

5 Sexual Harassment of Employees

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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.

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

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- 16 Title: District Clerk and Title IX Coordinator
- 17 Office Address: PO Box 110, 368 Mesa Street, Savage, MT 59262
- 18 Email: savageof@savagepublicschool.com
- 19 Phone number: 406-776-2317 Ex. 217
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21 Any person may report sex discrimination, including sexual harassment, at any time, including
22 during non-business hours. Such a report may be made using the attached form, in person, by
23 mail, by telephone or by electronic mail, using the contact information listed for the Title IX
24 Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s
25 verbal or written report.

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

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- 30 1. A District employee conditioning the provision of an aid, benefit, or service of the
- 31 District on an individual’s participation in unwelcome sexual conduct;
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- 33 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and
- 34 objectively offensive that it effectively denies a person equal access to the District’s
- 35 education program or activity; or
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- 37 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in
- 38 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or
- 39 “stalking” as defined in 34 USC 12291(a)(30).
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41 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
42 harassment, the Title IX Coordinator shall direct the individual to the applicable sex
43 discrimination process for investigation.

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45 An individual is not required to submit a report of sexual harassment involving the Title IX
46 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged

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5 harassment, the individual may report the allegations to the building principal or superintendent
6 or other unbiased school official.

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

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20 Confidentiality

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

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29 Notice Requirements

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

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39 Training Requirements

40 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
41 who facilitates an informal resolution process, receives training on the definition of sexual
42 harassment, the scope of the District's education program or activity, how to conduct an
43 investigation and grievance process including hearings, appeals and informal resolution
44 processes, when applicable, and how to serve impartially including by avoiding prejudgment of
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4 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers
5 and investigators receive training on issues of relevance of questions and evidence, including
6 when questions and evidence about the complainant’s sexual predisposition or prior sexual
7 behavior are not relevant as set forth in the formal procedures that follow, and training on any
8 technology to be used at a live hearing, if applicable. Investigators also receive training on
9 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All
10 materials used to train individuals who receive training under this section must not rely on sex
11 stereotypes and must promote impartial investigations and adjudications of formal complaints of
12 sexual harassment and are made publicly available on the District’s website.

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14 Conflict of Interest and Bias

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

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20 Determination of Responsibility

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

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28 Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination
29 Policy 5012P – Sexual Harassment Procedures

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32 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
33 §§ 49-3-101, et seq., MCA Montana Human Rights Act
34 Civil Rights Act, Title VI; 42 USC 2000d et seq.
35 Civil Rights Act, Title VII; 42 USC 2000e et seq.
36 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
37 34 CFR Part 106 Nondiscrimination on the basis of sex in
38 education programs or activities receiving
39 Federal financial assistance
40 10.55.701(1)(f), ARM Board of Trustees
41 10.55.719, ARM Student Protection Procedures
42 10.55.801(1)(a), ARM School Climate

43 Policy History:

44 Adopted on: 10/19/2020

45 Reviewed on:

46 Revised on: