

M E M O R A N D U M

July 22, 2020

TO: Education and Culture Committee

FROM: Craig Howard, Deputy Director
Nicole Rodriguez-Hernandez, Legislative Analyst

SUBJECT: MCPS Sexual Harassment/Assault Response Protocols

PURPOSE: Receive update and have discussion, no action required

Expected Participants:

- Dr. Henry Johnson, Chief of Staff, MCPS
- Natalia Ahn, General Counsel, MCPS
- Greg Edmundson, Director of Student Welfare and Compliance, MCPS
- Ed Clarke, Director of Safety and Security, MCPS

The County Council and the Education & Culture (E&C) Committee have previously held multiple worksessions to discuss and review MCPS policies and procedures related to: 1) workplace harassment; and 2) child abuse and neglect. First, in April 2018, the Council held a discussion with all County agencies on workplace harassment policies and procedures. Subsequently, the Education Committee in April 2018 and the joint E&C and Public Safety Committee in March 2019, reviewed MCPS' child abuse and neglect policies and procedures.

This briefing will focus on MCPS' sexual harassment/assault response policies and procedures. While the prior discussions focused on interactions between adults and children, this discussion will primarily address interactions between students.

MCPS' presentation for today's worksession can be found on ©1-9. For the discussion, Council staff requested that MCPS' presentation include information on the following areas:

1. MCPS' processes, procedures, and standards to address allegations of sexual assault, harassment, and/or discrimination in light of recent reports via social media posts and in the traditional news media.
2. MCPS' processes and procedures for taking disciplinary actions related to sexual assault, harassment, and/or discrimination incidents.

3. After an allegation has been made of an incident between students, what efforts are made to try and separate them in the school setting (schedules, classes, etc.)?
4. MCPS' timeline and process to inform the parent community, school leadership, and elected officials after an alleged incident is reported and/or found viable.

A. Background

In recent weeks, there has been an influx of sexual assault and harassment allegations shared mostly anonymously via social media from former and current MCPS students. The posts are primarily shared through Instagram accounts that associate with various high schools throughout the County. Montgomery County police and school officials are currently investigating the claims.

Additionally, following the sexual assault that occurred in an unsupervised locker room at Damascus High School in October 2018, similar allegations have arisen from a former student at Gaithersburg High School and a former student at Seneca Valley High School.

B. Summary of MCPS Response Efforts

MCPS states that over the last five years they have taken proactive steps to strengthen abuse prevention efforts; enhance reporting protocols; and encourage greater cultural competence. In addition to mandatory staff trainings, the MCPS curriculum incorporates lessons on consent and body safety and has several partnerships with community organizations that focus on sexual assault awareness and resources for students. Every school also has a Student Welfare Liaison, serving as the Title IX coordinator, who investigates incidents of sexual harassment and coordinates with police on assault allegations.

In response to the recent social media posts, MCPS has launched a review process led by the MCPS Director of Student Welfare and Compliance/Title IX Coordinator, involving all offices, to investigate all viable reports of sexual assault and harassment allegations. The school system has also created a new webpage highlighting the resources to report incidents and available support. MCPS Superintendent Dr. Jack Smith has released several statements and messages noting the school system's response to the situation, including a reevaluation of school culture.

After the sexual assault at Damascus High School, MCPS contracted with the law firm WilmerHale to conduct a review of all 25 high schools to establish if there is evidence of systemic hazing/bullying or rape problems in Montgomery County athletics. The report did not find evidence to support a systemic issue but did provide additional recommendations. MCPS launched several initiatives and efforts to address the recommendations outlined in the report (©10-26).

C. MCPS Regulations & Protocols: Sexual Harassment & Assault

In addition to the documents discussed above, Council staff has outlined below and attached several documents highlighting MCPS' regulations, protocols, and resources regarding sexual harassment and assault.

- MCPS Regulation AFC-RA *Sexual Harassment* ©27-33
- June 26 Community Message from Superintendent Dr. Jack Smith ©34-35
 - Reporting options and policies
- July 1 Letter from Superintendent Dr. Jack Smith ©36-38
 - Additional reporting options, resources, and investigation process
- Title IX and Sexual Assault Website:
 - <https://www.montgomeryschoolsmd.org/compliance/titleIX-sexualassault/>

D. Suggested Discussion Issues

As part of the discussion, Council staff has two suggested discussion questions in addition to the information MCPS has been asked to prepare in advance:

1. What is the implementation status of efforts and initiative stemming from the WilmerHale report?
2. How is MCPS incorporating new manners of education/awareness and reporting with the prevalent use of varying social media platforms?

This report contains:

MCPS E&C Committee Presentation

WilmerHale Study for MCPS

MCPS Regulation AFC-RA *Sexual Harassment*

June 26 Community Message from Superintendent Dr. Jack Smith

July 1 Letter from Superintendent Dr. Jack Smith

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MCPS Title IX Update

Education and Culture Committee
July 27, 2020

Briefing Items

1. MCPS' efforts to address sexual assault/harassment/discrimination following various allegations from students over social media that arose in June.
2. The process/procedure for taking disciplinary actions when an allegation is proven factual.
3. After an allegation has been made of an incident between students, what efforts are made to try to avoid having the alleged perpetrator/victim in same classroom when schedules are set?
4. How quickly and in what manner is the parent community and elected officials informed after an alleged incident is reported?

Background

Social Media Allegations

- In June, we received reports that students were reporting alleged instances of inappropriate conduct online through various social media platforms.
- MCPS immediately began investigating and continues to do so.
- The majority of incidents involved high school student conduct outside of school and the in-school conduct reported on social media had been previously reported, investigated, and addressed as necessary.
- The majority of social media allegations do not identify alleged victims or alleged offenders, and in many cases do not allege either.

Core Teams

MCPS formed four core teams to investigate, address, and respond

1. Investigations Team
2. Communications Team
3. Student Support Team
4. Legal Team

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)

MCPS Policy & Regulation

Policy ACF, *Sexual Harassment*

- Defines sexual harassment, establishes complaint resolution procedures, and establishes the responsibility of MCPS staff to implement the policy.

Regulation ACF-RA, *Sexual Harassment*

- Identifies procedures for the filing of a complaint and investigation.

Title IX Protocols

- All MCPS employees are trained annually on recognizing and reporting incidents of bullying, harassment (including sexual harassment/assault), and intimidation.
- Students may report sexual harassment, assault, and/or discrimination verbally or in writing to any staff member. All claims involving potential criminal behavior involve MCPD immediately.
- The staff member must assist the student in reporting to the principal using [Form 230-35](#), *Bullying, Harassment, or Intimidation Reporting Form*.
- An investigation is conducted consistent with [Regulation JHF-RA](#) *Bullying, Harassment, or Intimidation*.
- The administrator then investigates and completes [MCPS Form 230-36](#), *Bullying, Harassment, or Intimidation Incident School Investigation Form*.
- Any student who violates Policy ACF is subject to disciplinary action consistent with MCPS Regulations [JGA-RB](#) and [JGA-RC](#), *Suspension and Expulsion*, and the Student Code of Conduct.

Interim Measures

- Interim measures, including a safety plan, are put in place pending the investigation.
- School administrators, counselors, and security cluster coordinators work with students and parents to develop individualized safety plans.
- The plan is designed to maintain reasonable and necessary measures to allow students to remain in school and participate in class schedules, extra-curricular activities (athletics, etc.) while investigations are conducted.
- However, each safety plan is based on the facts and circumstances of the particular incident and may include separation plans, including administrative placement changes, if necessary.
- Safety plans can be adjusted and modified based on the needs of the involved students and the results of an investigation.

