment discrimination as defined by prevailing federal and state laws.

Ignoring sexual harassment is not an effective way to stop it.

Any student, employee or third party with a complaint of sexual discrimination harassment is encouraged to report the incident **informally**, orally, in writing, or on the complaint form. Complaints of sexual discrimination harassment will be confidentially investigated to the extent possible and promptly resolved.

Remember that while the majority of reported incidents of sexual discrimination harassment involve a male harassing a female, harassment can also involve female to male, male to male or female to female behaviors. Harassment may be student to student, employee to student, student to employee, and employee to employee. The HCPSS policy also prohibits sexually discriminating harassing behaviors by a third party (e.g. visitor, volunteer, temporary employee, contract employee, etc.).

For additional information or assistance, contact:

Office of Equity Assurance/Title IX Coordinator
Howard County Public School System

410-313-6654

Howard County Human Rights Commission
410-313-6430

Maryland State Department of Education
Equity Assurance and Compliance Office
1-410-767-0426

Office for Civil Rights U.S. Department of Education 100 Penn Square East
Philadelphia PA 19107-3323

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Howard County Public School System's Policy Statement on Sexual Harassment

The Board of Education of Howard County is committed to providing an educational and work environment that is free from sexual harassment. To that end, the Board of Education prohibits discrimination on the basis of sex in its educational program, co-curricular and extra-curricular activities, and in the workplace, as required by law.

Employees and third parties share responsibility for the health, safety and general welfare of students; for contributing to a school environment free from sexual harassment; and for maintaining appropriate relationships with students. Employees, students, and third parties may be subject to disciplinary action or consequences for inappropriate behavior of a sexual nature, even when the behavior does not rise to the level of sexual harassment as defined by prevailing federal and state laws.

Ignoring sexual harassment is not an effective way to stop it.

Any student, employee or third party with a complaint of sexual harassment is encouraged to report the incident orally, in writing, or on the complaint form. Complaints of sexual harassment will be confidentially investigated to the extent possible and promptly resolved.

Remember that while the majority of reported incidents of sexual harassment involve a male harassing a female, harassment can also involve female to male, male to male or female to female behaviors. Harassment may be student to student, employee to student, student to employee, and employee to employee. The HCPSS policy also prohibits sexually harassing behaviors by a third party (e.g. visitor, volunteer, temporary employee, contract employee, etc.).

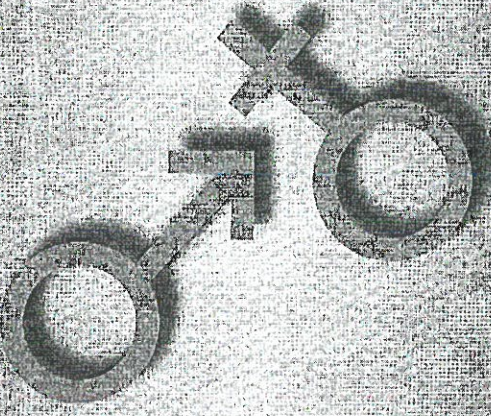
For additional information or assistance, contact:

Office of Equity Assurance/Title IX Coordinator
Howard County Public School System
410-313-6654

Howard County Human Rights Commission
410-313-6430

Maryland State Department of Education
Equity Assurance and Compliance Office
1-410-767-0426

Sexual Harassment



Howard County
Public School System



10910 Clarksville Pike • Ellicott City, MD 21042
410-313-6600 • www.hcpss.org

IFAS # 39502269

0EA 10.14

The Howard County Public School System does not discriminate on the basis of race, color, creed, national origin, religion, physical or mental disability, age, gender, marital status, or sexual orientation in matters affecting employment or in providing access to programs. Inquiries concerning the application of Title IX should be referred to: Title IX Coordinator, Office of Equity Assurance, Howard County Public School System at 10910 Clarksville Pike, Ellicott City, MD, 21042, 410-313-6654.

What is sexual harassment?

Sexual harassment includes sex discrimination, sexual assault, and sexual violence. Sexual harassment is unwelcome conduct of a sexual nature; it can be committed by a student, employee, or third party. Sexual harassment can take place under any of the following circumstances:

- When the unwelcome conduct interferes with a student's ability to learn, study, work, achieve or participate in school activities;
- When the unwelcome conduct interferes with an employee's third party's term, condition, or privilege of employment/relationship with the school system.
- When the unwelcome conduct by a student, employee or third party has the effect of substantially interfering with an individual's work or educational performance or creates an intimidating, hostile, or offensive environment.

What are some examples of behavior that may be considered sexual harassment?

- Offensive language (epithets, dirty jokes, derogatory comments, or slurs of a sexual nature) communicated verbally or in writing, including electronic formats
- Visual harassment such as derogatory posters, photography, cartoons, drawings, clothing or gestures
- Offensive touching, including inappropriate patting or pinching, or impeding or blocking a person's physical movement
- Making unwelcome sexual advances
- Engaging in unwelcome sexual contact
- Spreading rumors about or evaluating someone for their sexual behavior
- Taunting or ridiculing someone because of perceived or actual sexual orientation
- Pressuring someone for sexual activity

What should I do if I believe I am being sexually harassed?

Whenever possible, tell the harasser to stop.

A student who believes that he or she has been sexually harassed should report sexual harassment promptly to a teacher, school counselor, school-based administrator, or the Title IX Coordinator. Such reports may be made orally or in writing. Students are encouraged to use the Bullying, Cyberbullying, Harassment, or Intimidation Reporting Form.

An employee or third party who believes that he or she has been sexually harassed should report such conduct promptly to their supervisor or Title IX Coordinator. Use of the Sexual Harassment Complaint Form is encouraged.

Support and assistance will be provided through available resources.

Sexual harassment is unwelcome conduct of a sexual nature; it can be committed by a student, employee, or third party.

What are my responsibilities and rights related to sexual harassment?

Students have a right to participate in all school and school-sponsored activities in an atmosphere free from sexual harassment. Students have a responsibility not to engage in sexual behaviors that are unwelcome or offensive to others.

Employees have the right to work in an atmosphere free from sexual harassment. Employees and third parties share responsibility for the health, safety and general welfare of students; for contributing to a school environment free from sexual harassment; and for maintaining appropriate relationships with students.

Students, staff and third parties are legally protected against sexual harassment by Title IX of the Education Amendments of 1972 and 1975 and Title VII of the Civil Rights Act of 1964. Federal law prohibits schools from discrimination on the basis of sex. Sexual assault and abuse are also covered under the Criminal Code of Maryland.

What are the consequences if it is determined that I have sexually harassed another individual?

Disciplinary action against a student, if warranted, will be administered in accordance with the Student Code of Conduct and Policy 9200, 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.

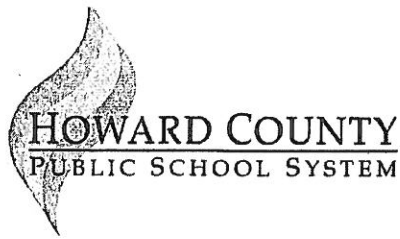
A student who violates this policy may also be required to participate in an appropriate education intervention and/or counseling designated by the school administrator and designed to increase his or her understanding of the offense and its impact on others.

An employee who violates this policy may, as a condition of continued employment, be required to participate in counseling and/or other interventions designed to assist in the recognition and correction of unwelcome sexual conduct.

Am I being harassed? Am I harassing someone?

Ask yourself the following questions:

- Is the behavior of a sexual nature?
- Is the behavior unwelcome by anyone involved?
- Does the behavior make you or any other person feel uncomfortable?
- Does the behavior interfere with anyone's ability to learn or work in the school or office environment or at school-related activities?
- Is the behavior part of a pattern of repeated behavior?
- Would you want this behavior directed toward a friend or member of your family?



SEXUAL Discrimination(Harassment)COMPLAINT FORM
--FORM FOR USE BY EMPLOYEES AND THIRD PARTIES--

The Board of Education of Howard County is committed to providing an educational and work environment that is free from sexual discrimination. Sexual discrimination includes sexual harassment, sexual assault and sexual violence and is characterized as unwelcome conduct of a sexual nature. If you believe you have experienced or witnessed sexual discrimination, complete this form and the matter will be promptly investigated. Return the form to your supervisor or the Title IX Coordinator in the Office of Equity Assurance.

A. Background Information

Name: _____

School/Office: _____ Job Title: _____

(Third Party) Position/Title: _____

Home Address: _____

Home Phone: _____ Cell Phone: _____

Male

Female

B. Person(s) who you allege committed the sexual/discrimination harassment:

Name: _____ Position, Title, or Other Descriptor (e.g. Volunteer): _____

1. _____

2. _____

3. _____

C. Witness(es) to the incident(s):

Name: _____ Position, Title, or Other Descriptor (e.g. Volunteer): _____

1. _____

2. _____

Return completed form to your supervisor or to the Office of Equity Assurance.

Office of Equity Assurance

Phone: 410-313-6654

Fax: 410-740-1645

July 2014

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BULLYING, HARASSMENT OR INTIMIDATION REPORTING FORM

Directions: Bullying, harassment, and intimidation are serious and will not be tolerated. This is a form to report alleged bullying harassment, or intimidation that occurred during the current school year on school property, at a school-sponsored activity or event off school property, on a school bus, on the way to and/or from school, or on the internet-sent on or off school property; or that substantially disrupted the orderly operation of the school. Bullying, harassment and intimidation mean any 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. The conduct must (1) be motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability, or (2) be threatening or seriously intimidating. Electronic communication means communication transmitted by means of electronic device, including a telephone, cellular phone, computer and pager. Sexual discrimination includes sexual harassment, sexual assault and sexual violence and is characterized as unwelcome conduct of a sexual nature that interferes with a student's ability to learn. Conduct that is of a sexual nature is the most commonly reported form of sexual harassment. This term is generally thought to mean actions, language or visual materials which specifically refer to, portray or involve sexual activity or language. Conduct of a sexual nature may include overt sexual solicitations, inappropriate touching, sexual jokes and inquiries about a person's sex life. Sexual harassment is the broader term that encompasses conducts of a sexual nature such as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature. Sexual harassment also includes acts that are not overtly sexual but rather are directed at individuals based on their gender such as profanity or rude behavior that is gender-specific.

