

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: AC, GAGG, GAGG-RA, GBV-RA, JP

Responsible Office: OFFICE OF HUMAN RESOURCES, DIVISION OF EEO/ADA/TITLE IX, OFFICE OF STUDENT AND SYSTEMIC SUPPORTS, DIVISION OF SAFE AND ORDERLY SCHOOLS

STUDENT SEXUAL HARASSMENT AND MISCONDUCT

A. PURPOSE

To establish procedures for responding promptly, fairly, and equitably to complaints of sexual harassment under Title IX of the Education Amendment of 1972 (Title IX) by Anne Arundel County Public Schools (AACPS) students and employees.

B. BACKGROUND

Title IX prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. AACPS complies with Title IX and federal, State, and local laws and regulations that prohibit discrimination on the basis of sex. Accordingly, AACPS designates a Title IX Coordinator and provides a fair and equitable process to all parties involved. Additionally, AACPS implements post-resolution measures that are designed to prevent the recurrence of sexual harassment and misconduct.

C. DEFINITIONS

1. ***Complainant*** – an individual who is alleged to be the victim of conduct that may constitute sexual harassment.
2. ***Formal Complaint*** – a report filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that an allegation of sexual harassment be investigated.
3. ***Preponderance of the Evidence Standard*** – a finding of responsibility means that the evidence demonstrates that it is more likely than not that the conduct occurred.
4. ***Remedies*** – when a respondent is found responsible, individualized services used as supportive measures for both the complainant and a respondent designed to maintain equal educational access, protect safety, or deter sexual harassment, and may be disciplinary or punitive, and burden the respondent.

5. **Respondent** – an individual who has been reported to be the perpetrator of conduct that may constitute sexual harassment.
6. **Sexual Harassment** –
 - a. An AACPS employee, agent, volunteer, or third party conditioning the provision of aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - b. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal educational access; and
 - c. Any instance of sexual assault, including forcible or non-forcible fondling, dating violence, domestic violence, or stalking, as defined in federal law.
 - d. Conduct does not constitute sexual harassment if it occurred:
 - i. Outside of the United States;
 - ii. Under circumstances in which AACPS did not have substantial control over both the harasser and the context in which the harassment occurred; or
 - iii. Away from AACPS property and not during an event sanctioned or sponsored by AACPS.
 - e. Conduct that does not meet the definition of sexual harassment, as defined in federal law, may constitute sexual misconduct which is also subject to investigation and discipline in accordance with the *AACPS Code of Student Conduct*.
7. **Sexual Misconduct** –
 - a. Verbal, written, or physical behavior, directed at an individual, or against a particular group, because of that individual's or group's actual or perceived sex, sexual orientation, gender identity, gender expression, marital status, pregnancy or parenting status, and sex-based stereotyping, based on conformance or nonconformance to stereotypical notions of masculinity or femininity, when the conduct is unwelcome and meets the following criteria:
 - i. Submission to or rejection of the conduct is made either explicitly or implicitly a term of condition of an individual's education or participation in an AACPS activity or program;

- ii. Submission to or rejection of that conduct is used as the basis for, or as a factor, in decisions affecting an individual's education or participation in an AACPS activity or program;
 - iii. The conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment for an individual's education or participation in an AACPS activity or program; or
 - iv. The conduct unreasonably interferes with an individual's education or ability to participate in an AACPS activity or program; and
 - v. The conduct is sufficiently severe that it alters the terms, conditions, or privileges of an individual's education or participation in AACPS activity or program.
8. ***Supportive Measure*** – individualized services available to both a complainant and a respondent designed to ensure equal educational access, protect safety, or deter sexual harassment where reasonably necessary that are non-punitive, non-disciplinary, and not unreasonably burdensome.

D. PROCEDURES

1. AACPS shall designate a Title IX Coordinator.
2. AACPS shall prominently display contact information for the Title IX Coordinator, including title, office, address, email address, and telephone number, on the website.
3. **Reporting and Supportive Measures**
 - a. Sex discrimination, including sexual harassment, may be reported by any individual in person, by mail, by telephone, or by email. School level complaints should be reported to school administration who shall notify the Title IX Coordinator.
 - i. Such a report may be made at any time, including non-business hours.
 - ii. All reports of sex discrimination, including sexual harassment, shall then be reported to the Title IX Coordinator using the *Title IX Reporting* form available on the AACPS website.
 - b. AACPS shall promptly respond to reports of sexual harassment in a manner that is not deliberately indifferent. The response shall be reasonable in light of the known circumstances.

- c. Upon receipt of a report of sexual harassment, the Title IX Coordinator shall:
 - i. Promptly contact the complainant confidentially to explain the process for filing a formal complaint.
 - ii. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - iii. Inform the complainant they are not obligated to file a formal Title IX complaint and, regardless of the complainant's decision to file a formal complaint, AACPS may take action.
- d. AACPS shall offer free, supportive measures to the complainant and the respondent. During the Title IX reporting, eligibility determination, and investigation, supportive measures shall be non-disciplinary.

4. Formal Complaint

- a. A formal complaint may be filed by a complainant or by the Title IX Coordinator using the *Formal Complaint* form.
 - i. Complainants may send the completed *Formal Complaint* form to the Title IX Coordinator:
 - a) In person or by mail at 2644 Riva Road, Annapolis, MD 21401; or
 - b) By email to the Title IX Coordinator.
 - ii. A formal complaint shall be filed within 3 school days from the date the notification of the alleged incident of sexual harassment is sent to complainant. If a formal complaint is not filed within 3 school days from the date of the notification, AACPS may address the alleged conduct consistent with the *AACPS Code of Student Conduct* or Employee Handbook.
 - iii. The complainant's wishes with respect to filing a formal complaint shall be respected; however, even if the complainant chooses not to file a formal complaint, the Title IX Coordinator may choose to initiate a complaint at their discretion which may result in an investigation.
- b. AACPS may consolidate formal complaints where allegations arise out of the same facts.