Communications

- The Office of the Chief of Staff communicates with our external stakeholders and partners to ensure updated information is available and considered.
- Communications, including information shared with media and press outlets, are shared with the MCPS Board of Education, County Council, and other elected officials.
- Decisions on parent/community letters and notifications are determined based on several factors, including whether the communication would be in the best interest of the student(s) involved, would interfere with an ongoing investigation, or would require disclosure of confidential information prohibited by law.

Addressing Supervision Structures for Athletics and Extracurricular Activities, Including Reporting Protocols for Bullying and Hazing

Recommendations for Montgomery County Public Schools

Bruce M. Berman
Danielle Conley



WILMER CUTLER PICKERING HALE AND DORR LLP ®

October 7, 2019

In May 2019, Montgomery County Public Schools (“MCPS” or the “District”) retained Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) to conduct a review of supervision policies and reporting protocols associated with athletics and other extracurricular activities at Damascus High School (“DHS”) and more broadly across the District. Dr. Jack R. Smith, MCPS Superintendent of Schools, initiated the review in response to an incident on October 31, 2018, in which members of the DHS junior varsity football team allegedly assaulted several of their teammates in the DHS locker room prior to practice. The Montgomery County State’s Attorney’s Office brought criminal charges against several members of the team.

The goals of our review included identifying measures that MCPS can take to improve school culture as well as existing policies, procedures, and practices related to supervision and reporting, in order to help prevent future incidents like that at DHS and ensure that high schools across the District provide a safe, supportive, and welcoming environment for students engaged in athletics and other extracurricular activities.

Our review was separate from two parallel investigations conducted by the Montgomery County State’s Attorney’s Office and MCPS, respectively. In addition to bringing criminal charges related to the October 31, 2018 incident, the State’s Attorney’s Office launched an investigation into allegations of a historical culture of assaultive behavior, bullying, and hazing at DHS, which remains pending. The State’s Attorney’s Office also approved MCPS’s request to conduct its own personnel investigation of the supervision of the boys’ locker room on the afternoon of October 31. As a result of that investigation, MCPS took disciplinary action against several employees in accordance with the Employee Code of Conduct. MCPS also appointed new leaders to serve as principal, assistant principal, athletic director, and junior varsity football coaches at DHS. In addition, all levels of the DHS football program are under probationary oversight for the 2019-2020 school year, meaning that the MCPS Systemwide Athletics Unit, in collaboration with DHS leadership, will closely monitor the program to ensure compliance with MCPS and State of Maryland rules, regulations, and protocols.

I. PROCESS OF REVIEW

We conducted interviews and focus groups at DHS and at a sampling of other MCPS high schools. At DHS, we interviewed 29 individuals, including administrators, staff members, coaches, parents, and after-school activity sponsors. In addition, we conducted a student focus group. Beyond DHS, we conducted focus-group discussions at four other high schools in different areas of Montgomery County: Seneca Valley High School, Montgomery Blair High School, Walt Whitman High School, and Walter Johnson High School. Those discussions included principals, assistant principals, business administrators, athletic directors, coaches, and extracurricular sponsors. We also conducted four focus groups with staff from across the district: two with MCPS athletic directors (eleven athletic directors in total), one with seven MCPS principals, and one with nine MCPS high school students. Additionally, we spoke with key administrators from the MCPS central office, including Superintendent Smith, members of the District’s senior leadership team, the Chief Safety Officer, the Director of Systemwide Athletics, and representatives from the Office of School Support and Improvement. We also met on two occasions with the Montgomery County State’s Attorney and members of his Office to inform them of the scope of our review and our preliminary findings. We did not interview any victims from the DHS incident, any of the alleged perpetrators, or any of their families (though

we did review documents related to the criminal prosecutions), and we otherwise strove to keep our review separate from the investigation by the State’s Attorney’s Office.

In addition to the interviews and focus groups, we reviewed relevant documents and background materials. Those materials included documents related to the October 2018 DHS incident (including documents related to the MCPS internal personnel investigation); relevant MCPS policies, regulations, forms, and job descriptions; relevant state and federal laws, including the Maryland Safe to Learn Act of 2018; materials provided by MCPS to the Montgomery County State’s Attorney’s Office in response to its subpoena requesting information about bullying, hazing, and assaultive behavior at DHS; supervision plans submitted during the 2018-2019 school year; and serious incident, bullying, and disciplinary reports submitted during the last four school years for DHS and each of the other high schools we visited. We also reviewed the findings and recommendations contained in MCPS’s Interim Report on School Safety and Security published in 2017.

Finally, we benchmarked MCPS’s existing policies and our recommendations against nationwide best practices. Our benchmarking review encompassed academic literature; resource guides concerning school safety and bullying prevention published by the U.S. Departments of Education, Health and Human Services, and Justice; and best practice guides published by nationally prominent organizations.¹ We also convened a panel on hazing, bullying, and sexual assault prevention in athletics, which included both national experts and athletic coordinators from other large school districts in the region.

Our findings and recommendations, which are summarized below, address three areas that are key to preventing bullying, hazing, and sexual assault in athletics and other extracurricular activities at MCPS high schools: (1) fostering a positive culture; (2) implementing robust supervision practices; and (3) ensuring that when incidents occur, they are timely reported, allowing for an effective response.

These findings and recommendations are necessarily limited. Our interviews, focus groups, and case studies did not comprehensively address every school in the district. And, while we believe that the individuals with whom we spoke were candid and forthcoming, we cannot know what, if anything, they chose not to share. It is entirely possible, for example, that previously unreported incidents involving bullying, hazing, and sexual assault were not disclosed to us.

¹ See, e.g., U.S. Office of Special Education Programs, Positive Behavioral Interventions and Supports, *High School PBIS Implementation: Staff Buy-In* (2019); U.S. Department of Education, *Effective Evidence-based Practices for Preventing and Addressing Bullying* (2013); U.S. Department of Education, et al., *Guide for Developing High-Quality School Emergency Operations Plans* (2013); U.S. Department of Justice, *Guide for Preventing and Responding to School Violence* (2012); U.S. Department of Health and Human Services Health Resources and Services Administration, *Documenting Bullying at Your School: Tips for School Administrators* (2011).

The process of developing our recommendations was collaborative. We consulted with MCPS senior leadership and members of the Board of Education about our preliminary recommendations to ensure that they were realistic and could feasibly be implemented.

II. FOSTERING A POSITIVE CULTURE

A. Findings

Overall, we found that MCPS has fostered a generally positive culture around athletics and other extracurriculars. These after-school activities are an important part of the high school experience for many students, and the students with whom we spoke value their opportunity to participate and their relationships with teammates, co-participants, coaches, and sponsors.

We did not find evidence that bullying, hazing, or sexual assault is currently widespread in athletics or other extracurricular activities at DHS or the other schools we visited, but we did not perform a comprehensive, historical review of unreported incidents. The few extracurricular-associated hazing and bullying incidents of which we became aware appeared to be isolated events, rather than part of a larger, continuing pattern. In addition to the October 31, 2018 incident that prompted this review, we looked at materials related to another incident that occurred in September 2018 at Seneca Valley High School, which also involved alleged misconduct among football players and was reported to and investigated by local law enforcement at the time.² And, as noted, we conducted two student focus groups and reviewed serious incident, bullying, and disciplinary reports submitted during the last four school years for DHS and each of the other high schools we visited. The other incidents that we identified through that process were not limited to athletics; we learned of incidents in other after-school activities as well. Generally, those other incidents were relatively minor and were quickly and appropriately addressed.