If you are a student, the parent/guardian of a student, a close adult relative of a student, or a school staff member and wish to report an incident of alleged bullying harassment, or intimidation, complete this form and return it to the Principal at the student victim's school. You may contact the school for additional information or assistance at any time.

(PLEASE PRINT ALL INFORMATION)

Today's date: _____ / _____ / _____ School: _____
Month Day Year
 School System: _____

PERSON REPORTING INCIDENT Name: _____
 Telephone: _____ E-mail: _____
 Place an X in the appropriate box: Student Parent/guardian of a student Close adult relative of a student School Staff
 Bystander

1. Name of student victim(s): _____ Age: _____ School _____
 _____ Age: _____ School _____
 _____ Age: _____ School _____

2. Name of alleged witness(es) (if known):
 _____ Age: _____ School _____
 _____ Age: _____ School _____
 _____ Age: _____ School _____

3. Name(s) of alleged offender(s) (if known): Age School Is he/she a student?
 _____ _____ _____ Yes No
 _____ _____ _____ Yes No
 _____ _____ _____ Yes No

4. On what date(s) did the incident happen?:

____ / ____ / ____ ____ / ____ / ____ ____ / ____ / ____
Month Day Year Month Day Year Month Day Year

5. Place an X next to the statement(s) that best describes what happened (choose all that apply):

- Any bullying, harassment, or intimidation that involves physical aggression
- Getting another person to hit or harm the student
- Teasing, name-calling, making critical remarks, or threatening, in person or by other means
- Demeaning and making the victim of jokes
- Making rude and/or threatening gestures
- Excluding or rejecting the student
- Intimidating (bullying), extorting, or exploiting
- Spreading harmful rumors or gossip
- Related to the student's disability
- Related to the student's perceived sexual orientation
- Cyber bullying (e.g. social media including Facebook, Twitter, Vine, Instagram, etc.)
- Electronic communication (e.g. email, text, sexting, etc.) _____
- Gang related
- Gang recruitment
- Human trafficking/Prostitution recruitment
- Racial Harassment
- Sexual Discrimination (Harassment)
- Sexual in nature
- Other (specify) _____

6. Where did the incident happen (choose all that apply)?

- On school property
- At a school-sponsored activity or event off school property
- On a school bus
- On the way to/from school*
- Via internet- sent on or off school property

*Will be collected unless specifically excluded by local board policy

7. Describe the incident(s), including what the alleged offender(s) said or did. _____

(Attach a separate sheet if necessary)

8. Why did the bullying, harassment or intimidation occur? _____

(Attach a separate sheet if necessary)

9. Did a physical injury result from this incident? Place an X next to one of the following:

- No
- Yes, but it did not require medical attention
- Yes, and it required medical attention

10. If there was a physical injury, do you think there will be permanent effects? Yes No

11. Was the student victim absent from school as a result of the incident? Yes No
If yes, how many days was the student victim absent from school as a result of the incident? _____

12. Did a psychological injury result from this incident? Place an X next to one of the following:

- No
- Yes, but psychological services have not been sought
- Yes, and psychological services have been sought

13. Is there any additional information you would like to provide? _____

(Attach a separate sheet if necessary)

Signature: _____ Date: _____

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Description of each activity

Training for HCPSS Title IX Coordinator and identified school system personnel. Participated in a webinar titled, *School Discipline Guidance and Title IX* presented with support from the U.S. Department of Education, Office for Civil Rights.

Names and titles of the individuals who organized the activity(ies)

Becky Salerno, Title IX Coordinator
Frank Eastham, Executive Director, School Administration
Eric Minus, Middle Director, School Administration
Dave Bruzga, High Director, School Administration
Ebony Langford-Brown, Elementary Director, School Administration

Information and documentation regarding who was invited to attend the activity(ies)

Copies of any materials used to publicize the activity(ies)

Copies of any materials distributed at the activity(ies)

Attachment - Overview of OCR and DOJ
How the Discipline Guidance Interacts with Title IX
Positive and Behavior Intervention Strategies
The Role of Title IX Coordinators

Estimate of the number of people who attended the activity(ies)

5

**Overview of OCR and DOJ Title IV and
Title VI Dear Colleague Letter on the
Nondiscriminatory Administration of
Student Discipline and the Importance
of the Title IX Coordinator**

School Discipline Guidance and Title IX Webinar

Tuesday, April 1, 2014

3:00pm to 4:00pm EDT

OCR Mission & Activities

- **Mission:** to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
- **Activities:**
 - Complaint investigations
 - Compliance reviews
 - Policy guidance
 - Technical assistance



Laws Enforced by OCR

- OCR enforces federal civil rights laws that prohibit discrimination on the basis of:

Race, color, national origin	Title VI of the Civil Rights Act of 1964
Sex	Title IX of the Education Amendments of 1972
Disability	Section 504 of the Rehabilitation Act of 1973 Title II of the Americans with Disabilities Act of 1990
Age	The Age Discrimination Act of 1975
Patriotic youth group status	Boy Scouts of America Equal Access Act

Purpose of the OCR and DOJ Joint DCL

Nondiscriminatory Administration of Student Discipline



U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights

January 8, 2014

Dear Colleague:

The U.S. Department of Education and the U.S. Department of Justice (Departments) are issuing this guidance to assist public elementary and secondary schools in meeting their obligations under Federal law to administer student discipline without discriminating on the basis of race, color, or national origin. The Departments recognize the commitment and effort of educators across the United States to provide their students with an excellent education. The Departments believe that guidance on how to identify, avoid, and remedy discriminatory discipline will assist schools in providing all students with equal educational opportunities.¹

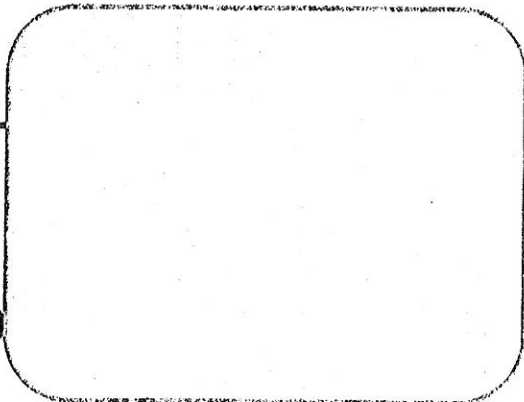
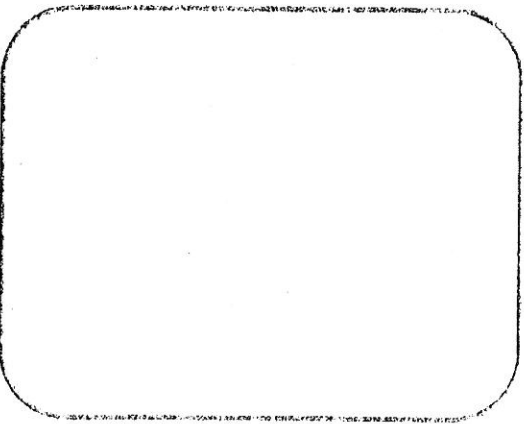
The Departments strongly support schools in their efforts to create and maintain safe and orderly educational environments that allow our nation's students to learn and thrive. Many schools have adopted comprehensive, appropriate, and effective programs demonstrated to: (1) reduce discipline and misconduct; (2) support and reinforce positive behavior and character development; and (3) help students succeed. Successful programs may incorporate a wide range of strategies to reduce misbehavior and maintain a safe learning environment, including conflict resolution, restorative practices, counseling, and concerted systems of positive interventions. The Departments recognize that schools may use disciplinary measures as part of a program to promote safe and orderly educational environments.

¹ The Departments have determined that this Dear Colleague Letter is a "significant government document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 71 Fed. Reg. 34322 (Oct. 21, 2007), available at <http://www.regulations.gov>; <http://www.federalregister.gov>; 2007-03-07. This and other public guidance is issued to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and Department of Justice policies. The Departments' legal authority is based on those laws. The guidance does not create any new legal obligations. The Departments are not responsible for the content of any comments on this guidance, please send any comments to OCR@dcl.gov, or visit the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20002.

- Assist schools in meeting their obligations under federal law to administer student discipline without discriminating on the basis of race, color or national origin.
- Assist schools in providing all students with equal educational opportunities through guidance on how to identify, avoid, and remedy discriminatory discipline.

Purpose of the DCL

- Explain OCR's Title VI and DOJ's Title IV and Title VI investigative process, including...



Investigation Under Title IV or Title VI
Violations: examples of remedies designed to provide individual relief to students and prescriptive remedies for the identified violation that are necessary to ensure the school's future adherence to the requirements of Titles IV and VI

Purpose of the DCL

- Provide examples of school discipline policies and practices that may violate civil rights laws.
- Provide an overview of racial disparities in the administration of school discipline as evidenced by the Civil Rights Data Collection and OCR and DOJ investigations.

Purpose of the DCL

- Equip school officials with an array of tools to support positive student behavior - thereby providing a range of options to prevent and address misconduct - that will both promote safety and avoid the use of discipline policies that are discriminatory or inappropriate.

Titles IV & VI and School Discipline

What activities are covered?

Students are protected from discrimination on the basis of race in all academic, educational, extracurricular, athletic and other school activities and programs.

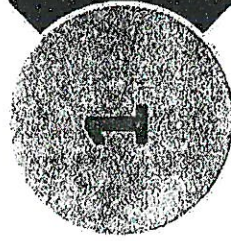
Titles IV & VI and School Discipline

Whose conduct is covered?

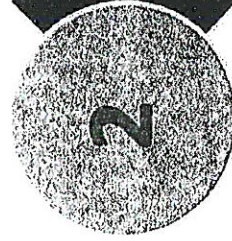
Titles IV & VI prohibits discriminatory discipline by school officials *and everyone school officials exercise some control over*, such as school resource officers, school district police officers and security guards.

How Do the Departments Analyze a Complaint of Race Discrimination in Student Discipline?

Two Legal Approaches under Title VI



**Different
Treatment**

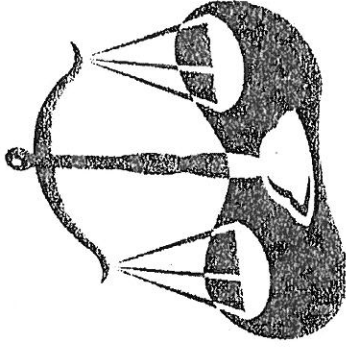


**Disparate
Impact**

Different Treatment

34 C.F.R. § 100.3 (b)(1)(i), (ii), and (v)

- **Legal Standard:** A student is subjected to “different treatment” if a school disciplines students differently based on race.



