

Sexual Harassment/Intimidation of Students

Sexual harassment of students is prohibited. An employee, District agent, or student engages in sexual harassment whenever he/she makes unwelcome advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. denies or limits the provision of educational aid, benefits, services, or treatment, or that makes such conduct a condition of a student's academic status; or
2. has the purpose or effect of:
 1. substantially interfering with the student's educational environment;
 2. creating an intimidating, hostile, or offensive educational environment;
 3. depriving a student of educational aid, benefits services, or treatment; or
 4. making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms "intimidating", "hostile" and "offensive" include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator or administrator who will assist them in the 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 or intimidation may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment 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 will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person knowingly making a false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

The District will make every effort to insure that employees or students accused of sexual harassment or intimidation are given appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall insure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District's compliance efforts.

An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

Cross Reference: Uniform Grievance Procedure 3215

Legal References: Title IX of the Educational Amendments, 20 U.S.C. § 1681 et seq.
34 CFR Part 106
Montana Constitution Article X, § 1
Montana Human Rights Act, § 49-3-101, et seq., MCA

Policy History:

Adopted on: June 1999

Revised on: June 2001