However, because of its targeted scope and purposes, our review likely did not capture the entirety of bullying, hazing, and sexual assault that may occur (or may have occurred) in the District. Although we believe we obtained candid anecdotal evidence about bullying, hazing, and sexual assault in our interviews and focus groups, we did not conduct a District-wide survey of the prevalence of hazing, bullying, or sexual assault connected to after-school activities. And, our review of historical incidents was limited to those that had been reported through formal MCPS channels. That historical review was not designed to identify every incident of bullying, hazing, and sexual assault, but rather to understand the District's approach to these issues and its response to prior incidents; we recognize that bullying, hazing, and sexual assault are often underreported.³

² See Donna St. George and Dan Morse, *Hazing Incident Reported at Another Maryland High School*, Washington Post (Nov. 11, 2018), https://www.washingtonpost.com/local/education/hazing-incident-reported-at-another-maryland-high-school-officials-say/2018/11/11/c2a0daf6-e15e-11e8-8f5f-a55347f48762_story.html?utm_term=.c37a7e7bd0a9.

³ See, e.g. U.S. Department of Education, *Effective Evidence-based Practices for Preventing and Addressing Bullying*, <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl->

Although familiar with bullying, students have less awareness of hazing. Students reported having received consistent anti-bullying training in health class and through other channels for years. They generally know how to identify bullying and how to respond to it. They are less familiar with hazing—i.e., any humiliating or dangerous activity expected of a student to belong to a group, regardless of their willingness to participate.⁴ This is partly due to the fact that a fine line separates innocuous bonding rituals and hazing; benign traditions can escalate quickly. Because students did not have a clear definition of hazing, we also found that they were not sure how they would respond to it or if they should report such incidents.

The tone set by administrators, athletic directors, coaches, and extracurricular sponsors critically impacts student behavior. We found that MCPS principals successfully encourage positive community behavior by making themselves visible and accessible—e.g., by walking the halls, attending school events, and engaging with students electronically or in person. Based on many of our interviews with students and administrators, we found that, when the principal was less engaged and visible, student misbehavior tended to increase. Similarly, coaches and sponsors were able to eliminate hazing and bullying on their teams and organizations by setting clear expectations and leading by example. Several coaches described changing the culture of a team by treating athletics as an extension of the classroom and holding student-athletes accountable for troubling behavior. Extracurricular sponsors said they had success with similar approaches.

Administrators' consistent enforcement of rules across the board also matters. Many of the students and staff with whom we spoke noted that when certain teams or student groups were perceived as “untouchable”, they were more likely to bend or break the rules. Moreover, the perception that certain teams or groups are treated differently has impacted morale and collaboration among staff members at some schools.

B. Recommendations

Our recommendations for enhancing the culture of MCPS high schools to help foster a safe and healthy environment for students participating in athletics and extracurricular activities are as follows:

(1) Create in-person interactive hazing training and programming for student athletes and extracurricular participants. To combat the limited bullying and hazing that does occur, we recommend that the District develop comprehensive training about what constitutes hazing and how to respond to it. This training should not be part of the general curriculum, but it should

enclosure-8-20-13.pdf; Brian Crow, Robin Ammon, & Dennis R. Phillips, *Anti-Hazing Strategies for Coaches and Administrators*, Strategies (2004).

⁴ This is the definition used by the National Federation of State High School Associations. It is broader than Maryland's statutory prohibition on hazing, which encompasses only those actions that “subject[] a student to the risk of serious bodily injury for the purpose of initiation into a student organization of a school, college, or university.” Md. Code, Crim. Law § 3-607.

be a requirement for participation in sports and other extracurricular activities, and it should be held at a convenient time for students.

According to the students we spoke with, training was most successful if it involved student participation or student speakers, as opposed to PowerPoints presented by administrators. One way to achieve higher student engagement would be to start with a group presentation to all teams and student groups, followed by breakout team- and activity-specific sessions where coaches or teachers lead discussions about hazing. In addition to training, MCPS should focus on providing ongoing, interactive programming throughout the school year to reiterate the anti-hazing message. MCPS could also consider partnering with third-party organizations that specialize in teaching high school students about effective leadership. Some MCPS schools and neighboring districts have already had success implementing these ongoing programming models—such as Lead ‘Em Up, Athletes As Leaders, and the Baltimore Ravens’s Leading and Inspiring Females to Thrive program.

(2) Create in-person interactive trainings and programming for athletic directors and administrators to train coaches and sponsors on preventing and responding to hazing, bullying, and sexual assault. Trainings for coaches and sponsors should also be interactive and incorporate concrete examples of how to set a tone that encourages students to act as responsible community members. For example, all coaches and sponsors should be encouraged to set clear behavioral requirements at the beginning of a season or semester that expressly address bullying, hazing, and sexual assault. MCPS should build upon its required trainings, which already include the online anti-hazing training from the National Federation of State High School Associations (“NFHS”) and the all-staff compliance module on student bullying and harassment. For example, it should consider partnering with other nationally-recognized organizations for “train the trainer” anti-bullying and anti-hazing programming. Organizations like HazingPrevention.Org provide resources to teach coaches how to train their student athletes on identifying and reporting hazing. Similarly, Coaching Boys Into Men, which is already in use at some MCPS schools, emphasizes the important role coaches play in the lives of young men and provides tools to help coaches begin important discussions about respect.

Some programs, including the InSideOut Initiative and Athletes as Leaders, provide complementary trainings for athletic staff and student-athletes. MCPS could consider partnering with an organization that offers resources for athletic directors, coaches, and athletes, which may allow the District to implement this recommendation and the prior recommendation more efficiently. MCPS may also consider making any training materials it develops available to parents and other community organizations for use in non-school-sponsored activities or inviting community members to participate in scheduled training sessions.

(3) Emphasize “tone at the top,” as well as the importance of engaging students on bullying, hazing, and sexual assault, in trainings for administrators, athletic directors, coaches, and sponsors. MCPS should clearly message that “tone at the top” matters, and that it expects administrators, athletic directors, coaches, and sponsors to engage students and hold them accountable for unacceptable behavior. MCPS took a step in the right direction last school year when Superintendent Smith made a public statement to all MCPS students emphasizing the importance of reporting incidents of bullying, harassment, and hazing. And, the MCPS R.A.I.S.E. core values (Respect and sportsmanship, Academic excellence, Integrity and

character, Spirited and safe competition, and Equity and access) provide athletic directors and coaches with a framework they can use to make clear the kind of behavior they expect their athletes to model.

MCPS could take additional action to create the appropriate tone at the top by, for example, having District leadership make presentations at upcoming administrator or athletic director meetings to emphasize the District's focus on preventing hazing, bullying, and sexual assault and to roll out the training resources suggested below. MCPS leadership could also play an active role in championing anti-hazing efforts, including by recognizing student organizations and staff members that are taking concrete steps to prevent hazing and other problematic behavior. MCPS should also consider whether there are ways to assess and provide feedback to administrators, athletic directors, coaches, and sponsors on student engagement (perhaps through the annual student climate surveys recommended below), and to include parents and other community stakeholders in such efforts.

III. IMPLEMENTING ROBUST SUPERVISION PRACTICES

A. February 2019 Supervision-Plan Requirement

In February 2019, MCPS issued memoranda to athletic directors and secondary school principals, accompanied by templates for a supervision plan to be completed by coaches and sponsors of all after-school activities. Those memoranda and templates were the product of a collaboration between the MCPS Office for School Support and Improvement ("OSSI"), the Office of Systemwide Athletics, the Department of Systemwide Safety and Emergency Management, and select principals and athletic directors from across the District. The templates require coaches and extracurricular sponsors to identify their plan for supervising student participants before, during, and after practices and meetings, as well as before and after games and performances. Each high school's principal and athletic director are required to sign off on the athletic supervision plans; extracurricular supervision plans are reviewed by each high school's principal and then submitted to OSSI.