Different Treatment

34 C.F.R. § 100.3 (b)(1)(i), (ii), and (v)

- Some Possible Fact Patterns
 - Different discipline of **similarly situated students**
 - **Selective enforcement** of a facially neutral policy against students of a single race
 - Adoption of a facially neutral policy with an **intent to target** students of a particular race for invidious reasons
 - Disciplinary action taken with **racially discriminatory intent**

Different Treatment

34 C.F.R. § 100.3 (b)(1)(i), (ii), and (v)

- The Departments do not limit review to one type of analysis.
- OCR and DOJ may find that intentional discrimination has taken place based on:
 - **Direct evidence** of racially discriminatory intent
 - **Circumstantial evidence** of racially discriminatory intent (three step analysis)

Different Treatment

Direct Evidence of Racially Discriminatory Intent

Examples of Direct Evidence of Discriminatory Intent

- A policy *explicitly* requires students of one race be disciplined differently than students of another race.
- Remarks, testimony, or admissions by school officials reveal racially discriminatory motives.

Different Treatment

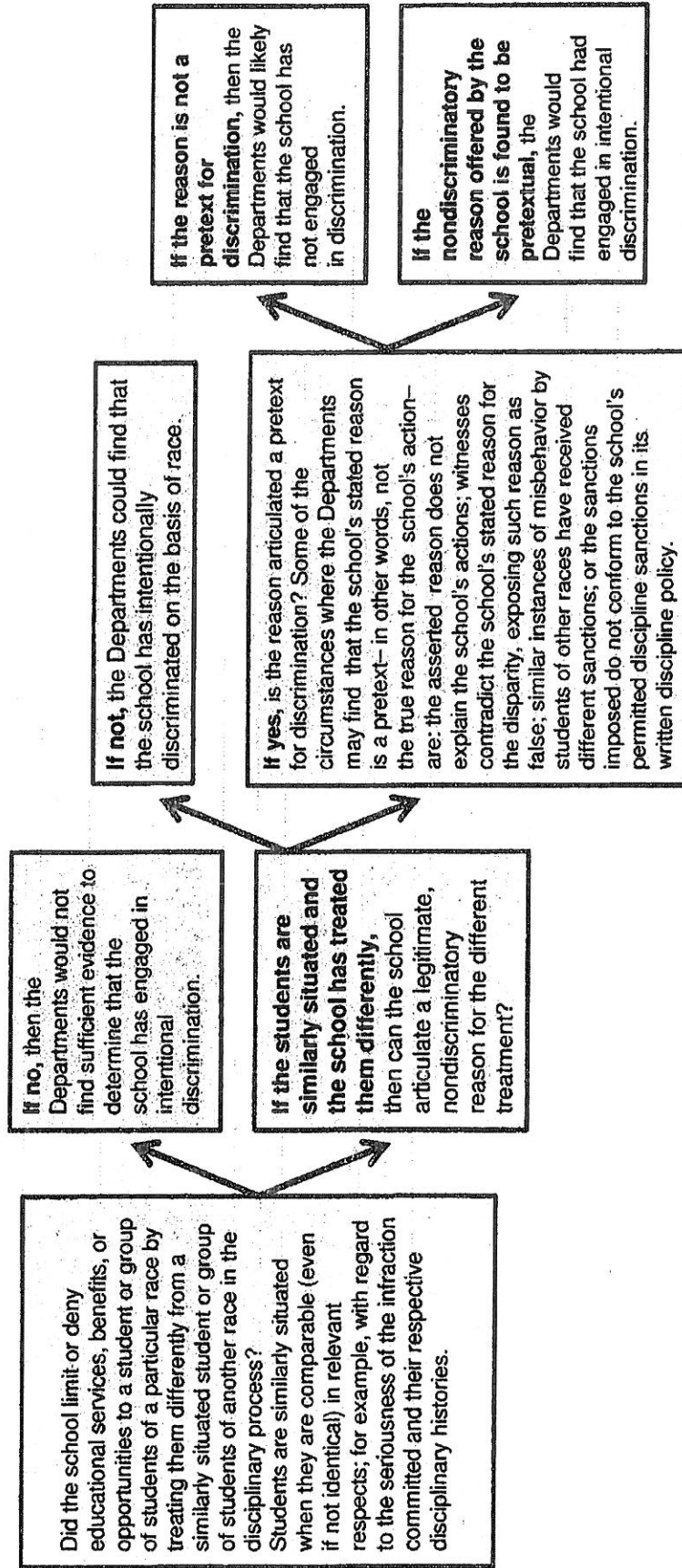
Circumstantial Evidence: Three step analysis

Circumstantial evidence of racially discriminatory intent allows the Department to infer discriminatory intent from all circumstances, such as facts surrounding a student's action and the discipline imposed.

Circumstantial evidence may include, but is not limited to:

- whether impact of a disciplinary policy or practice weighs more heavily on students of one race
- whether there is a history of discriminatory conduct toward members of a student's race

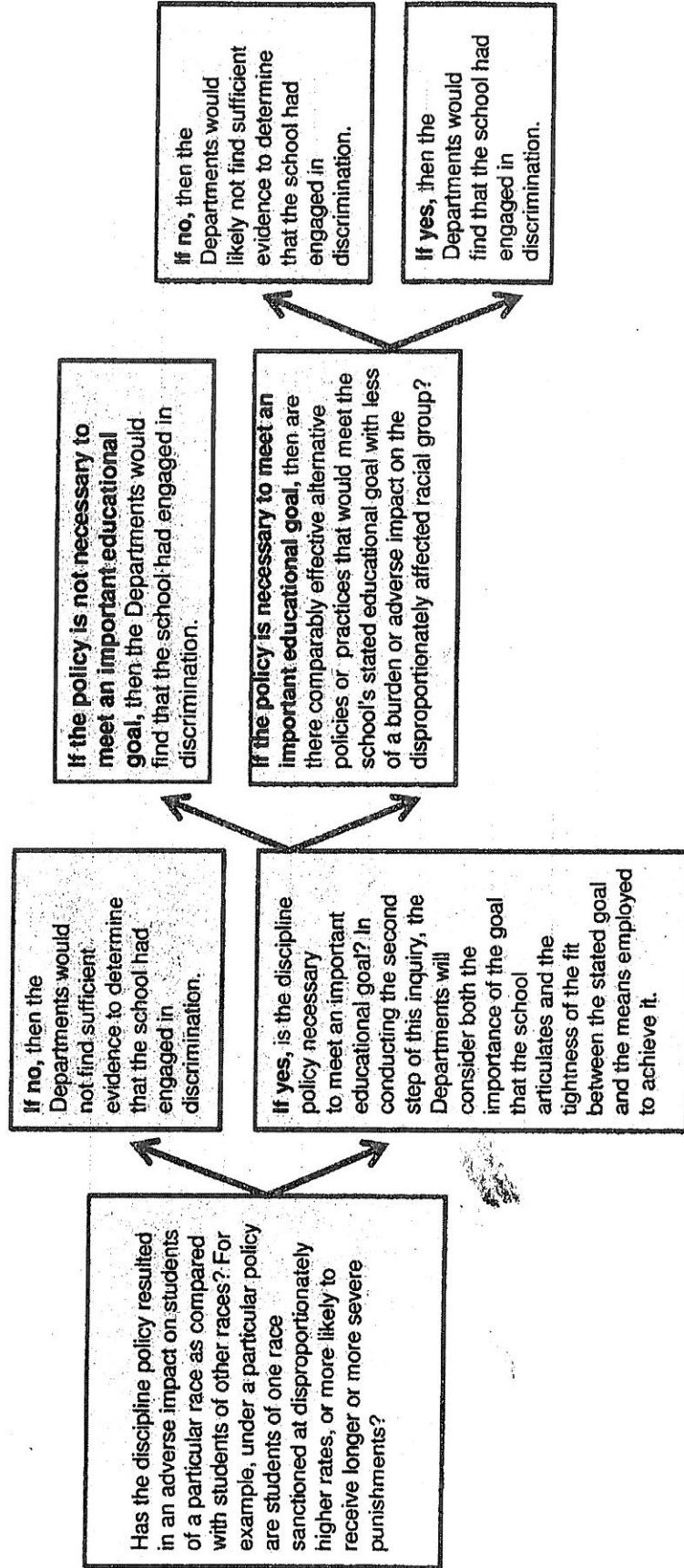
Different Treatment Flowchart



Disparate Impact

- A school violates federal law under disparate impact if the school implements facially neutral policies and practices that have an unjustified effect of discriminating on the basis of race.
- The Departments use a three-step analysis to determine whether a facially neutral policy has an unlawful disparate impact on the basis of race.

Disparate Impact Flowchart



Investigation

What Information Is Considered?

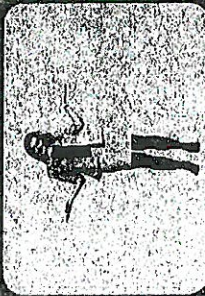
- The Departments may consider:
 - Written and unwritten disciplinary policies
 - Discipline incident reports
 - Student discipline records
 - School discipline data
 - Interviews with students, parents, and school personnel
- The Departments will also carefully examine:
 - A school's definitions of misconduct, to ensure they are clear and nondiscriminatory
 - Whether a school has safeguards to ensure that disciplinary discretion is exercised in a nondiscriminatory manner

How the Discipline Guidance Interacts with Title IX

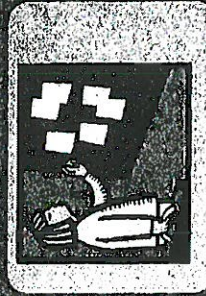
School Discipline Guidance and Title IX Webinar

**Tuesday, April 1, 2014
3:00pm to 4:00pm EDT**


What are the Key Administrative Requirements of Title IX ?



