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Sexual Harassment Intimidation and Sexual Misconduct

Sexual harassment, sexual intimidation, and sexual misconduct are forms of discrimination and are prohibited. An employee, District agent, or student engages in sexual harassment, sexual intimidation, and sexual misconduct whenever that individual makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal, electronic or physical contact or conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies, deprives, or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - a. Substantially interfering with a student's educational environment;
 - b. Creating an intimidating, hostile, or offensive educational environment;
 - c. Denying, depriving or limiting the provision of educational aid, benefits, services, opportunities, or treatment; or
 - d. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

Sexual harassment, sexual intimidation and sexual misconduct prohibited by this policy includes verbal, electronic, or physical contact or conduct. The terms "intimidating," "hostile," "misconduct," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment, sexual intimidation and sexual misconduct include, but are not limited to, unwelcome or forceful touching, crude jokes or pictures, discussions of sexual experiences, pressure or requests for sexual activity or favors, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The District will evaluate sexual harassment, sexual intimidation, and sexual misconduct in light of all circumstances.

Students who believe that they may have been sexually harassed or intimidated, or been subjected to sexual misconduct should consult a counselor, teacher, Title IX coordinator, or administrator, who will assist them in a complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment, misconduct, or intimidation may themselves be subject to discipline. The District will report any suspected child abuse or neglect to proper authorities in accordance with District Policy 5232. The District is authorized to report any violation of this policy to law enforcement that is suspected to be a violation of state or federal criminal laws.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment, intimidation or misconduct will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment, intimidation or misconduct will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with the District's discipline policy.

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1 Any person who knowingly makes a false accusation regarding sexual harassment, intimidation
2 or misconduct likewise will be subject to disciplinary action up to and including discharge with
3 regard to employees or suspension and expulsion with regard to students.
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6 To the greatest extent possible, the District will treat complaints in a confidential manner. The
7 District realizes that limited disclosure may be necessary in order to complete a thorough
8 investigation. Retaliation against persons who file a complaint is a violation of law prohibiting
9 discrimination and will lead to disciplinary action against an offender.
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11 Any individual seeking further information should consult the Superintendent for the name of the
12 current Title IX Coordinator for the District. The Superintendent will ensure that student and
13 employee handbooks include the name, address, and telephone number of an individual
14 responsible for coordinating District compliance efforts.
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19 Cross Reference: 1700 Uniform Complaint Procedure
20 5232 Abused and Neglected Child Reporting
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22 Legal References: Art. X, Sec. 1, Montana Constitution
23 §§ 49-3-101, et seq., MCA Montana Human Rights Act
24 Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
25 34 CFR Part 106 Nondiscrimination on the Basis of Sex in
26 Education Programs or Activities Receiving
27 Federal Financial Assistance
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29 Policy History:

30 Adopted on: February 2007
31 Revised on: July 2018, March 2020
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33 *Revision note: Expanded Sexual Harassment to include Intimidation and Misconduct*