Prior to the February 2019 memoranda, it was MCPS's expectation that students participating in athletics would be appropriately supervised during practice. The MCPS High School Athletics handbook makes explicit that coaches are required to "[p]rovide for effective locker room supervision prior to and after practices and contests." That said, we learned that, prior to the DHS incident, some coaches were either not consistently present when their athletes were using locker rooms or team rooms or were not consistently locking those facilities when they were not in use. The supervision plans were intended to operationalize and emphasize the existing requirement that coaches and sponsors are responsible for supervising students who participate in athletics and other extracurricular activities.

1. Findings

The supervision-plan requirement received mixed reviews. Overall, we found that development of the supervision plans was a useful exercise because it forced coaches and sponsors to write down plans that had previously been implied or assumed. For example, some coaches told us that they found it helpful to set a clear expectation, in writing, that locker rooms

and team rooms would be locked when a coach or other responsible adult was not present, even though this had previously been their standard practice. We also learned that at least one other neighboring district is following MCPS's lead in this area, and is now asking its own coaches and extracurricular sponsors to develop written supervision plans.

We also heard concerns, however, that the supervision plans forced coaches, sponsors, athletic directors, and administrators to formulate supervision plans that they knew were not realistic because of resource constraints, staffing limitations, or the physical layout of their schools. That created anxiety among the administrators and staff with whom we spoke; many worried that, if something went wrong, they would be blamed for not following the plan.

Supervision plans vary in quality. We reviewed the supervision plans from DHS and several other MCPS schools. We found that the plans varied greatly in their specificity and comprehensiveness, even within a single school. For example, some coaches left the "contingency plan" section of the form entirely blank. Others outlined a more specific plan, e.g., noting that parent volunteers would be asked to assist with supervision if no coach was available.

The most thorough and workable supervision plans were created through collaboration by all relevant stakeholders. The schools that reported the most success in developing their supervision plans engaged in a collaborative and iterative process that included administrators, the athletic director, coaches, sponsors, the Montgomery County Police Department School Resource Officer ("SRO"), and security personnel to ensure that the elements of the plan were appropriate for the needs of their campus and student body. In particular, SROs and security personnel have a unique perspective on areas of campus where supervision is more difficult; supervision plans were more comprehensive when they took into account the SROs' knowledge and insights.

Athletic directors and coaches requested feedback from administrators and MCPS's central office on their supervision plans. Many of the athletic directors and coaches with whom we spoke indicated that no one gave them guidance on what a supervision plan should include and what the standards were for supervision in the context of their sports and activities. We found that athletic directors, coaches, and sponsors need common-sense solutions to common supervision issues (e.g., what to do when a single player has to use the restroom and there is only one coach at practice). They worry that MCPS expects them to have their eyes on all students at all times—and that, if they cannot achieve this level of surveillance and there is an incident, they will be held responsible.

2. *Recommendations*

(1) Clearly communicate that continuous, uninterrupted supervision of high school students is neither possible nor desirable. It is not feasible or legally required for coaches and sponsors to have eyes on every student at all times, particularly in the high school context.

The applicable legal standard asks whether a school exercised "reasonable care" in supervising students. That standard takes into account the totality of the circumstances—including, for example, the age of the students, the nature of the activity in which they are engaged, and prior misconduct or injury by the students involved. It does not require constant

direct supervision. In fact, courts have not imposed liability for injuries sustained during a teacher's absence from the classroom, particularly when the teacher's presence would not have prevented the injury, or the injury was not foreseeable. *See Madden v. Clouser*, 277 A.2d 60, 61 (Md. 1971); *Segerman v. Jones*, 259 A.2d 794, 800-801 (Md. 1969).

Furthermore, constant surveillance would be antithetical to MCPS's mission and core values, which recognize the importance of mutual trust and respect and encourage social and emotional learning experiences. Those expectations should be communicated more clearly to coaches and sponsors, some of whom believe a higher level of supervision is required and who are, as a result, increasingly unwilling to take on responsibility for coaching sports or sponsoring extracurricular organizations.

In connection with the next round of supervision plans, the District should make clear that it expects coaches and sponsors to develop common-sense and reasonable solutions, not to keep students under surveillance at all times. Coaches and sponsors should not feel obligated, for example, to pause practice to escort 17-year-olds who need to use the bathroom back to the locker room. They likewise should not adopt a practice of visually surveilling students in locker rooms or dressing rooms, but should consider alternate approaches, including remaining within earshot in case roughhousing or other misconduct occurs.

(2) *Supply practical guidance on best practices for supervision plans.* MCPS should provide sample supervision plans and/or best practices that coaches, extracurricular sponsors, athletic directors, and administrators can rely on in developing supervision plans. This guidance should acknowledge the need for reasonable workarounds for recurrent issues—e.g., how coaches can provide adequate supervision to student-athletes of a different gender.

(3) *Encourage collaboration among administrators, building services, security staff, and others in creating supervision plans.* MCPS should remind administrators and staff tasked with developing supervision plans that they have several expert resources available to them both within their school and within MCPS. A school's cluster security coordinator can advise on best practices from a security perspective. Athletic directors at other schools, or more seasoned coaches within the school, may have a good sense of what works as a practical matter. School-specific security staff and building services will have insight into potential "hot spots" where additional supervision may be necessary. Incorporating these additional perspectives will help ensure that supervision plans are workable and effective.

(4) *Provide schools the repairs and resources they need to ensure their supervision plans can work as designed.* This means fixing locks and doors where they are broken and performing other maintenance work to ensure that school buildings operate as designed. It may also mean developing or funding creative solutions to accommodate the structure of older buildings—e.g., providing temporary restroom facilities near practice fields so that students can use the restroom without having to return to the school building, or installing additional mirrors to allow staff to see around blind corners.

(5) *Review existing centralized administrative support for athletics and extracurriculars.* MCPS should review its district-wide staffing for athletic and extracurricular oversight. Many of the athletic directors we spoke with believe that the Office of Systemwide

Athletics is understaffed and that the two professional staff in that office are overworked. Relatedly, MCPS might consider, as other districts have done, designating a single administrator, or group of administrators, in the central office with district-wide oversight of extracurricular activities. Having designated central-office administrators to assist with critical tasks such as reviewing supervision plans and setting expectations for those plans would help to reduce the frustration and confusion associated with the plans' rollout last year.

B. Additional Supervision Challenges

In addition to the implementation of the supervision-plan requirement, we identified other challenges MCPS schools face in providing effective after-school supervision.

1. Findings

Varied practice schedules leave a “supervision gap” between the end of the school day and beginning of practice. Personnel at every school we visited, as well as personnel from neighboring school districts, reported that limited practice space means that not every sports team can begin practice immediately after the school day ends. For example, a school may have only one basketball court, meaning that the junior-varsity and freshman teams cannot practice at the same time as the varsity teams. Although schools generally try to arrange practices so that they begin as close to the end of school as possible, some “supervision gap” between the end of the school day and the beginning of practice is inevitable. Some students are able to go home during this time, but many are not, and therefore find themselves on campus without any structured activities until practice begins.

We found that schools have taken varied approaches to eliminating this gap in supervision, including instituting sport-specific study halls, extending the hours of their media centers, or directing students off-campus. Schools also often conduct “sweeps” and require students who are not with a coach or sponsor to leave the building. However, these sweeps are not an ideal solution. Many students do not have cars, are too young to drive, or live in an area without convenient public transportation, making it impossible for them to get home and back between the end of school and start of practice. And while the sweeps may reduce the likelihood of an incident within the school building, they may lead to unintended consequences by forcing students out into an unsafe or unsupervised external environment. Students may well be safer inside the school building than outside. Personnel at every school we visited reported a desire for additional resources to enhance supervision during this period.

Increased use of in-school coaches could help mitigate supervision issues. In many MCPS schools, as well as schools in neighboring school districts, coaches are increasingly drawn from neighboring schools or from the broader community (Md. Code Regs. § 13A.06.03.04(B) requires that Maryland public schools prioritize hiring coaches who are also teachers within the District). This trend was often attributed to the fact that teachers are not sufficiently incentivized to take on coaching responsibilities, forcing principals and athletic directors to seek coaches from outside the school, both for MCPS-funded stipend positions and to volunteer to assist the paid coaching staff.

The involvement of non-school staff in paid and volunteer coaching roles is vital, but there are benefits to having coaches who also teach or work in the building that cannot be replicated by outside coaches. Hiring coaches from within the school building helps to foster a sense that athletics is an extension of the classroom. In-school coaches are also able to interact with students during the school day and confer with other teachers or administrators about a student's performance. On a practical note, having in-school coaches may reduce the supervision gap; because they do not have to commute from elsewhere, they can often be present to monitor their players before practice starts.

Schools across the District reported similar needs for additional security personnel. Professional staff at the five schools we visited and who participated in the broader focus groups we conducted consistently described a need for additional security personnel, especially after the school day ends. We found that as student bodies and school campuses have expanded, the number of security personnel has not kept pace. (We note, however, that MCPS generally has more in-school security staff assigned to its high schools than other neighboring districts do.)

Some schools have attempted to address this issue by using “flex time” to shift the hours of one of their existing security assistants. Rather than having four assistants who work from 7:00 a.m. to 3:00 p.m., they might shift one of those assistants' hours to 9:00 a.m. to 5:00 p.m. This is an imperfect solution because it leaves security short-staffed during morning arrival—one of the busiest times of the day. It also places disproportionate responsibility on the single security assistant who works from 3:00 to 5:00 p.m.

Supervisory responsibilities often inadvertently fall on building services staff. Because building services staff are present when other adult staff members are not, they sometimes shoulder the burden of monitoring students after school. Although building services staff complete the mandatory district-wide child-abuse training, they are not specifically trained for supervision-related tasks (nor are supervision responsibilities contemplated in their job descriptions).

Many students have difficulty leaving school immediately after practice and other after-school activities end. Many parents work multiple jobs and are not always available to pick up their children when after-school activities end. And many students do not have cars, are too young to drive, or live in an area without convenient public transportation. In the past, this issue was partially mitigated by “activity buses,” which left campus about an hour and a half after last bell on Tuesdays and Thursdays. However, when MCPS pushed back the end of the school day by 20 minutes several years ago, the activity bus schedules were not changed. That means the activity bus is no longer a viable option for students on many sports teams and in certain other extracurricular activities.

Supervision is further complicated by the use of campus facilities for Interagency Coordinating Board (“ICB”) events. The ICB is the public body responsible for encouraging community use of public facilities, including MCPS campuses. ICB allocates the after-hours use of MCPS facilities among community groups (e.g., adult education classes and drivers ed). Once community members start accessing school facilities in the evening, it becomes much harder for the skeleton staff to adequately supervise students.

Coaches and activity sponsors are not always made aware of players or participants who may need extra support or monitoring. Several coaches and sponsors with whom we spoke indicated that there is no established protocol for coaches or sponsors to learn if a new member of their program has received prior discipline for misconduct or has other behavioral issues. While they recognized that any information-sharing mechanism must account for students' privacy needs, coaches and sponsors nonetheless believed the additional information was critical to their ability to adequately supervise students for whom they are responsible.⁵

2. *Recommendations*

Many of our recommendations addressing the supervision gap may require additional resources or a reallocation of current resources, but it is not our expectation that MCPS would implement every one of the following recommendations (or that all of them will be appropriate for every school). These recommendations are intended to give MCPS a set of tools it can mix and match to find the most workable solutions.

(1) Consider increasing security staffing after school. Administrators at every school we visited estimated that they need at least one additional security assistant to effectively monitor campus as students are coming and going from after-school activities. (Concerns about the adequacy of security staffing are not unique to MCPS; we also heard similar concerns from neighboring school districts during our expert panel discussion.)

(2) Consider providing supervised spaces where students can spend the time between last bell and beginning of practice. Some schools have had success with study halls for participants in certain activities; others have expanded the hours of their media centers. Schools reported, however, that they do not have enough discretionary funding to run a study hall for every sport or activity that needs one, or to expand media center hours as late as they would like. With additional or reallocated funding, schools could more consistently support these study halls, or further expand the hours of their media centers, with the added benefit of ensuring that student participants continue to meet the academic eligibility requirements for such activities.

(3) Evaluate additional incentives for teachers to take on extracurricular sponsorship and coaching responsibilities. MCPS should consider whether additional incentives may make extracurricular sponsorship and coaching more desirable to in-house teachers. MCPS might

⁵ We understand that schools generally only share information contained in a student's Individualized Education Plan or Section 504 plan on a need-to-know basis, and we recognize that limitations on sharing this information are important to protect student privacy. However, we also heard that limitations on information-sharing prevented staff responsible for after-school supervision (i.e., coaches and extracurricular sponsors) from obtaining the information they needed to properly supervise and support their students. It is also worth noting that federal law does not restrict sharing this information. Neither the Individuals with Disabilities Education Act ("IDEA") nor Section 504 of the Rehabilitation Act prohibit information-sharing between administrators, teachers, athletic directors, and coaches for the purposes of assisting the student in their educational environment, and the Family Educational Rights and Privacy Act ("FERPA") permits "school officials with legitimate educational interests" to access personally identifiable information about students.

undertake—as some other districts have recently done—a study or survey to identify attractive options. These may include, for example, increasing the stipend based on years spent coaching (to reward longevity), or providing additional retirement benefits to coaches.

(4) Consider expanding or shifting the activity bus schedules. To help ensure that students can promptly leave campus after practices, consider shifting the activity bus schedule back by 20 minutes (which would allow more students to take the bus home after sports practice), and expanding service to every weekday.

(5) Consider whether changes to existing positions and job descriptions can help mitigate the after-school supervision gap. MCPS should consider whether there are new positions, or revisions to existing job descriptions and responsibilities, that could help enhance after-school supervision. For example, at least one neighboring school district informed us that in addition to a full-time athletic director, each school has a half-time assistant athletic director. MCPS might consider whether an assistant athletic director could be assigned to generally monitor athletic facilities (locker rooms, gyms, etc.) while students are getting ready for practice in the afternoons. Other districts are considering a full-time locker-room attendant position. Changing the athletic directors' formal responsibilities (e.g., eliminating instructional responsibilities for those who currently teach or adjusting duty hours) so that they better align with the requirements of the job may also free up resources.

MCPS should also explore whether creating an after-school activities coordinator position at each high school, designed to handle all of the logistics associated with after-school activities at that school, would be feasible.

(6) Ensure that building services staff receive training reflective of their role as an integral part of after-hours supervision. To the extent that MCPS relies on building services staff for after-school supervision, they need more targeted training recognizing that reality. Training should be offered in multiple languages, and should include information about security and supervision protocols, so that building services staff do not inadvertently undermine those protocols (e.g., by unlocking locked doors for students).

(7) Encourage schools to integrate athletic directors into administrative conversations around supervision and security. Because athletic directors are uniquely positioned to understand the challenges of after-school supervision, MCPS should encourage all principals to include athletic directors in administrative team meetings and other communications about day-to-day safety and security issues at the school.

(8) Work with ICB to ensure that existing policies for community use of MCPS facilities take into account student safety and supervision needs. Although recommending specific changes to the ICB process is beyond the scope of this report, MCPS should confer with ICB about changes to that process that will improve MCPS's ability to adequately supervise students after school. For example, MCPS could advocate for changes to existing ICB rules concerning the number of security assistants required for ICB events.

(9) Help schools develop methods to communicate ongoing issues about students to coaches and sponsors. Coaches and sponsors cannot closely monitor students with additional

needs if they are not aware of those needs. MCPS should provide clear guidance to administrators regarding sharing with coaches and sponsors information about individual students who need additional emotional support or monitoring during the school day, including what information should be shared and how to share such information consistent with District rules and guidance around issues of student privacy.

(10) When incidents occur, encourage prompt debriefings to reflect on lessons learned.

Even with the best supervision policies and practices, some incidents are bound to happen. When they do happen, and once they have been addressed, administrators and relevant staff should promptly review their response to the incident to confirm that existing policies and practices are working, or whether they should be revised to prevent future, similar incidents. All relevant administrators and staff members should be included in this process.

(11) Consider annual Board of Education briefings by select representatives from MCPS athletic and extracurricular programs. Each year, supervision of after-school activities presents new challenges. In order to adequately respond to these challenges, it is important for the Board to understand the range of athletic and extracurricular programming that schools are undertaking, as well as the evolving responsibilities of the staff members that supervise them. These briefings, which other school districts have implemented, would give the Board and the Superintendent the information they need to allocate resources strategically.

IV. ENSURING TIMELY REPORTING OF INCIDENTS AND APPROPRIATE RESPONSES

A. Findings

Our findings on reporting first address existing written protocols, and then assess how those protocols are working in practice.

1. Existing Reporting Protocols

MCPS has a robust set of district-wide regulations with respect to mandatory reporting requirements and procedures. Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*, “provides procedures that address the prohibition of bullying in schools,” including by setting out reporting protocols. The regulation provides that, following a bullying incident, a student; a student’s parent, guardian, or close relative; or a school staff member may fill out the state-mandated reporting form (Form 230-35). It also requires prompt action to investigate (using Form 230-36) and respond to the incident. These reporting protocols are part of the annual compliance training, overseen by the Office of Student Welfare and Compliance, which all teachers and staff must complete at the beginning of each school year.

Regulation COB-RA, *Incident Reporting*, provides guidance on further reporting known incidents, i.e., reporting to OSSI, other MCPS offices, law enforcement, or other external agencies. Consistent with MCPS’s Memorandum of Understanding with the Montgomery County Police Department (“MCPD”), Regulation COB-RA also identifies a sub-group of serious incidents that must be reported to law enforcement as well as OSSI.

2. *Reporting Protocols in Practice*

Administrators and athletic directors understand their reporting obligations. Nearly all of the administrators we spoke to at DHS and elsewhere demonstrated a firm grasp of the MCPS reporting policies and their specific obligations under the regulations. Each school we visited had a procedure for handling incidents once they arose, conducting internal investigations, and conferring with the SRO.

Coaches and sponsors have a basic, functional understanding of reporting. While coaches and sponsors understood they were obligated to report certain incidents, they were often unfamiliar with the specifics. Some coaches and sponsors were unaware that MCPS had an agreement to report particular incidents to MCPD but still said they would report very serious incidents (e.g. child sexual abuse) to the police immediately. For incidents that were perceived as less serious, coaches and sponsors said they would report to the athletic director, an assistant principal, or the principal. They expected that, once an incident was reported internally, the athletic director or administrator would know what to do. Some interviewees also noted that non-teacher coaches or volunteer coaches may feel less equipped to report an incident, despite their mandatory training, because they are less familiar with the school's administrative hierarchy.

Most coaches and sponsors assume that administrators bear the responsibility for completing Form 230-35. Sponsors and coaches are aware of the importance of Form 230-35 in theory. However, when asked whether they had filled it out, most noted that they had not, or that they believed it was the responsibility of administrators to complete the form once an issue had been escalated. Others noted that even when they did refer issues to administrators, they later learned that the forms were not filled out. A few attributed this to the notion that reporting incidents may reflect poorly on a school's reputation (i.e., a school with many reported incidents may be perceived as less safe for students).

Students prefer less formal reporting mechanisms. The students with whom we spoke were either unaware of Form 230-25 or found it too formal and intimidating. For example, because the form covers both bullying and serious forms of sexual harassment, students who wanted to report bullying were sometimes afraid of "blowing out of proportion" what they considered a relatively minor incident. The students with whom we spoke indicated that they would prefer to report incidents by speaking with a trusted adult, by sending an email, or by submitting an online form.

Regulation JHF-RA does not discuss how a staff member or teacher should respond when a student does not want to make a formal report. Staff members receive annual training on their obligation to intervene and report incidents of bullying, harassment, or intimidation. However, some staff expressed confusion as to how to respond if a student does not want to escalate an incident, and Regulation JHF-RA does not directly speak to this concern.

Reporting and response protocols are less well-developed for incidents that occur after hours and require an immediate response. All schools have an "OSET" (on-site emergency team) plan, which sets out clear lines of responsibility for responding to and reporting incidents that occur during the school day. After the school day ends, however, schools generally do not

have a formal reporting plan in place. We found that staff faced with after-school incidents improvise to make sure that the right people learn about and appropriately respond to such incidents.

B. Recommendations

Based on our findings, we recommend that MCPS take the following steps to improve the likelihood that incidents of bullying, hazing, or sexual assault are reported timely, and to assist schools in appropriately responding to such reports.

(1) Encourage schools to develop a reporting protocol tailored for responding to incidents that arise after the school day ends. Each high school should develop a reporting protocol for after-school incidents to help ensure that issues discovered in the evening are acted upon promptly and effectively. Such a protocol should identify on-call administrators as the first point of contact when an issue arises. In addition, MCPS should consider establishing a centralized crisis-management hotline as a resource for staff and administrators dealing with difficult issues outside ordinary business hours.

(2) Ensure that all administrators and staff understand the obligation to report, including when a student expresses reluctance. As noted above, administrators and staff are not always sure how to proceed when a student does not want to make a formal report after an incident. MCPS should develop and distribute clear guidance (potentially through revisions to Regulation JHF-RA) about how it expects staff to respond to a reluctant reporter. That guidance should make explicit whether Form 230-35 should be completed when a student asks a teacher or sponsor not to escalate an incident, and the revised guidance should be incorporated into the mandatory compliance modules that address incident reporting going forward.

(3) Clarify the role of Form 230-35. MCPS compliance trainings currently address Form 230-25. MCPS can improve these trainings to clarify the purpose of Form 230-35, including by describing MCPS's state-law obligation to collect data on bullying, harassment, and intimidation; the role the form plays in MCPS's mandatory record-keeping; and explaining who has primary/ultimate responsibility for completing the form. Training should make clear that individuals should not refrain from filling out Form 230-35 based on a misguided desire to protect the reputation of particular schools or the District.

The District should also encourage schools to direct students toward less formal reporting mechanisms than Form 230-35 to avoid inadvertently discouraging students from reporting. (We recognize that under mandatory state-law reporting requirements, even informal student reports must be logged, tracked, and investigated.) The District should also consider whether there are revisions to Form 230-35 that could make the form itself less intimidating, such as creating an online version of the form.⁶

⁶ Both Baltimore County and Frederick County have developed online versions of the Bullying, Harassment or Intimidation form. See <http://www.bcps.org/apps/bhi/> (Baltimore County); <https://education.fcps.org/publicforms/Bullyingform> (Frederick County).

