

1 **5012 PERSONNEL**

2 Sexual Harassment/Sexual Intimidation in the Workplace

3 The District will do everything in its power to provide employees a work environment free of unwelcome
4 sexual advances, requests for sexual favors, and other verbal or physical conduct or communications
5 constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

6 The District prohibits its employees from making sexual advances or requesting sexual favors or
7 engaging in any conduct of a sexual nature when:

- 8 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an
9 individual’s employment or volunteer status;
- 10 2. Submission to or rejection of such conduct by an individual is used as the basis for employment
11 decisions or volunteer status decisions affecting such individual; or
- 12 3. Such conduct has the purpose or effect of substantially interfering with the individual’s
13 performance or creating an intimidating, hostile, or offensive working environment.

14 Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms
15 “intimidating”, “hostile”, or “offensive” include, but are not limited to, conduct which has the effect of
16 humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the
17 circumstances.

18 A violation of this policy may result in discipline, up to and including discharge. Any person making a
19 knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up
20 to and including discharge.

21 Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually
22 harassing conduct or communication, that such conduct or communication is offensive and must stop.

23 Employees who believe they may have been sexually harassed or intimidated should contact the Title IX
24 Nondiscrimination Coordinator or other administrator, who will assist them in filing a complaint. This
25 may include the completion of a form that details the complaint. An individual with a complaint alleging
26 a violation of this policy shall follow the Uniform Grievance Procedure. Administrators, supervisors or
27 teachers who knowingly condone, or fail to report or assist a person’s complainant to take action to
28 remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

29 Cross Reference:

- 30 3215 Students--Uniform Complaint Procedure
- 31 5215 Personnel—Uniform Complaint Procedure
- 32 5226 Personnel –Hazing, Harassment, Intimidation, Bullying
- 33 5012F Harassment Reporting Form for Employees

34 Legal Reference:

- 35 Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11
- 36 Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.
- 37 Montana Constitution, Art. X, § 1
- 38 § 49-2-101, MCA Human Rights Act
- 39 Harris v. Fork Lift Systems, 114 S.Ct. 367 (1993)

- 1 Policy History:
- 2 Adopted on: July 1, 2000
- 3 Revised on: November 12, 2001
- 4 Revised on: August 23, 2010
- 5 Revised on: February 12, 2018