Designation of Coordinators



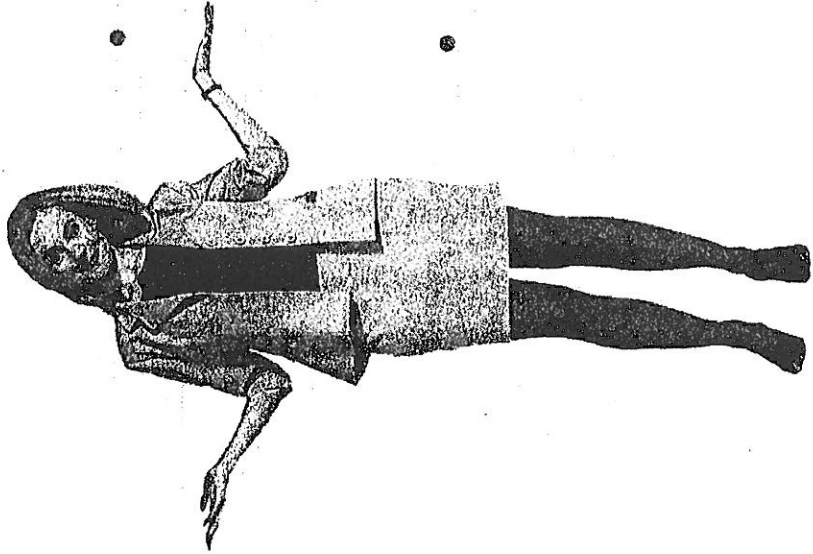
Notice of Nondiscrimination



Grievance Procedures

DESIGNATION OF COORDINATOR

34 C.F.R. § 106.8(a)

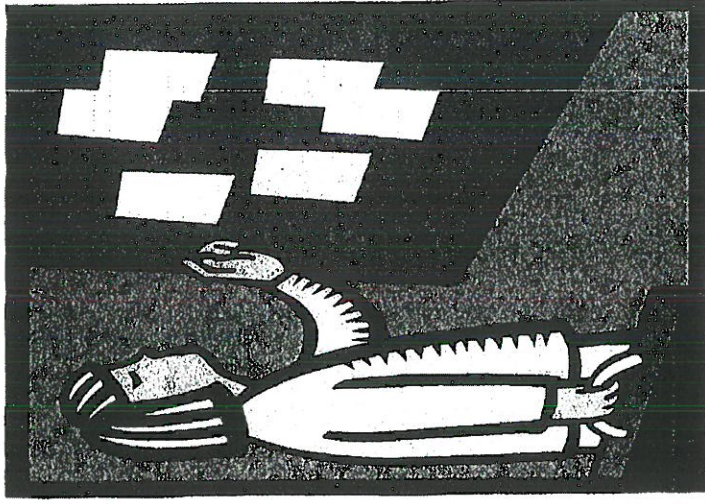


- Recipients must designate at least one employee to coordinate compliance with Title IX, including investigations of complaints alleging sex discrimination.
- Recipients must also notify all students and employees of the name, office address, and telephone number of the Title IX coordinator(s).

NOTICE OF NONDISCRIMINATION

34 C.F.R. § 106.9(b)

- All recipients must prominently include a statement of nondiscrimination policy in each
 - announcement,
 - bulletin,
 - catalog, or
 - application form
- made available to any of those persons or otherwise used in connection with the recruitment of students or employees.



GRIEVANCE PROCEDURES

34 C.F.R. § 106.8(b)



- All recipients must adopt and publish grievance procedures providing for *prompt and equitable* resolution of complaints alleging sex discrimination.
- Students and employees must be able to file complaints under the grievance procedures.

“Prompt and Equitable”

1. The recipient must provide notice of the procedures—including where complaints may be filed—to students, parents of elementary and secondary school students, and employees.
2. The procedures must apply to complaints alleging discrimination carried out by employees, other students, or third parties.

“Prompt and Equitable”

3. The procedures must provide an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence.
4. The procedures must designate reasonably prompt time frames for the major stages of the complaint process.

“Prompt and Equitable”

5. The recipient must provide written notice to the parties of the outcome of the complaint.
6. The recipient must also provide assurance that the school will take steps to prevent the recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.

Voluntary Informal Mechanisms

- Grievance procedures generally may include voluntary informal mechanisms (e.g., mediation) for resolving some types of complaints if the parties agree to do so.
- The complainant must be notified of the right to end the informal process and begin the formal stage at any time.
- In cases involving allegations of sexual assault, mediation is not appropriate, even on a voluntary basis.

Clarifications

- The procedures need not have a particular name (e.g., “Title IX Grievance Procedures”).
- Recipients need not have a separate grievance procedure for each regulation or a separate procedure for sexual harassment.
- Recipients with multiple grievance procedures must make clear when each should be used

Sexual Harassment & Discipline

- If a school knows or reasonably should know of sexual harassment that creates a hostile environment, it must take prompt and effective steps to:
 - end the harassment,
 - eliminate any hostile environment, and
 - prevent the harassment from recurring.
- While disciplining a perpetrator is likely a necessary step, it often is insufficient.

Additional OCR Resources

- **The Discipline Dear Colleague Letter and other OCR documents are available in OCR's Reading Room at www.ed.gov/ocr/publications.html**
- **The Civil Rights Data Collection (CRDC) is available at ocrdata.ed.gov/**

Positive and Behavior Intervention Strategies

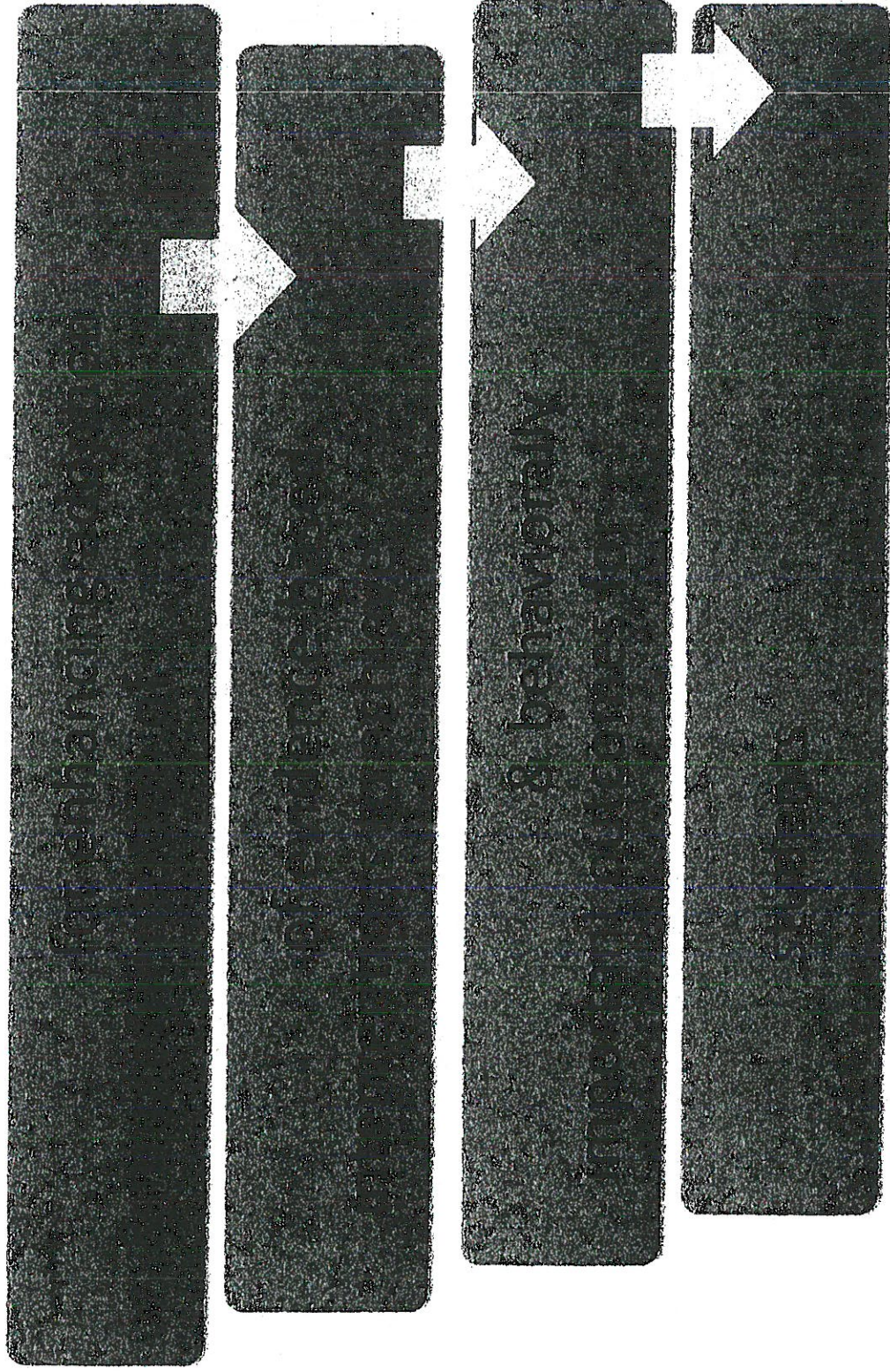
School Discipline Guidance and Title IX
Webinar

