**[District] School District**

**PERSONNEL** 5012

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Sexual Harassment**~~/Sexual Intimidation in the Workplace~~**

The District shall provide employees an 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, **including Title IX and its implementing regulations**, **in the educational programs and activities it offers, including the area of employment. ~~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, sexual coercion, sexual abuse, sexual exploitation, indecent exposure or any actual or attempted violation of Montana criminal laws.~~** **Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:**

1. **An employee of the District 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 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).**

**~~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 **Sexual Harassment** Grievance Procedures. All **formal** complaints**~~, written or verbal,~~** about behavior that may violate this policy shall be **addressed through the District’s Title IX Sexual Harassment Grievance Procedures** ~~promptly investigated~~. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation or work assignments.

Cross References: Title IX **Sexual Harassment** Grievance Procedures

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

20 USC §1681 et seq. Title IX

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

§ 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

Policy History:

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Reviewed on:

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