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

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

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

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

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

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8), or "stalking" as defined in 34 USC 12291(a)(30).

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator shall direct the individual to the applicable sex discrimination process for investigation.

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

Retaliation Prohibited

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

Confidentiality

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

Notice Requirements

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

Training Requirements

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

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and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference:	1700	Uniform Complaint Procedure	5010	Equal E
	5012P	Sexual Harassment Procedures		
Legal Reference:	Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11			
	Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.			
	Montana Constitution, Art. X, § 1 - Educational goals and duties			
	§§ 49-2-101, MCA Montana Human Rights Act			
	<i>Harris v. Fork Lift Systems</i> , 114 S.Ct. 367 (1993)			
	Civil Rights Act, title VI; 42 USC 2000d et seq.			
	34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance		
	10.55.701(1)(f), ARM	Board of Trustees		
	10.55.719, ARM	Student Protection Procedures		
	10.55.801(1)(a), ARM	School Climate		

Policy History:

Adopted on: February 2007

Revised on: April 2019, November 2020