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3 **STUDENTS**

4
5 Sexual Harassment of Student

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7 The Board will strive to provide a positive and productive learning and working environment.
8 Bullying, harassment, intimidation or hazing by students, staff or third parties is strictly
9 prohibited and shall not be tolerated.

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11 Bullying is any harassment, intimidation, hazing or threatening, insulting or demeaning gesture
12 or physical contact, including any intentional written, verbal or electronic communication or
13 threat directed against a student that is persistent, severe or repeated and that:

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15 • Causes a student physical harm, damages a student’s property or places a student in
16 reasonable fear of harm to the student or the student’s property;
17 • Creates a hostile environment by interfering with or denying a student’s access to an
18 educational opportunity or benefit; or
19 • Substantially and materially disrupts the orderly operation of a school.

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21 Bullying also includes acts of hazing associated with athletics or school-sponsored organizations
22 or groups. Hazing includes, but is not limited to, any act that recklessly or intentionally
23 endangers the mental or physical health or safety of a student for the purpose of initiation or as a
24 condition or precondition of attaining membership in or affiliation with any District-sponsored
25 activity or grade-level attainment.

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27 Harassment, intimidation and bullying can take many forms – verbal, written, electronic, visual,
28 physical and psychological – and is often, but not always, associated with race, ethnicity,
29 religion, gender, sexual orientation, socioeconomic status or physical differences.

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31 No person, including a District employee or agent, or student, shall bully, harass, haze or
32 intimidate another based on the provisions of applicable local, state and federal laws and
33 regulations that prohibit discrimination or any other reason. It is the policy of the Board to
34 comply with all nondiscrimination laws.

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36 Complaints of bullying, harassment, intimidation and hazing will be handled as described below
37 and as set forth in the applicable grievance procedure. The District shall use reasonable measures
38 to inform staff members and students that the District will not tolerate bullying, harassment or
39 intimidation, by including appropriate language in school handbooks.

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41 Sexual Harassment Prohibited

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43 Sexual harassment is prohibited. Sexual harassment means conduct on the basis of sex that
44 satisfies one or more of the following:

- 1 1. An employee of the District conditioning the provision of an aid, benefit, or service of the
2 District on an individual's participation in unwelcome sexual conduct;
- 3 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
4 objectively offensive that it effectively denies a person equal access to the District's
5 education program or activity; or
- 6 3. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined
7 in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291 (a)(8),
8 or "stalking" as defined in 34 U.S.C. §12291(a)(30).

9 10 Reporting

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12 Students, who believe they are victims of bullying, harassment, or intimidation, regardless of the
13 reason, or have witnessed bullying, harassment, or intimidation, regardless of the reason, are
14 encouraged to discuss the matter with their teacher, counselor, bus driver, coach, principal, or
15 any responsible adult who is not involved in the alleged bullying, harassment, or intimidation.
16 Students who believe they are victims of sexual harassment are encouraged to discuss the matter,
17 including the formal complaint process, with the Title IX Coordinator. Students who believe
18 they are victims of harassment based upon a disability are encouraged to report the matter to the
19 Section 504 Coordinator or Principal. Students may choose to report to a person of the student's
20 same sex if alleging a violation of Title IX. Complaints will be kept confidential to the extent
21 possible given the need to investigate. Any adult school employee, adult volunteer, District
22 contractor or agent who witnesses, overhears or receives a report, formal or informal, written or
23 oral, or bullying, harassment, or intimidation shall report it in accordance with procedures
24 developed under this policy. Any adult school employee who has notice of sexual harassment or
25 allegations of sexual harassment shall make a report to the District's Title IX Coordinator.

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27 Formal complaints alleging sexual harassment shall be addressed through the District's Title IX
28 Grievance Procedures. Complaints alleging disability discrimination or harassment shall be
29 addressed through the District's Section 504 Grievance Procedures. All other complaints alleging
30 bullying, discrimination, or harassment shall be addressed through the District's Uniform
31 Grievance Procedures.