(4) Proactively gather information from students. Research shows that adults tend to underestimate the rates of hazing because students rarely report it, and hazing often happens when adults are not present. Coaches and sponsors should interview current and former players and extracurricular participants about hazing, bullying, and sexual assault, particularly students who leave a team or activity mid-season. MCPS could assist with this process by developing an exit interview template and encouraging its use. MCPS should also review data collected by the Maryland State Department of Education through its annual Maryland School Survey from MCPS schools. And, in keeping with the recommendations from MCPS's Interim Report on School Safety and Security, MCPS should implement annual student-focused climate surveys (in addition to the annual staff climate surveys it already conducts).

(5) Regularly review incident data to identify areas for improvement. MCPS should, as also recommended by MCPS's Interim Report on School Safety and Security, regularly review incident data gathered through Form 230-35, climate surveys, and other methods to identify trends, patterns, and potential problem areas that may need to be addressed. The results of this review should be communicated to senior MCPS leadership on a regular basis (i.e., monthly, quarterly, or annually).

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACA, ACF, ACH, ACH-RA, GKA-RA, JFA, JFA-RA, JHC, JHC-RA, JHF, JHF-RA

Responsible Office: Superintendent of Schools
Deputy Superintendent of School Support and Improvement
Chief Operating Officer

Sexual Harassment

I. PURPOSE

To provide procedures for implementing the policy on sexual harassment

II. DEFINITION

A. *Sexual harassment* is an unlawful form of discrimination on the basis of sex under *Title VII of the Civil Rights Act of 1964*, as amended in 1972 and 1991, and *Title IX of the Education Amendments Act of 1972*.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

1. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities
2. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or academic decisions affecting the individual subjected to sexual advances
3. When such conduct has the effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile, or offensive work or learning environment

- B. *Sexual violence* refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

III. PROCEDURES

Some forms of sexual harassment may also constitute criminal conduct resulting in criminal penalties or child abuse, and therefore require reporting according to MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, and/or the terms of the Memorandum of Understanding with law enforcement authorities¹. MCPS must conduct any internal investigations in a manner that is fully cooperative with the external law enforcement agencies that are investigating, and that does not interfere with or jeopardize the external investigation.

A. Application to Students

1. Conduct that violates Montgomery County Board of Education Policy, ACF, *Sexual Harassment*, committed by students of either sex against students or staff of the opposite or same sex is inappropriate behavior.
2. Students may seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. Staff members in the Office of School Administration are available for these services in addition to school staff.
3. Filing a Complaint
 - a) MCPS students who believe that they have been subjected to sexual harassment should report such conduct promptly.
 - (1) The report can be made verbally or in writing.
 - (2) The report can be made to any staff member. The staff member will assist the student in reporting to the principal or designee, using MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*.

¹ Full title: *Memorandum of Understanding Between the Montgomery County Public Schools and Montgomery County Department of Police and Montgomery County Sheriff's Office and Rockville City Police Department and Gaithersburg City Police Department and Takoma Park Police Department and Montgomery County State's Attorney's Office: School Resource Officer Program and Other Law Enforcement Responses to School-Based Incidents (Memorandum of Understanding)*

- b) There will be no adverse action against an individual for reporting an incident, or participating in or cooperating with an investigation of an alleged incident.
- c) An investigation will be conducted in accordance with MCPS Regulation JHF-RA, *Bullying, Harassment, or Intimidation*, using MCPS Form 230-36, *Bullying, Harassment, or Intimidation Incident School Investigation Form*.
- d) Confidentiality will be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.
- e) Findings and appropriate action will be rendered within as timely a manner as practicable and reported to the Office of School Administration.
- f) Any student who violates Board Policy ACF, *Sexual Harassment*, will be subject to disciplinary action in accordance with MCPS Regulations JGA-RB, *Suspension or Expulsion of an MCPS Student*, JGA-RC, *Suspension and Expulsion of Students with Disabilities*, and the *Student Code of Conduct in MCPS*. Depending on the severity of the offense, such action could include but not be limited to counseling, suspension, or expulsion.

B. Application to Employees

- 1. Board Policy ACF, *Sexual Harassment*, and this regulation apply to all sexual harassment incidents involving MCPS employees. The policy and regulation address incidents committed by a person of either sex against a person of the opposite or same sex and establish that it is against policy for MCPS employees to commit acts of sexual harassment.
- 2. It is the responsibility of supervisory staff to recognize acts of sexual harassment and take prompt necessary action.
- 3. Employees may seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. The Office of Employee Engagement and Labor Relations (OEELR) is available for these services.

4. Filing a Complaint

- a) MCPS employees who believe that they have been subjected to sexual harassment should report the incident promptly.
 - (1) The report can be made verbally or in writing.
 - (2) The report can be made to the associate superintendent of OEELR, or their designees.
- b) There will be no adverse action against an individual for reporting an incident, or participating in or cooperating with an investigation of an alleged incident.
- c) Confidentiality will be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.
- d) An investigation will be made by OEELR.
 - (1) The full circumstances of the situation will be considered in the investigation of possible sexual harassment incidents.
 - (2) In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.
- e) Findings and recommendations will be rendered in as timely a manner as practicable.
- f) Any employee who violates Board Policy ACF, *Sexual Harassment*, or MCPS regulations or rules regarding sexual harassment will be subject to disciplinary action. Such action could include but not be limited to verbal or written reprimand, professional counseling, reassignment, demotion, suspension, or termination.

C. Overall Coordination

The Office of School Administration will coordinate the implementation of this regulation with respect to students, and OEELR will coordinate the implementation of this regulation with respect to employees, as follows:

1. Disseminate information on complaint resolution, and reporting and investigation procedures regarding sexual harassment
2. Support the development of training programs and guidelines for investigating and for resolving allegations of sexual harassment
3. Support the development of student materials to be used in schools
4. Support the development of K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment problems
5. Facilitate the investigation, documentation, and notification to the superintendent of schools of both employee and student sexual harassment complaints in MCPS
6. Monitor the application of the procedures for responding to complaints of sexual harassment
7. Maintain a recordkeeping system of complaints, reports, and subsequent management action in conformance with privacy requirements
8. Prepare a quarterly report on reported sexual harassment incidents. Reports will include
 - a) quantitative as well as qualitative monthly incident aggregate data for both MCPS staff and students,
 - b) complaint and resolution process evaluations and improvements,
 - c) training statistics and schedules,
 - d) ongoing evaluation of work environments in all MCPS schools, offices, and work locations, and
 - e) other activities being planned or carried out by MCPS that are relevant to the successful implementation of the sexual harassment policy.

D. Dissemination of Information

There will be publication and dissemination of information to all MCPS employees and students that will inform them of the Board policies, and MCPS Regulations and rules that address sexual harassment, what sexual harassment is, what the individual can do, and where to go for help. Information about sexual harassment will be developed by OEELR and the Office of School Administration, in conjunction with the Office of Curriculum and Instructional Programs.

Information will be disseminated in a variety of ways including but not limited to

1. training workshops and/or on-line modules,
2. brochures,
3. bulletins,
4. applications,
5. announcements, and/or
6. other communications, as appropriate

E. Training

1. Training for supervisory staff will include, but not be limited to
 - a) a review of the applicable laws and policies with regard to sexual harassment,
 - b) their duties, responsibilities, and potential liabilities as workplace managers when dealing with incidents involving sexual harassment,
 - c) guidelines for training their staff,
 - d) guidelines for responding to complaints of sexual harassment,
 - e) guidelines for investigating employee complaints,
 - f) guidelines for investigating student complaints, and
 - g) guidelines for providing follow-up support.

2. School principals will be responsible for developing and implementing a plan to help students recognize, understand, and prevent sexual harassment that will include
 - a) guidelines for responding to complaints of sexual harassment,
 - b) opportunities designed to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings, and
 - c) using available MCPS student materials regarding sexual harassment.

