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1 Sexual Harassment of Students

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3 The District does not discriminate on the basis of sex in any education program or activity that it
4 operates. The District is required by Title IX of the Education Amendments of 1972 and the
5 regulations promulgated through the U.S. Department of Education not to discriminate in such a
6 manner. Inquiries about the application of Title IX to the District may be referred to the
7 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of
8 Education, or both.

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10 The Board designates the following individual to serve as the District’s Title IX Coordinator:

11
12 Title: School Counselor _____
13 Office address: 312 S. Main St. Boulder, MT 59632 _____
14 Email: joe.michaud@jhs.k12.mt.us _____
15 Phone number: (406) 225-3317 _____
16

17 Any person may report sex discrimination, including sexual harassment, at any time, including
18 during non-business hours. Such a report may be made in person, by mail, by telephone, or by
19 electronic mail using the contact information listed for the Title IX Coordinator or by any other
20 means that results in the Title IX Coordinator receiving the person’s verbal or written report.

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22 For purposes of this policy and the grievance process, “sexual harassment” means conduct on the
23 basis of sex that satisfies one or more of the following:

- 24
25 1. A District employee conditioning the provision of an aid, benefit, or service of the
26 District on an individual’s participation in unwelcome sexual conduct;
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28 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
29 and objectively offensive that it effectively denies a person equal access to the
30 District’s education program or activity; or
31
32 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined
33 in 34 USC 12291(a)(10), “domestic violence” as defined in 24 USC 12291(a)(8), or
34 “stalking” as defined in 34 USC 12291(a)(30).
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36 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
37 harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination
38 process for the investigation.

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40 An individual is not required to submit a report of sexual harassment involving the Title IX
41 Coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged
42 harassment, the individual may report the allegations to the building principal, superintendent, or
43 other unbiased school official.
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45 Retaliation Prohibited

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2 The District prohibits intimidation, threats, coercion, or discrimination against any individual for
3 the purpose of interfering with any right or privilege secured by Title IX or this policy, or
4 because the individual has made a report or complaint, testified, assisted, or participated or
5 refused to participate in any manner in an investigation proceeding or hearing, if applicable.
6 Intimidation, threats, coercion, or discrimination, including charges against an individual for
7 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise
8 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report
9 or formal complaint of sexual harassment, for the purpose of interfering with any right or
10 privilege secured by Title IX or this part, constitutes retaliation.

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12 Confidentiality

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14 The district must keep confidential the identity of any individual who has made a report or
15 complaint of sex discrimination, including any individual who has made a report or filed a
16 formal complaint of sexual harassment, any individual who has been alleged to be the victim or
17 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may
18 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or
19 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,
20 hearing, or judicial proceeding arising thereunder.

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22 Notice Requirements

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24 The District provides notice to applicants for admission and employment, students, parents, or
25 legal guardians of elementary and secondary school students, employees and the union(s) with
26 the name or legal title, office address, email address, and telephone number of the Title IX
27 Coordinator and notice of the District grievance procedures and process, including how to report
28 or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment
29 and how the District will respond. The District also posts the Title IX Coordinator's contact
30 information and Title IX policies and procedures in a prominent location on the District website
31 and in all handbooks made available by the District.

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33 Training Requirements

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35 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
36 who facilitates an informal resolution process, receives training on the definition of sexual
37 harassment, the scope of the District's education program or activity, how to conduct an
38 investigation and grievance process including hearings, appeals, and informal resolution
39 processes, when applicable, and how to serve impartially including by avoiding prejudgment of
40 the facts at issue, conflicts of interest, and bias. The District also ensures that decision-makers
41 and investigators receive training on issues of relevance of questions and evidence, including
42 when questions and evidence about the complainant's sexual predisposition or prior sexual
43 behavior are not relevant as set forth in the formal procedures that follow, and training on any
44 technology to be used at a live hearing, if applicable. Investigators also receive training on issues
45 of relevance to create an investigative report that fairly summarizes relevant evidence. All

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1 materials used to train individuals who receive training under this section must not rely on sex
2 stereotypes and must promote impartial investigations and adjudications of formal complaints of
3 sexual harassment and are made publicly available on the District’s website.
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5 Conflict of Interest and Bias
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7 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
8 who facilitates an informal resolution process do not have a conflict of interest or bias for or
9 against complainants or respondents generally or an individual complainant or respondent.
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11 Determination of Responsibility
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13 The individual who has been reported to be the perpetrator of conduct that could constitute
14 sexual harassment is presumed not responsible for alleged conduct. A determination regarding
15 responsibility will be made by the decision-maker at the conclusion of the investigation in
16 accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed
17 unless and until a final determination of responsibility is reached.
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23 Cross Reference: 3210 Equal Educational Opportunity, Nondiscrimination, and Sex
24 Equity
25 3225P Sexual Harassment Procedures
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27 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
28 §§ 49-3-101, et seq., MCA Montana Human Rights Act
29 Civil Rights Act, Title VI; 42 USC 2000d et seq.
30 Civil Rights Act, Title VII; 42 USC 2000e et seq.
31 Education Amendments of 1972, Title IX; 20 U.S.C. § 1681, et seq.
32 34 CFR Part 106 Nondiscrimination on the Basis of Sex in
33 Education Programs or Activities Receiving
34 Federal Financial Assistance
35 10.55.701(1)(f), ARM Board of Trustees
36 10.55.719, ARM Student Protection Procedures
37 10.55.801(1)(1), ARM School Climate
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39 Policy History:

40 Adopted on: February 2007
41 Revised on: July 2018, March 2020, November 2020
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43 *Revision note: Expanded Sexual Harassment to include Intimidation and Misconduct*