Tuesday, April 1, 2014

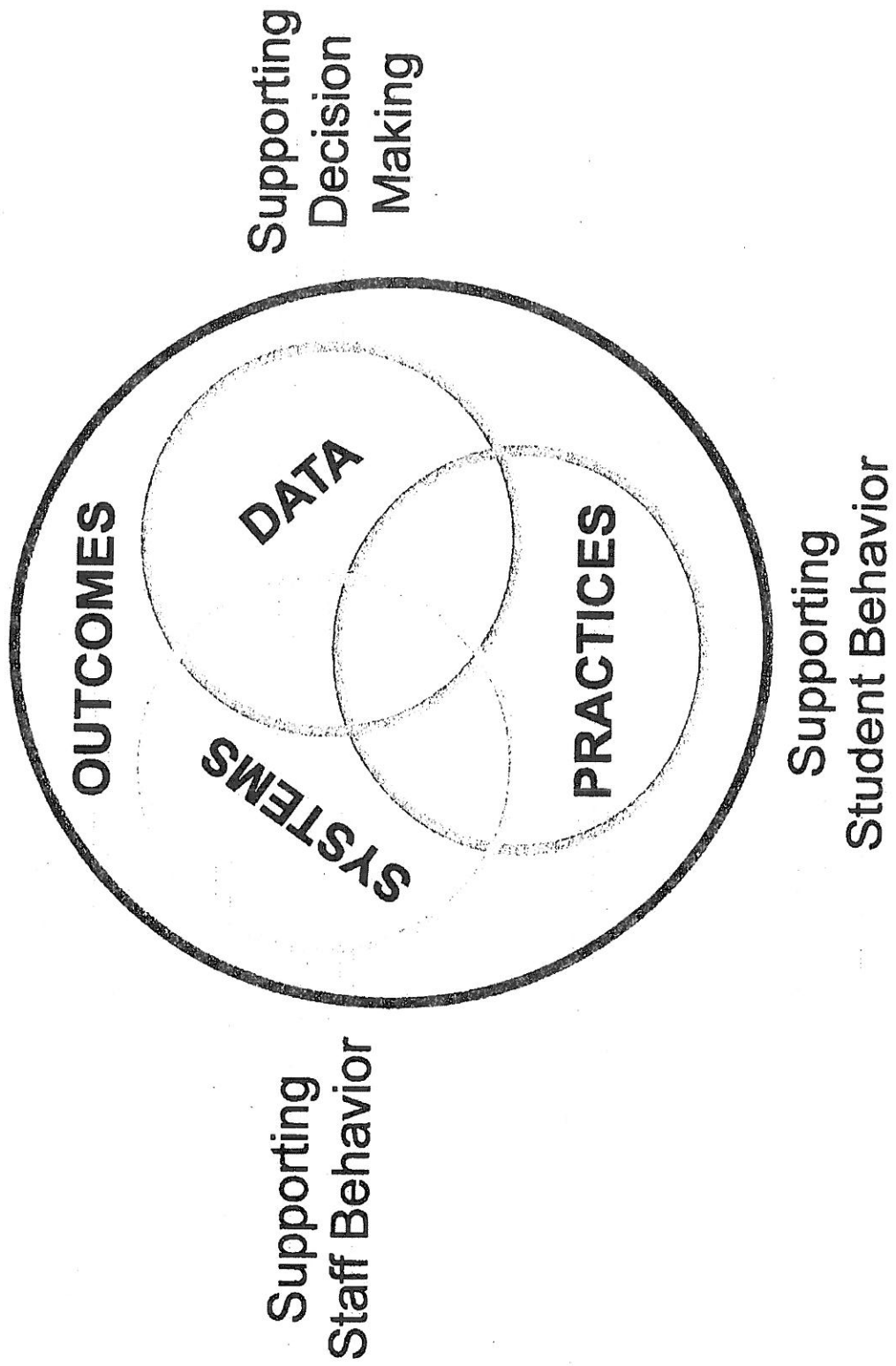
3:00pm to 4:00pm EDT

PBIS is

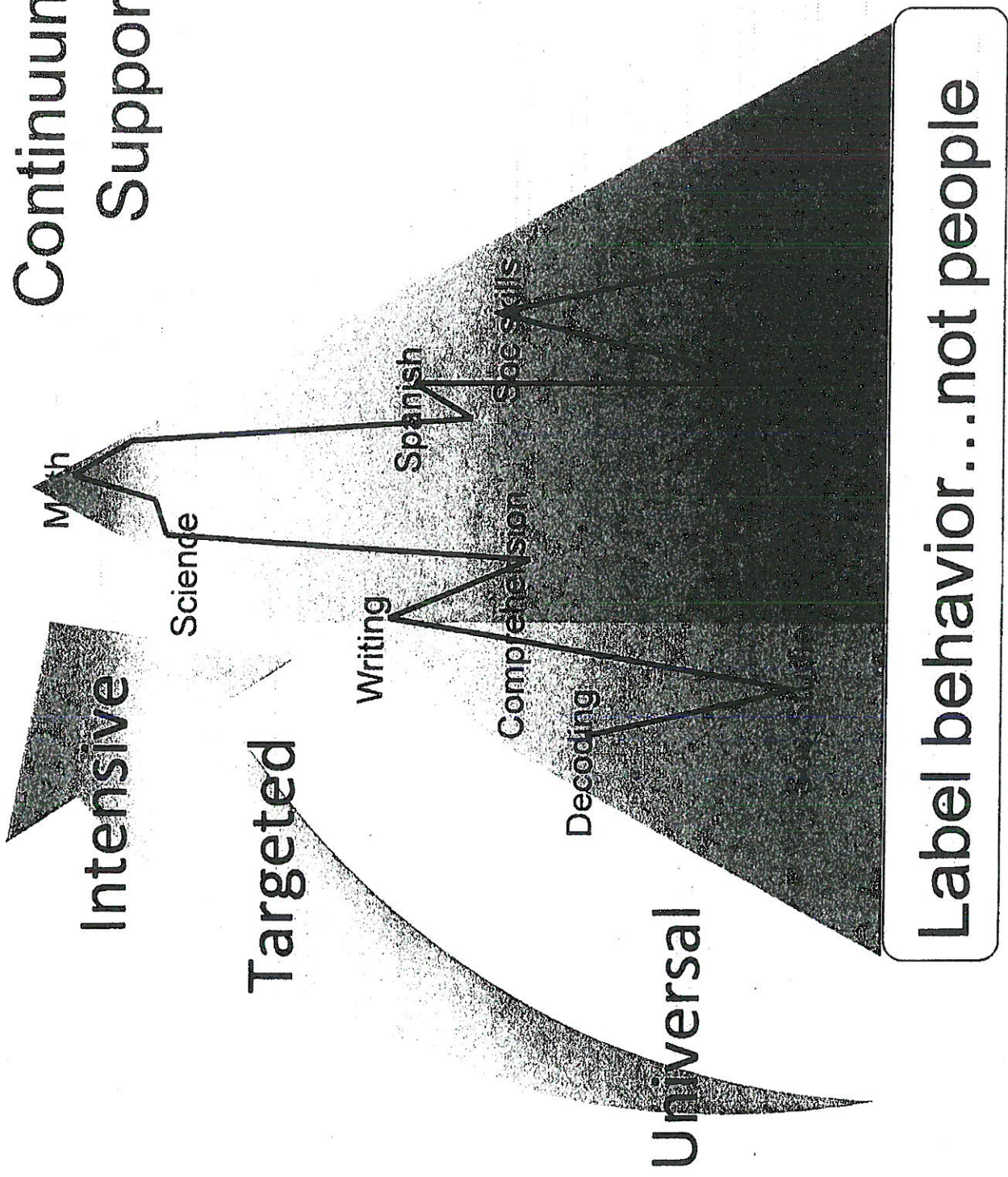
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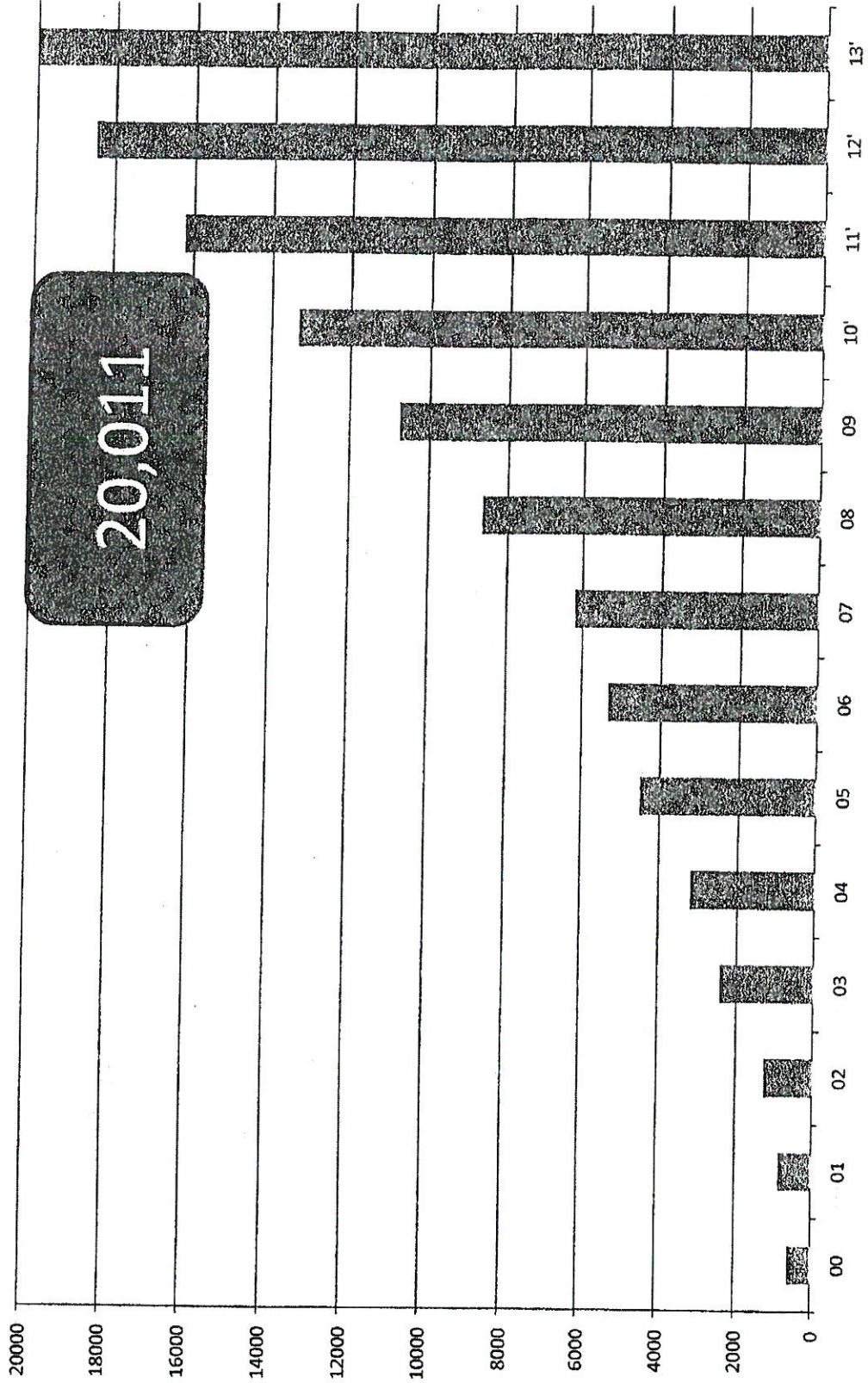
Supporting Social Competence & Academic Achievement



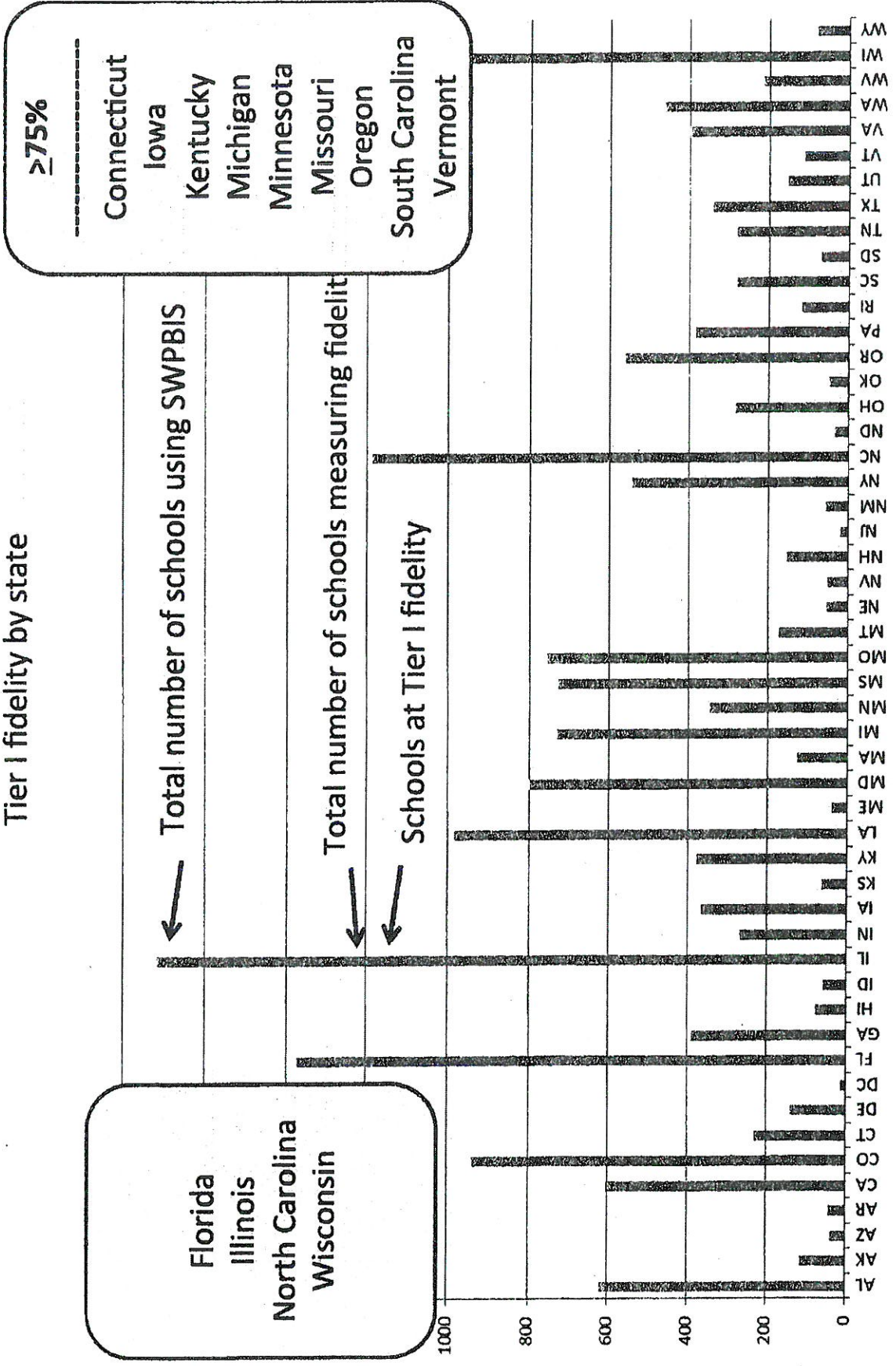
Continuum of Support



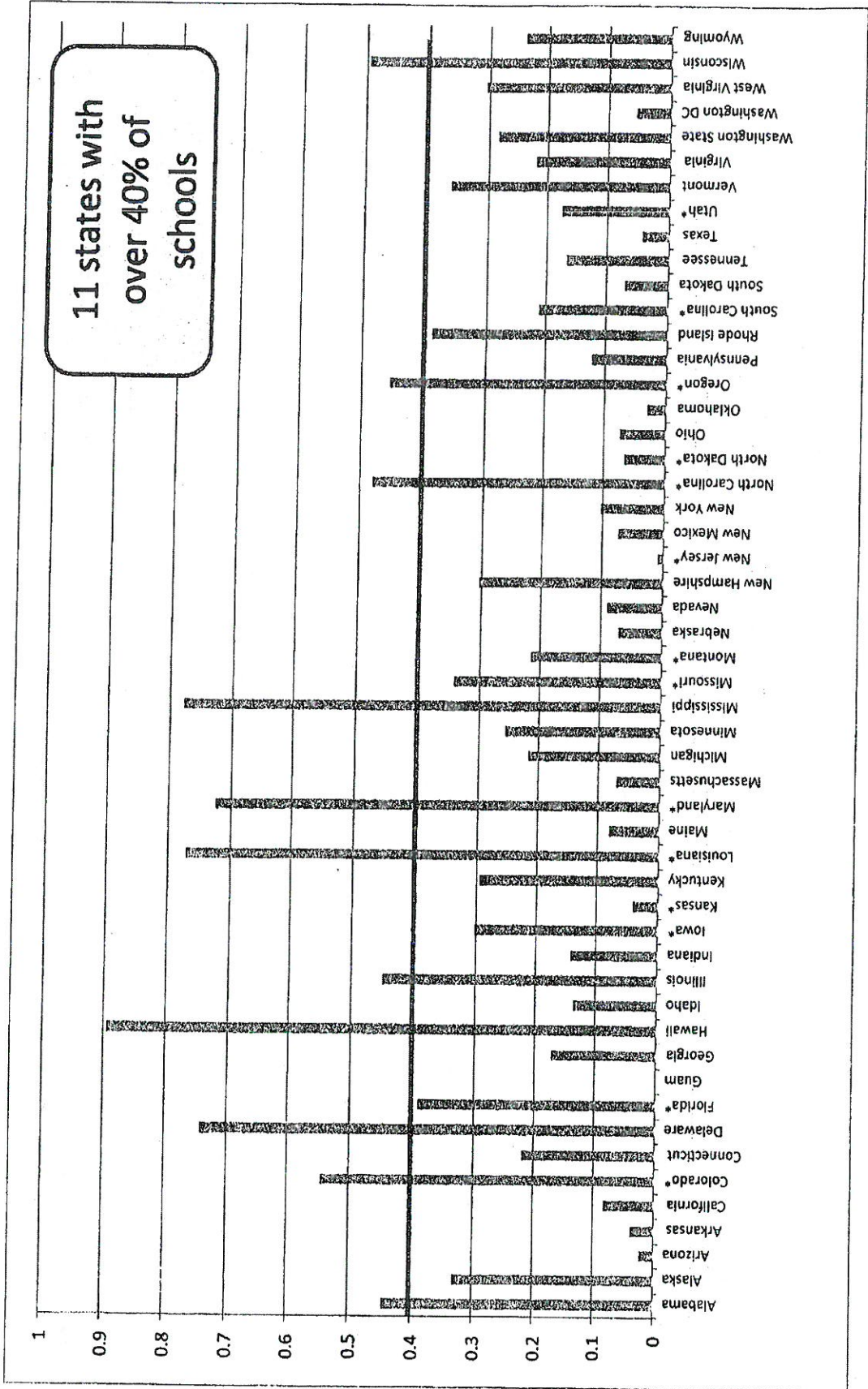
Number of Schools Implementing SWPBIS with OSEP Support Since 2000 December, 2013



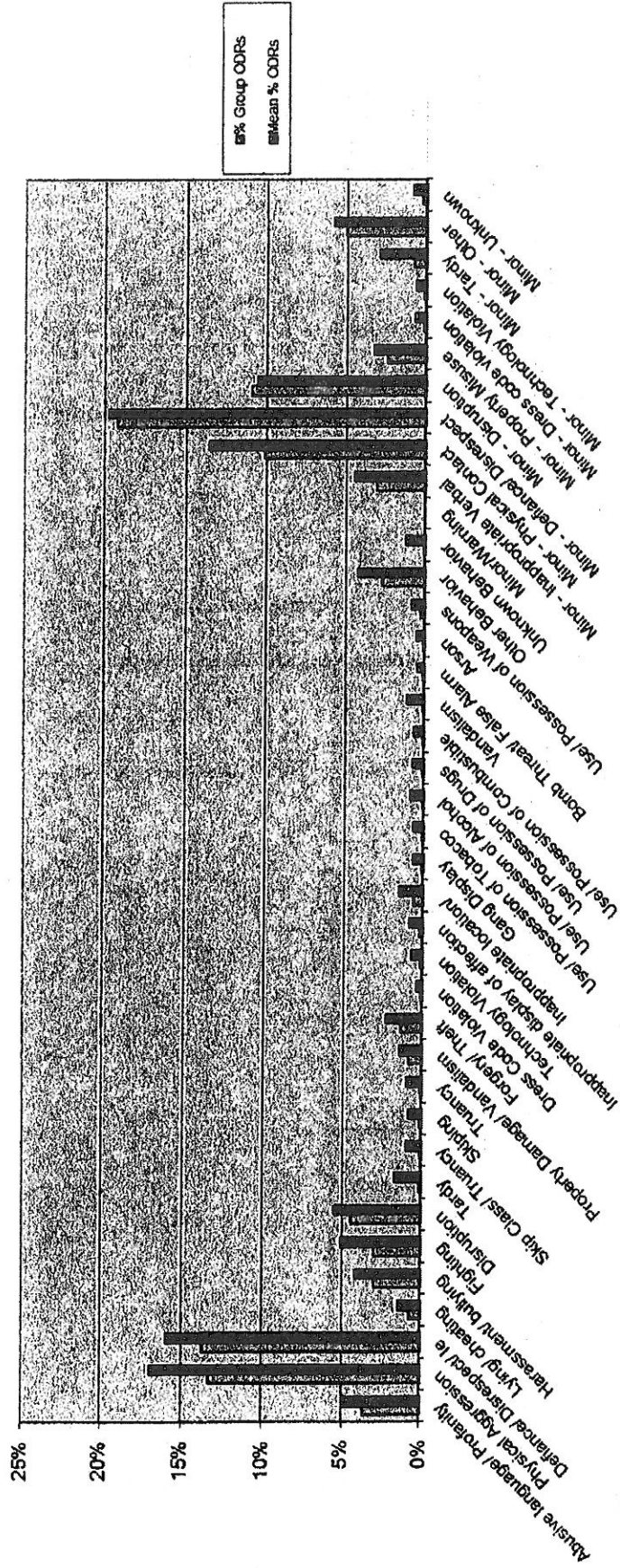
Number of PBIS schools (Green) Implementing, (Red) measuring fidelity and (Blue) at Tier I fidelity by state