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33 The Title IX Coordinator, Section 504 and/or administrator are responsible for taking the
34 following actions in conformance with the applicable grievance procedure:

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36 1. Taking prompt action to investigate/report complaints of harassment, intimidation and
37 bullying.
- 38 2. Promptly notifying the complainants and respondents and their parents/guardians
39 regarding the outcome;
- 40 3. Taking supportive or remedial measures to ensure continued access to the District's
41 programs or activities while the grievance process is pending; and
- 42 4. Taking disciplinary action as appropriate and any other actions appropriate to address the
43 harassment, intimidation, and bullying.

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45 In the event that a staff member or administrator knows or reasonably believes that the alleged
46 behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator

1 shall report such activity to law enforcement and/or the Department of Public Health and Human
2 Services. Nothing herein prohibits other individuals from reporting complaints to law
3 enforcement. If it is determined that the alleged harassment, intimidation, or bullying did not
4 occur at school or school-related activity or does not materially or substantially disrupt the
5 orderly operation of the District, and administrator shall refer the matter, as appropriate, to other
6 persons or entities with appropriate jurisdiction, including but not limited to law enforcement or
7 the Department of Public and Human Services.

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9 Consequences

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11 Any District employee who is determined, after an investigation, to have engaged in bullying,
12 harassment and intimidation of a student, regardless of the reason, will be subject to disciplinary
13 action up to and including discharge. Any student who is determined, after an investigation, to
14 have engaged in bullying, harassment and intimidation, regardless of the reason, will be subject
15 to disciplinary action, including but not limited to, suspension and expulsion consistent with the
16 District's discipline policy. Any person making a knowingly false accusation regarding bullying,
17 harassment and intimidation, regardless of the reason, will likewise be subject to disciplinary
18 action up to and including discharge, with regard to employees, or suspension and expulsion,
19 with regard to students.

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21 Retaliation and reprisal against any person who reports an act of harassment, intimidation or
22 bullying or participates in an investigation under this policy is prohibited. The consequence and
23 appropriate remedial action for a person who engages in reprisal or retaliation shall be
24 determined by the administrator after consideration of the nature and circumstances of the act, in
25 accordance with District policy.

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28 Cross References:

29 Policy 1700	Uniform Grievance Protocol Title IX Grievance Procedure Section 504 Grievance Procedure
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32 Policy 3210	Equal Education, Nondiscrimination and Sex Equity
33 Policy 3215	Student Uniform Complaint Procedure
34 Policy 3300	Suspension and Expulsion
35 Policy 3310	Student Discipline
36 Policy 3225P	Sexual Harassment Grievance Procedure - Students
37 Policy 3225F	Sexual Harassment Reporting/Intake Form for Students
38 Policy 3226	Hazing/Harassment/Intimidation/Bullying
39 Policy 5012	Sexual Harassment Intimidation in Workplace
40 Policy 5215	Personnel Uniform Complaint Procedure
41 Policy 5232	Abused and Neglected Child Reporting
42 Policy 5255	Disciplinary Action

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44 Legal References:

45 Art. X Sec. 1, Montana Constitution	Educational Goals and Duties
46 20 U.S.C. § 1681, et seq.	Title IX of the Educational Amendments

1 34 C.F.R. Part 106
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4 § 20-5-207, MCA
5 § 49-2-307, MCA
6 § 49-3-101 et seq., MCA
7 § 49-3-201 et seq., MCA
8 10.55.701(1)(f), ARM
9 10.55.719, ARM
10 10.55.801(1)(a), ARM
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Nondiscrimination on the Basis of Sex in Education
Programs or Activities Receiving Federal Financials
Assistance
Bully-Free Montana Act
Discrimination in Education
Montana Human Rights Act
Governmental Code of Fair Practices
Board of Trustees
Student Protection Procedures
School Climate

12 Policy History:
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