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3 **STUDENTS**

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5 Sexual Harassment/Intimidation of Students

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7 Sexual harassment is a form of sex discrimination and is prohibited. An employee, District agent,  
8 or student engages in sexual harassment whenever that individual makes unwelcome advances,  
9 requests sexual favors, or engages in other verbal, non-verbal, or physical conduct of a sexual or  
10 sex-based nature, imposed on the basis of sex, that:

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- 12 1. Denies or limits the provision of educational aid, benefits, services, opportunities, or
- 13 treatment, or that makes such conduct a condition of a student’s academic status; or
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- 15 2. Has the purpose or effect of:
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  - 17 a. Substantially interfering with a student’s educational environment;
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  - 19 b. Creating an intimidating, hostile, or offensive educational environment;
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  - 21 c. Depriving a student of educational aid, benefits, services, opportunities, or
  - 22 treatment; or
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  - 24 d. Making submission to or rejection of such unwelcome conduct the basis for
  - 25 academic decisions affecting a student.
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27 The terms “intimidating,” “hostile,” and “offensive” include conduct that has the effect of  
28 humiliation, embarrassment, or discomfort. Examples of sexual harassment include but are not  
29 limited to unwelcome touching, crude jokes or pictures, discussions of sexual experiences,  
30 pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing  
31 related to sexual characteristics, and spreading rumors related to a person’s alleged sexual  
32 activities.

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34 Students who believe that they may have been sexually harassed or intimidated should consult a  
35 counselor, teacher, Title IX coordinator, or the Superintendent, who will assist them in the  
36 complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a  
37 student to take action to remediate such behavior of sexual harassment or intimidation may  
38 themselves be subject to discipline.

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40 Any District employee who is determined, after an investigation, to have engaged in sexual  
41 harassment will be subject to disciplinary action up to and including discharge. Any student of  
42 the District who is determined, after an investigation, to have engaged in sexual harassment will  
43 be subject to disciplinary action, including but not limited to suspension and expulsion consistent  
44 with the District’s discipline policy. Any person who knowingly makes a false accusation  
45 regarding sexual harassment likewise will be subject to disciplinary action up to and including  
46 discharge with regard to employees or suspension and expulsion with regard to students.

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4 The District will make every effort to ensure that employees or students accused of sexual  
5 harassment or intimidation are given an appropriate opportunity to defend themselves against  
6 such accusations.  
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8 To the greatest extent possible, the District will treat complaints in a confidential manner. The  
9 District realizes that limited disclosure may be necessary in order to complete a thorough  
10 investigation. Retaliation against persons who file a complaint is a violation of law prohibiting  
11 discrimination and will lead to disciplinary action against an offender.  
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13 Any individual seeking further information should consult the Superintendent for the name of the  
14 current Title IX Coordinator for the District. The Superintendent will ensure that student and  
15 employee handbooks include the name, address, and telephone number of an individual  
16 responsible for coordinating District compliance efforts.  
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18 An individual with a complaint alleging a violation of this policy should follow the Uniform  
19 Complaint Procedure.  
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23 Cross Reference: 1700 Uniform Complaint Procedure  
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25 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
26 §§ 49-3-101, et seq., MCA Montana Human Rights Act  
27 Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.  
28 34 CFR Part 106 Nondiscrimination on the basis of sex in  
29 education programs or activities receiving  
30 Federal financial assistance  
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32 Policy History:

33 Adopted on: Spring 2004

34 Reviewed on:

35 Revised on: 2/25/08