Related Sources:

Civil Rights Act of 1964, Title VII; Title IX of the Education Amendments Act of 1972, as amended; Equal Employment Opportunity Commission (EEOC) Sexual Harassment Guidelines (29 C.F.R. §1604.11); Annotated Code of Maryland, Education Article, §7-424; Memorandum of Understanding²; MCPS Student Code of Conduct; MCPS Employee Code of Conduct

Regulation History: New Regulation, February 17, 1993; revised February 22, 2006; revised July 31, 2017.

²Full title: *Memorandum of Understanding Between the Montgomery County Public Schools and Montgomery County Department of Police and Montgomery County Sheriff's Office and Rockville City Police Department and Gaithersburg City Police Department and Takoma Park Police Department and Montgomery County State's Attorney's Office: School Resource Officer Program and Other Law Enforcement Responses to School-Based Incidents (Memorandum of Understanding)*

Maryland's Largest School District

MONTGOMERY COUNTY PUBLIC SCHOOLS

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Dear Parents and Guardians:

Over the last few days, students from several MCPS high schools have reached out to the district, school principals and administrators to make us aware of allegations of sexual assault that potentially involve MCPS students.

We are deeply troubled by these allegations and we commend our students for coming forward to inform us of these alleged incidents. The safety of our students is our top priority and we are committed to maintaining an environment in which all students can learn and thrive. I want to assure you that all allegations involving our schools and/or students that come to our attention will be investigated.

If you or your child have information regarding an alleged sexual assault, you should notify the Montgomery County Police Department immediately by calling 301-279-8000. Families may also contact the [Victim Assistance and Sexual Assault Program \(VASAP\)](#) for support. VASAP provides information and referrals, advocacy, as well as crisis and ongoing counseling for victims of sexual assault. Additionally, we want to encourage students who may be hesitant to contact the police to take advantage of the confidential Montgomery County Hotline by calling 240-777-4357 or 301-738-2255 (EveryMind). A trained staff member or volunteer will provide supportive listening and information, 24 hours a day, seven days a week. Students may text the EveryMind hotline telephone number every day, available between noon and midnight.

Parents and students should report any bullying or harassment by completing [MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form](#). Additional resources for families can be found at: <http://www.montgomeryschoolsmd.org/info/bullying/>.

We understand that the experiences that have been shared by our students have caused feelings of deep sadness, anger, hurt and disappointment. MCPS is committed to a fair process where all students involved will be provided an opportunity to address the allegations. We ask that you allow the district to gather information. Engaging in public shaming or bullying in response to these allegations is very harmful to all involved and can negatively impact potential investigations.

Thank you for your cooperation and continued support.

Sincerely,

Jack R. Smith, Ph.D.
Superintendent of Schools

Maryland's Largest School District

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Dear Parents, Guardians, Students and Staff:

I am writing to follow up on my [June 26 community message](#) to share additional information on MCPS' efforts to address the allegations of sexual assault, harassment and discrimination, and provide supports to students and families. We are enraged and saddened by these allegations. We recognize the courage it takes to publicly share painful and personal experiences of harassment, assault, bias and bullying. MCPS is actively looking into the allegations to address them as quickly as possible.

Over the last five years, MCPS has taken significant action to strengthen abuse prevention efforts, enhance reporting protocols, and encourage greater cultural competency. This includes mandatory training for all staff on sexual harassment, child abuse and neglect, implicit bias, and instruction for all students on harassment and personal body safety. MCPS also requires cultural competency training for all staff to combat the impact of implicit bias in teaching and to ensure all students feel welcomed and supported in all subjects and classrooms. We have a Student Welfare Liaison in every school who also serves as the school's Title IX coordinator. We partner with the Montgomery County Family Justice Center on the [Choose Respect Initiative](#), which seeks to promote respect in dating relationships and to raise community awareness about the prevalence of teen dating violence.

However, we know that there is more work to be done. As an immediate next step, I have asked our Director of Student Welfare and Compliance/Title IX Coordinator to lead a process—involving all offices of our school system—to ensure a thorough investigation is conducted into each viable report, and to take the necessary steps in response to what we find. I have also asked that we take a deep look into the culture that exists in our schools and how it may differ from the values we hold as a school system. If you or your child have information regarding an alleged sexual assault or harassment, there are multiple ways to report and seek support. The most direct way is to notify your school administrator of the incident, which will begin a process of investigation under our [Title IX/Sexual Harassment/Assault protocols](#). The school's counseling team will work with school administration and our Office of Student and Family Support and Engagement to identify trusted adults at the school level and ensure our students are supported. We also encourage you to notify the Montgomery County Police Department (MCPD) immediately by calling 301-279-8000.

We know some families may not feel comfortable reporting to school administrators and/or the police so we have identified additional ways for students, staff and families to share information. This includes:

- Parent, students and staff can report any incidents of discrimination and/or sexual harassment/assault to Greg Edmundson, Director of Student Welfare and Compliance/Title IX (36)

Coordinator at COS-TitleIX@mcpsmd.org. Reports and allegations concerning MCPS employees will immediately involve the Office of Employee Engagement and Labor Relations. They can be reached at OCOO-EmployeeEngagement@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.
- Parents and students may report any bullying or harassment to MCPS by completing [MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form](#). This form may be submitted to the principal, counselor or any school staff (via email).
- Contact the Montgomery County Hotline at 240-777-4357 or 301-738-2255 (**EveryMind**). A trained staff member or volunteer will provide supportive listening and information, 24 hours a day, seven days a week. Students may text the EveryMind hotline telephone number every day, available between noon and midnight.
- Students may 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.

The following MCPS offices can also provide support:

- [MCPS Student Welfare and Compliance](#) works collaboratively with schools, central office and community agencies to ensure consistency and coherence with implementation of policies, regulations and guidelines, such as issues related to human relations; bullying, harassment (including Title IX sexual harassment) and intimidation; recognizing and reporting child abuse and neglect; and gender identity. You can call 240-740-3215 or email COS-StudentWelfare@mcpsmd.org.
- [MCPS Office of Student and Family Support and Engagement \(OSFSE\)](#) oversees MCPS services and programs needed to promote positive school cultures and advance the academic, physical, social and psychological well-being of every student. You can call the office at 240-740-5630 or contact Ruschelle Reuben (Ruschelle_Reuben@mcpsmd.org) or Everett Davis (Everett_M_Davis@mcpsmd.org).
- [The Equity Initiatives Unit](#) supports, coaches, consults and collaborates with schools and offices to design and implement efforts to address equity and cultural competency. They help school and office employees, in their day-to-day work, address structural barriers that enable our racial achievement gap to persist. You can call the office at 240-740-4070 or email Troy Boddy at Troy_Boddy@mcpsmd.org.
- [MCPS school psychologists](#) can be contacted by calling your school, or by contacting Dr. Christina N. Conolly at 240-740-5640 or Christina_N_Connolly@mcpsmd.org. You can find more on MCPS school psychologists [here](#).

We know that these are very difficult conversations to have at home. Here are some additional resources to support you as you discuss this serious matter:

- **The Washington Post:** [Sexual harassment among teens is pervasive. Here's how parents can change that](#)
- **Harvard School of Education, Making Caring Common Project:** [The Talk: How Adults Can Promote Young People's Healthy Relationships and Prevent Misogyny and Sexual Harassment](#)
- **National Sexual Violence Resource Center:** [6 Resources to Help Parents Talk about Consent](#)

We have created a [webpage](#) where additional information and resources will be posted in the coming weeks. Please know that we are committed to providing a safe and welcoming learning environment for all of our students.

Sincerely,

Jack R. Smith, Ph. D.
Superintendent of Schools