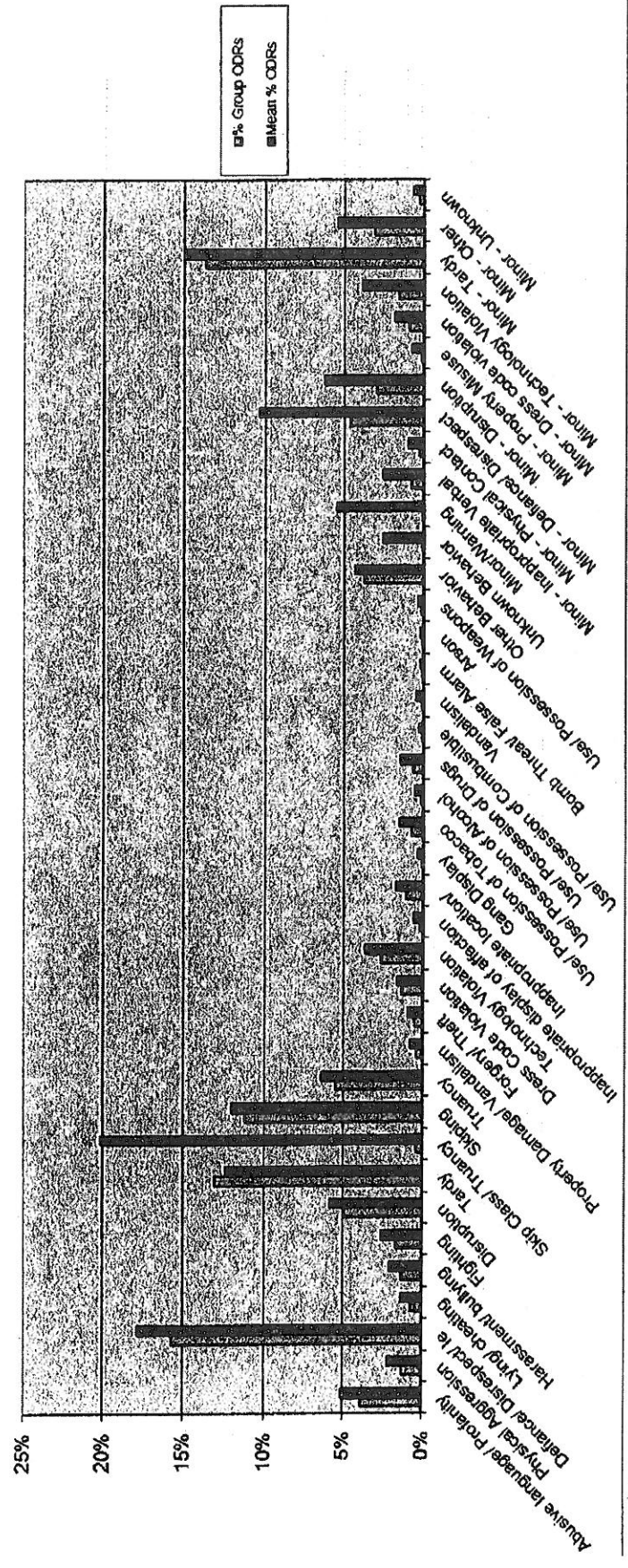
Proportion of Schools Implementing SWPBIS by State December, 2013



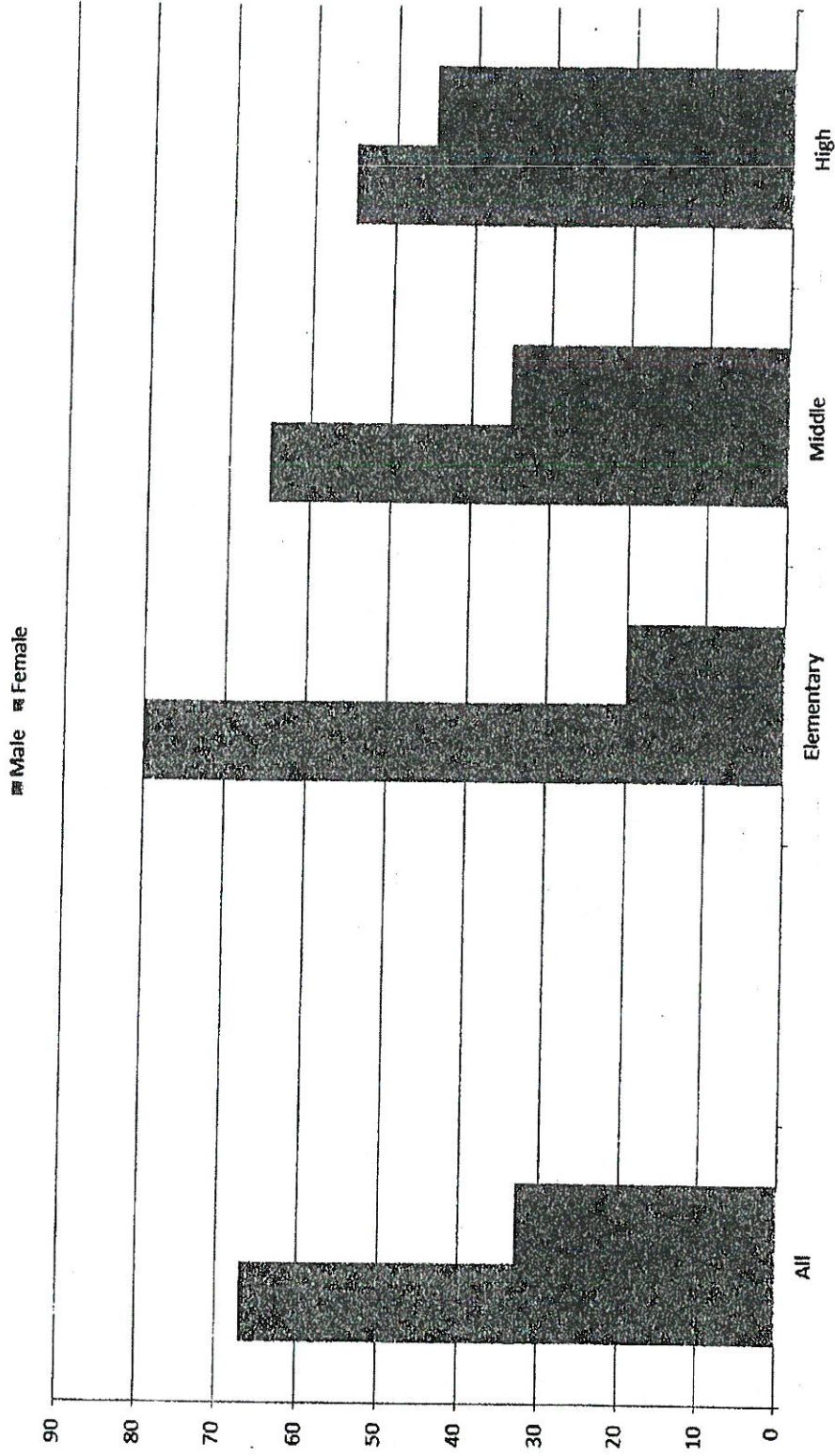
10.2 - Problem Behavior: Elementary



10.4 - Problem Behavior: High



Proportion of Office Discipline Referrals by Gender 2012-13 (N = 5,321 Schools)



Group Cost Benefit

Office Referral Reduction Across

12 PBIS schools= **5,606**

If one Office Referral=15 minutes of administrator time, then $5,606 \times 15 =$

84,090 minutes

1401.15 hours or

233 days

of administrator time recovered and reinvested.

Group Cost Benefit

Office Referral Reduction

Across 12 PBIS Schools = **5,606**

If students miss **45** minutes of instruction for each Office Referral, $5,606 \times 45 =$

252,270 minutes

4204.50 hours or

700 days

of instructional time recovered!!!!

Findings from RCTs

- Reeducations in office discipline referrals
- Improvement in aggressive behavior, concentration, pro-social behavior and emotional regulation
- Enhanced perception of organizational health and safety
- Improvement in academic achievement
- Reductions in teacher reported bullying behaviors and peer rejection
- Improved school climate

FOR ADDITIONAL RESOURCES AND INFORMATION

PLEASE VISIT WWW.PBIS.ORG


Other Federal Resources

- The U.S. Department of Education's **Discipline Guidance Package** is available at

www.ed.gov/school-discipline

1. **Joint ED/DOJ Colleague Letter**
2. **Guiding Principles**
3. **Directory of Federal School Climate and Discipline Resources**
4. **Compendium of School Discipline Laws and Regulations**

Visit us at www.ed.gov/school-discipline



ED.gov
U.S. Department of Education

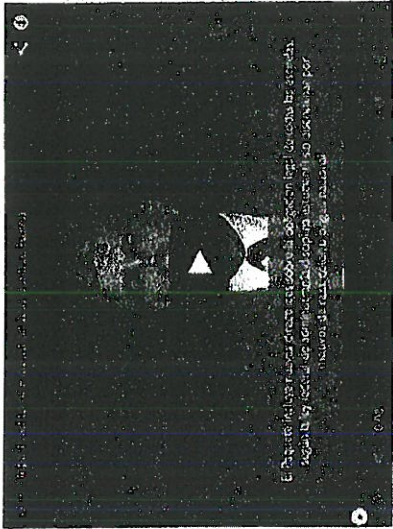
Funding | **Policy** | **Research** | **News** | **About ED**

GENERAL

- General
- Legislation
- Regulations
- Policy Guidance
- Adult Education
- Civil Rights
- Elementary & Secondary Education
- Grants & Contracts
- Higher Education
- Research & Statistics
- Special Education & Rehabilitation Services
- Vocational Education

GENERAL

School Climate and Discipline



Click here for an alternate version of the video with an accessible player.

How Do I Find...?

- Student loans, forgiveness
- Pell grants
- College accreditation
- Grants
- No Child Left Behind
- More

Popular Searches

- Contact
- FERPA
- Race to the Top
- FAFSA
- 1590-E, tax forms

Teachers

Parents & Families

Preschool-12 Reform

College Affordability

- About ED
- Budget & Performance
- News
- Publications
- Teaching Resources

GUIDANCE PACKAGE

- Dear Colleague letter Guidance letter prepared with our partners at the U.S. Department of Justice describing how schools can meet their obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin. [English \(PDF, 5871\)](#) | [En español \(PDF, 644K\)](#)
- [Guía de Principios \(PDF, 1MB\)](#) | [Prólogo de Secretario Arne Duncan en español \(PDF, 314K\)](#) Guidance document which draws from emerging research and best practices to describe three key principles and related action steps that can help guide state- and locally controlled efforts to improve school climate and school discipline.

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Related Topics

- Key Policy Letters

THE ROLE OF TITLE IX COORDINATORS

School administrators often struggle with handling complaints from parents/guardians and students. They are time consuming and can be emotionally difficult. Most complaints to schools can be handled efficiently and effectively by following a timely, thorough process

Dr. William A. Howe

State Title IX Coordinator/ Civil Rights Compliance

CT State Department of Education

165 Capitol Avenue, Room 222

Hartford, CT 06106

Phone: (860) 713-6752 / Fax: (860) 713-7030

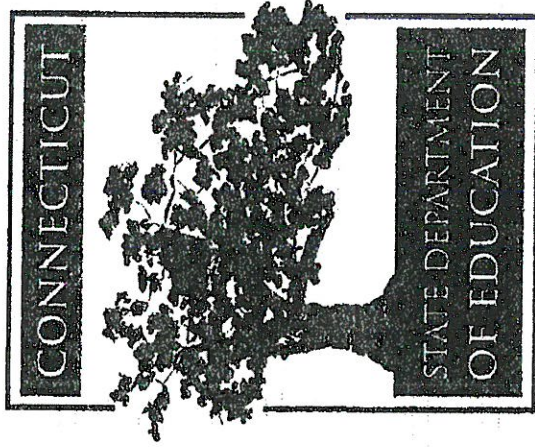
email: william.howe@ct.gov

Title IX

Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) prohibits sex discrimination in education and in employment.

– *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

Connecticut Model



1. Assume responsibility for oversight & enforcement for all public schools.
2. Encourage a Title IX Coordinator in every school building.
3. Train all Title IX Coordinators in Title IX responsibilities and how to conduct investigations.
4. Train in all civil rights laws.



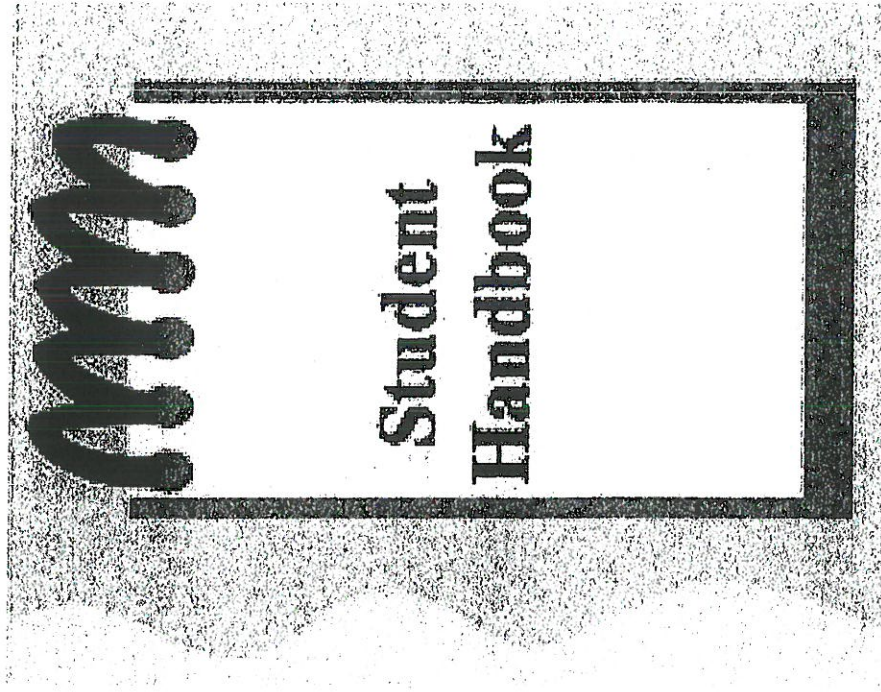
OCR's Two Big Questions

Do you have a policy on handling complaints?

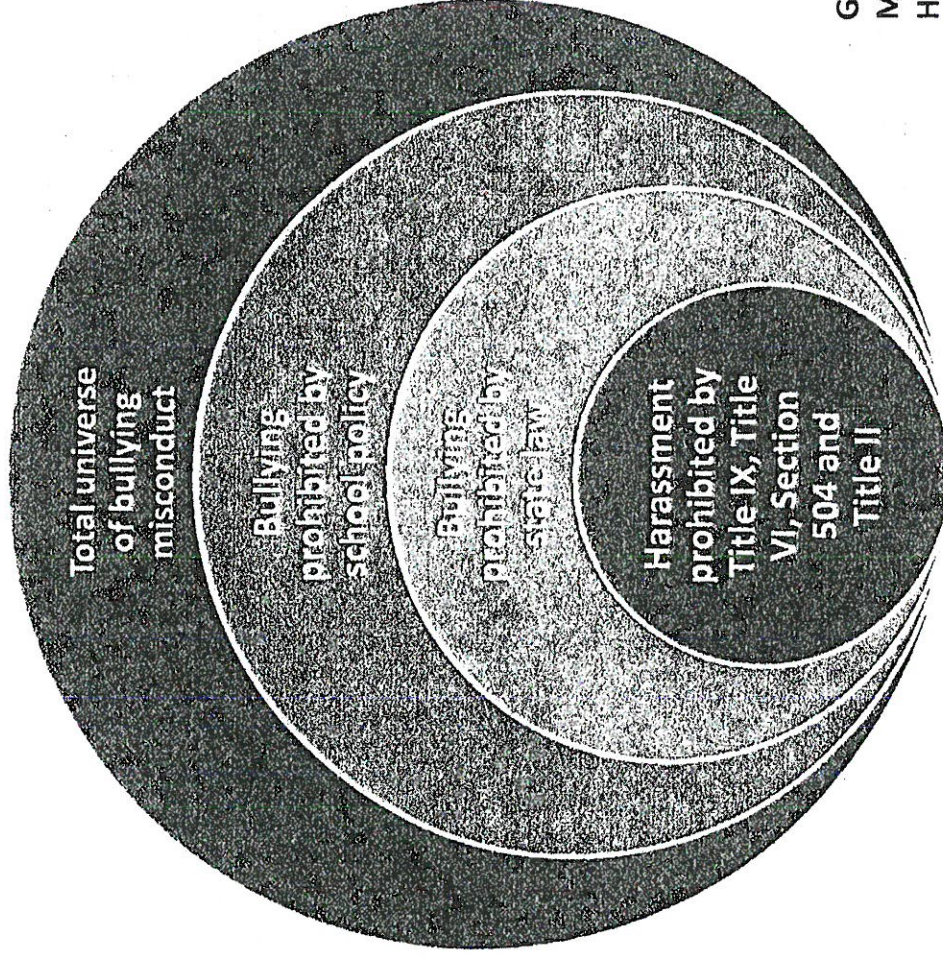
Did you follow your policy?

Helping the Complainant

Did you follow the complaint process that is required to be in your child's school handbook?



The Universe of Bullying & Harassment



Graphic courtesy of
Maree F. Sneed Partner
Hogan Lovells US LLP

Exhibit G

Date	Target Audience	Description
April, 2015	Administrative directors, principals, vice-principals leadership interns	Dear Colleague Letter April 2015 and Title IX Resource Manual posted on the Administrator's HUB (internal online communication system)
July 1, 2015	NA	Policy, 1020, Sexual Discrimination, will go into effect according to HCPSS policy guidelines.
July 1, 2015	staff	HCPSS Circular distributed to all departments highlighting changes made to Policy 1020, Sexual Discrimination.
July 1, 2015	Staff, parents, students and community	HCPSS Website information on Title IX with links (see draft).
July 1, 2015	Staff, parents, students and community	Sexual Discrimination (Harassment) form for employees and third parties posted on Website (see attached).
July 1, 2015	Staff, parents, students and community	HCPSS Student Bullying Intimidation and Harassment reporting form updated to reflect changes (see attached)
July 1, 2015	Parents and Students	Student/Parent Handbook updated (see draft of changes)
August 1, 2015	Staff, students, parents, community	Sexual Discrimination Brochure printed and distributed to all schools and offices (see draft)
August, 2015	All HCPSS Employees	Revisions to policy and reporting procedures sent to employees on the employee HUB (internal online communication system)
August , 2015	All HCPSS employees	Updates to the electronic Employee Handbook reflecting changes to Policy 1020, Sexual Discrimination (see attached)
August 2015	Subscribers to HCPSS News (parents, staff and community members)	Electronic information sent to HCPSS Community on revisions to Policy 1020, including reporting procedures in reporting of sexual discrimination via HCPSS News Service and Staff HUB
August 10, 2015	Principals, vice-principals, administrative interns and other leaders	Title IX Training for all school based administrators on changes to Policy 1020
Ongoing	Staff, parents, students and community	Policies that are affected by changes to Policy 1020, Sexual Discrimination will updated.