5. Preliminary Review

- a. The Title IX Coordinator may dismiss a formal complaint if the formal complaint does not meet the definition of sexual harassment and misconduct as defined by Title IX.
- b. A preliminary dismissal by the Title IX Coordinator is final and may not be appealed.

6. Grievance Process

- a. Written notice of receipt of a formal complaint shall be provided to both the complainant and respondent.
- b. The grievance process for resolving formal complaints of sexual harassment shall be consistent and transparent.
 - i. AACPS bears the burden of gathering evidence and burden of proof.
 - ii. Equal opportunity shall be provided for the complainant and respondent to discuss allegations and gather evidence.
 - iii. Parties to the formal complaint may select an advisor of the party's choice who may be, but is not required to be, an attorney.
 - iv. Written notice of investigation interviews or meetings shall be provided to all parties.
 - v. Fairly summarized relevant evidence shall be provided to all parties and their advisors with at least 10 days for the parties to respond.
 - vi. AACPS may not access or use a party's medical, psychological, and similar treatment records without the party's voluntary, written consent to do so.
- c. AACPS shall ensure all allegations of sexual harassment in a formal complaint are investigated.
 - i. The Title IX Coordinator shall designate a non-party and trained person to investigate a report containing allegations of conduct meeting the definition of sexual harassment under Title IX.
 - ii. The investigator shall conduct a thorough investigation within a reasonable timeframe.

- iii. The investigator shall afford all witnesses the opportunity to make a statement prior to concluding the investigation.
- iv. Upon completion of the investigative report, the Title IX Coordinator shall review the report, offer the respondent and complainant an opportunity to correct deficiencies in the report and forward the report to a decision-maker for review and decision-making.

7. Informal Resolution

- a. Parties may elect to proceed with an informal resolution as an alternative to the formal grievance process.
- b. Before proceeding with the informal resolution process, the Title IX Coordinator shall obtain voluntary, written confirmation that all parties wish to attempt to resolve the matter through the informal resolution process.
- c. Informal resolution may include:
 - i. Supportive resolution whereby the Title IX Coordinator may resolve the matter informally by providing supportive measures to remedy the situation;
 - ii. Alternative resolution whereby the parties agree to resolve the matter through alternative resolution such as mediation, restorative practices, or facilitated dialogue; or
 - iii. Accepted responsibility whereby the respondent accepts responsibility for violating policy and desires to accept a sanction(s) at the end of the formal grievance process.
- d. The Title IX Coordinator may negotiate a resolution that is acceptable to all parties or accept a resolution that is proposed by the parties.
- e. The Title IX Coordinator shall maintain records of any resolution reached.
- f. Failure to abide by the resolution agreement may result in appropriate responsive or disciplinary actions.
- g. At any time, any party participating in the informal resolution process may stop the process and begin or resume the formal grievance process.
- h. Results of complaints resolved by the informal resolution process are not appealable.

8. Decision-making

- a. The decision-maker designated by the Title IX Coordinator, prior to rendering a decision in a Title IX matter, shall provide both the respondent and the complainant with an opportunity to ask one another questions relevant to the investigation.
 - i. Such an opportunity shall be in writing with parties having a period of 5 school days to submit questions to one another.
 - ii. Parties shall have a period of 5 school days to submit responses to the questions provided.
 - iii. Parties may refuse to respond to a question or leave the question unanswered.
 - iv. If no questions or responses are submitted within the specified timelines, the decision-maker shall proceed with final review.
- b. The decision-maker may allow for additional limited follow-up questions at their discretion.
- c. Once questions have been asked and answered, the decision-maker shall review the responses along with the investigative report and any other relevant evidence made available during the course of the complaint and investigation.
- d. The decision-maker shall provide a written determination regarding responsibility which shall be issued with finding of facts, conclusions about whether the alleged conduct occurred, rationale for the result of each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- e. A decision involving a student may include:
 - i. Determination as to whether the incident qualifies under Title IX;
 - ii. Continued supportive measures;
 - iii. Remedies;
 - iv. Discipline, consistent with the *AACPS Code of Student Conduct*;
 - v. Removal from the school environment; or

- vi. Other consequences the decision-maker deems appropriate consistent with the *AACPS Code of Student Conduct*.
- f. Written determinations and information on how to file an appeal shall be sent simultaneously to all parties.

9. Appeals

- a. Complainants and respondents may appeal a determination regarding responsibility for procedural irregularity, newly discovered evidence, or the conflict of interest or bias of Title IX personnel.
- b. Appeals shall be made in writing, and may be emailed, within 10 days of the date of the decision to the appellate decision maker as designated by the Title IX Coordinator.
- c. Upon issuance, the appeal determination in a Title IX matter constitutes a final adjudication of the matter and may not be subject to any further appeal, reconsideration, or review.

10. Records Retention

- a. AACPS shall document and maintain records of all sexual harassment reports and investigations.

Regulation History: Issued 07/22/26

Note Previous Regulation History: None

Legal References: Title IX of the Education Amendments of 1972, Cleary Act, 20 U.S.C. §1092(f), Violence Against Women Act, 34 U.S.C. §12291(a)