

PERSONNEL

Sexual Harassment, Sexual Intimidation, and Sexual Misconduct in the Workplace

The District will do everything in its power to provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, or misconduct, as defined and otherwise prohibited by state and federal law.

The District prohibits its employees from making sexual advances or requesting sexual favors or engaging in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.
4. Such conduct deprives the individual of their rights to equal employment under District policy and state or federal law.

Sexual harassment, sexual intimidation, and sexual misconduct prohibited by this policy includes verbal, electronic, or physical contact or conduct. The terms “intimidating,” “hostile,” “misconduct,” or “offensive” include but are not limited to conduct that has the effect of deprivation of rights, humiliation, embarrassment, or discomfort. Examples of sexual harassment, sexual intimidation, and sexual misconduct include but are not limited to unwelcome or forceful physical 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.

A violation of this policy may result in disciplinary action, up to and including discharge. 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 person who knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

An aggrieved person who feels comfortable doing so should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator or an administrator, who will assist them in filing a complaint. An

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1 individual with a complaint alleging a violation of this policy shall follow the Uniform
2 Complaint Procedure.

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Cross Reference: 1700 Uniform Complaint Procedure

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Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R.
§ 1604.11

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Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.

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Montana Constitution, Art. X, § 1 - Educational goals and duties

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§ 49-2-101, MCA Human Rights Act

Harris v. Fork Lift Systems, 114 S.Ct. 367 (1993)

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Policy History:

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Adopted on: February 2007

Revised on: April 2019