

2
3 **STUDENTS**

5 Sexual Harassment of Students

6
7 The District does not discriminate on the basis of sex in any education program or activity that it
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a
10 manner. Inquiries about the application of Title IX to the District may be referred to the
11 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of
12 Education, or both.

13
14 The Board designates the following individual to serve as the District’s Title IX Coordinator:

- 15 Title: District Clerk and Title IX Coordinator
- 16 Office Address: PO Box 110, 368 Mesa Street, Savage, MT 59262
- 17 Email: savageof@savagepublicschool.com
- 18 Phone number: 406-776-2317 Ex. 217

19
20 Any person may report sex discrimination, including sexual harassment, at any time, including
21 during non-business hours. Such a report may be made in person, by mail, by telephone or by
22 electronic mail, using the contact information listed for the Title IX Coordinator, or by any other
23 means that results in the Title IX Coordinator receiving the person’s verbal or written report.

24
25 For purposes of this policy and the grievance process, “sexual harassment” means conduct on the
26 basis of sex that satisfies one or more of the following:

- 27
28 1. A District employee conditioning the provision of an aid, benefit, or service of the
29 District on an individual’s participation in unwelcome sexual conduct;
- 30
31 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and
32 objectively offensive that it effectively denies a person equal access to the District’s
33 education program or activity or
- 34
35 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in
36 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or
37 “stalking” as defined in 34 USC 12291(a)(30).

38
39 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
40 harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination
41 process for investigation.

42
43 An individual is not required to submit a report of sexual harassment involving the Title IX
44 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged
45 harassment, the individual may report the allegations to the building principal or superintendent
46 or other unbiased school official.

1
2
3 Retaliation Prohibited
4

5 The District prohibits intimidation, threats, coercion or discrimination against any individual for
6 the purpose of interfering with any right or privilege secured by Title IX or this policy, or
7 because the individual has made a report or complaint, testified, assisted, or participated or
8 refused to participate in any manner in an investigation proceeding or hearing, if applicable.
9 Intimidation, threats, coercion, or discrimination, including charges against an individual for
10 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise
11 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report
12 or formal complaint of sexual harassment, for the purpose of interfering with any right or
13 privilege secured by Title IX or this part, constitutes retaliation.
14

15 Confidentiality
16

17 The District must keep confidential the identity of any individual who has made a report or
18 complaint of sex discrimination, including any individual who has made a report or filed a
19 formal complaint of sexual harassment, any individual who has been alleged to be the victim or
20 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may
21 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or
22 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,
23 hearing or judicial proceeding arising thereunder.
24

25 Notice Requirements
26

27 The District provides notice to applicants for admission and employment, students, parents or
28 legal guardians of elementary and secondary school students, employees and the union(s) with
29 the name or title, office address, email address and telephone number of the Title IX Coordinator
30 and notice of the District grievance procedures and process, including how to report or file a
31 complaint of sex discrimination, how to file a formal complaint of sexual harassment and how
32 the District will respond. The District also posts the Title IX Coordinator's contact information
33 and Title IX policies and procedures in a prominent location on the District website and in all
34 handbooks made available by the District.
35

36 Training Requirements
37

38 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
39 who facilitates an informal resolution process, receives training on the definition of sexual
40 harassment, the scope of the District's education program or activity, how to conduct an
41 investigation and grievance process including hearings, appeals and informal resolution
42 processes, when applicable, and how to serve impartially including by avoiding prejudgment of
43 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers
44 and investigators receive training on issues of relevance of questions and evidence, including
45 when questions and evidence about the complainant's sexual predisposition or prior sexual
46

behavior is not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District’s website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity
Policy 3225P – Sexual Harassment Procedures

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
34 CFR Part 106 Nondiscrimination on the basis of sex in
education programs or activities receiving
Federal financial assistance
10.55.701(1)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on: 10/19/2020
Reviewed on:
Revised on: