

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACA, ACF, ACF-RA, ACH, ACH-RA, ACI, ACI-RA, BBB, GCA-RA, GCB-RA, GKA-RA, KBA, KBA-RA, JHC, JHC-RA, JHF, JHF-RA; Negotiated Agreements

Responsible Office: Office of Human Resources and Development

Investigation of Allegations of Employee Misconduct

A. PURPOSE

To establish the core principles guiding the investigation of allegations of misconduct by Montgomery County Public Schools (MCPS) employees

B. POSITION

1. The Montgomery County Board of Education expects all employees to adhere to the law and ethical standards of conduct set forth in Board policies and core values, MCPS regulations, and the *Employee Code of Conduct in Montgomery County Public Schools* (hereafter “MCPS rules”).
2. MCPS shall –
 - a. apply MCPS rules in a fair, equitable, and reasonable manner, in alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*;
 - b. investigate alleged employee violations of these rules (hereafter “misconduct”) thoroughly and professionally, using a consistent approach for comparable types of cases; and
 - c. adhere to all legal obligations regarding the protection, and appropriate disclosure, of student and employee information, in accordance with federal and state law and Board Policy KBA, *Policy on Public Information*.
3. The goal of any MCPS internal investigation shall be to determine whether there is a preponderance of evidence to substantiate an allegation of misconduct by a thorough and objective examination that establishes key facts, gathers information to address gaps in the evidence, and resolves omissions or inconsistencies in such

evidence.

4. In full compliance with the Maryland “Whistleblower” law, the Board prohibits reprisal or retaliation against individuals who, in good faith, report allegations of employee misconduct, or provide information to or participate in an investigation. MCPS will inform all parties who participate in an investigation (e.g., the respondent, the complainant, and any witnesses), that reprisals, retaliation, or false accusations may be subject to disciplinary action.

C. IMPLEMENTATION STRATEGIES

The superintendent of schools shall establish implementing regulations and guidance as follows:

1. Review and annually update clear administrative procedures for the conduct and documentation of investigations.
2. Investigate all anonymous complaints, based on all relevant information available, with the same procedures and thoroughness as complaints made by complainants who identify themselves.
3. Establish a case management process for the receipt, tracking, disposition, and evaluation of all investigations of allegations of employee misconduct, including –
 - a. a confidential public reporting hotline that is managed externally by MCPS for allegations of employee misconduct, whether the reporter self-identifies or remains anonymous;
 - b. timelines for initiating, conducting, and concluding internal investigations; and
 - c. a secured, case-tracking system that –
 - i. logs self-identified and anonymous reports into compliance software and a shared drive with appropriate access, use, and disclosure protocols;
 - ii. preserves internal work products of the investigation;
 - iii. informs regular administrative evaluations of fidelity to established timelines and procedures, and investigation trends; and
 - iv. adheres to all legal obligations regarding the confidentiality and

appropriate disclosure of student and employee information, in accordance with federal and state law.

4. Negotiate and update as necessary memoranda of understanding for the efficient and effective collaboration of MCPS and state and county law enforcement agencies –
 - a. in full compliance with mandatory reporting requirements established in Maryland law and Board Policy JHC, *Child Abuse and Neglect*, and
 - b. with sufficient detail to identify allegations for which the appropriate law enforcement agency shall take the lead in their investigation.
 - c. MCPS must conduct all internal investigations in a manner that is fully cooperative with the investigation of the external agency and that does not interfere with or jeopardize the external investigation.
5. Set staffing expectations for the MCPS investigation unit that results in a balanced portfolio of expertise among, and ongoing professional development of, unit leadership and investigators that includes relevant federal and state law, Board policies and negotiated agreements, school and district operations, and MCPS regulations concerning the rights and privileges of employees, including, but not limited to, employment, tenure, performance evaluation, due process, and Maryland certification requirements.
6. Develop protocols for investigators to –
 - a. immediately disclose any conflict of interest (whether actual, potential, or perceived) or prior or existing relationships with the accused, the victim, or a witness; or in the chain of command of the accused, the victim, or a witness that may impact the investigator's objectivity or cause others to question that objectivity; and
 - b. maintain the integrity of the investigation through—
 - i. the preservation of all evidence and documentation,
 - ii. adherence to all confidentiality requirements, and
 - iii. fidelity in the implementation of established processes.

D. DESIRED OUTCOMES

1. Employee conduct shall meet the high standards of conduct and accountability as set forth in MCPS rules.
2. Any allegations of employee misconduct shall be thoroughly and professionally investigated with fidelity to established processes.
3. Investigators shall be qualified, impartial, unbiased, and free of any conflict of interest (whether actual, potential, or perceived) that may impact their objectivity or cause others to question their objectivity.
4. MCPS investigators will be thorough and objective in establishing key facts, addressing gaps in the evidence, and resolving omissions or inconsistencies in such evidence.

E. APPEALS

Decisions of the superintendent of schools may be appealed in accordance with the Annotated Code of Maryland, Education Article, sections 4-205 and 6-202, as set forth in Board Policy BLB, *Rules of Procedure in Appeals and Hearings*.

F. REVIEW AND REPORTING

This policy will be reviewed on an ongoing basis, in accordance with the Board of Education policy review process.

Related Sources: Annotated Code of Maryland, Family Law Article, §5-706; Code of Maryland Regulations 07.02.07.04, Reporting Child Abuse or Neglect; Annotated Code of Maryland, Education Article, §6-902, Public School Employee Whistleblower Protection; Montgomery County Public Schools Employee Code of Conduct

Policy History: New policy, adopted by Resolution No. 131-25, March 18, 2025.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.*

It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:

- (1) Title VI of the federal Civil Rights Act of 1964; and
- (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

Please note that contact information and federal, state, or local content requirements may change between editions of this document and shall supersede the statements and references contained in this version. Please see the online version for the most up-to-date information at www.montgomeryschoolsmd.org/info/nondiscrimination.

For inquiries or complaints about discrimination against MCPS students***	For inquiries or complaints about discrimination against MCPS staff***
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of School Support and Improvement Well-Being and Student Services 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-3109 504@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff***	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

*This notification complies with the federal Elementary and Secondary Education Act, as amended.

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mccr@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.