**NAME OF School District**  5000

Personnel

Equal Employment Opportunity and Non-Discrimination

**As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, and Section 504 and the Americans with Disabilities Act and their regulations** The District will provide equal employment opportunities to **and will not discriminate in its educational programs or activities, including in the area of employment, with respect to** all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform essential functions of a job with reasonable accommodations, and other legally protected categories. **For purposes of this policy, “sex” includes sexual orientation and gender identity and expression.**

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the building principal. **Inquiries regarding sex discrimination or sexual harassment may also be directed to the District’s Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both**. Claims of **sexual harassment** ~~or disability discrimination~~ will be handled through the District’s Title IX ~~and Section 504 and ADA~~ **Sexual Harassment** Grievance Procedure~~s~~. **Claims of disability discrimination will be handled through the District’s Section 504 and ADA Grievance Procedure.** All other claims will be handled through the Uniform Complaint Protocol. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The District reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Retaliation against an employee who has filed a discrimination complaint, testified or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference: 1700 Uniform Complaint Procedure

Title IX **Sexual Harassment Grievance Procedure**

Section 504 and ADA Grievance Procedure

Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq*.

Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq*.

Equal Pay Act, 29 U.S.C. § 206(d)

Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq*.

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq*

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

**Nondiscrimination on the Basis of Sex in Education, 34 C.F.R. Part 106**

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

§ 49-2-101, *et* *seq.,* MCA Human Rights Act

*Bostock v. Clayton County*, 140 S.Ct. 1731 (2020)

Policy History:

Adopted on:

Revised on:

**NAME OF School District**  5005

Personnel

# Sexual Harassment

The District shall provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, and sexual coercion.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome 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 the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.  The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort.  Sexual harassment will be evaluated in light of all the circumstances. A violation of this policy may result in discipline, up to and including discharge.  Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to the Principal or Superintendent or the District’s Title IX Coordinator and/or use the District’s Title IX Grievance Procedures. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments

Legal References: 42 USC § 2000(e) et seq. Title VII of Civil Rights Act

20 USC 1681 et seq Title IX

§ 49-2-101, et seq. MCA Human Rights Act

§ 49-1-102, MCA Freedom from discrimination

§ 49-3-201, MCA et seq Governmental Code of Fair Practices

Cross References: Title IX Grievance Procedure

Policy History:

Adopted on:

Revised on: