

1 **St. Regis School District**

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3 **STUDENTS**

4  
5 Sexual Harassment/Intimidation of Students

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7 The District is committed to a positive and productive working and learning environment free of  
8 discrimination. Discrimination adversely affects morale and interferes with employee and  
9 student ability to work and to learn. The District prohibits sexual harassment or intimidation of  
10 its employees or students, whether committed by a co-worker, supervisor, subordinate,  
11 contractor, volunteer, or student, and finds such behavior just cause for disciplinary action.  
12 Whereas sexual harassment substantially compromises attainment of educational excellence, the  
13 District will not tolerate such behavior between members of the same or opposite sex.

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15 Further, the District prohibits retaliation against any employee or student because he or she has  
16 made a report of alleged sexual harassment, or against any employee or student who has testified,  
17 assisted, or participated in investigation of a report of sexual harassment. Retaliation includes  
18 but is not limited to any form of intimidation, reprisal, or adverse pressure. Retaliation is a  
19 violation of federal and state regulations prohibiting discrimination and will lead to disciplinary  
20 action against the offender.

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22 This policy applies to individuals attending any events on District property, whether or not  
23 District-sponsored, and to any school-sponsored events regardless of location.

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25 Definitions

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27 “Sexual harassment” is generally defined as unwelcome sexual advances, requests for sexual  
28 favors, and other verbal, physical, and/or visual contact of a sexual nature, when:

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30 ! Submission is made either explicitly or implicitly a term or condition of an individual’s  
31 employment or education;  
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33 ! Submission to or rejection of that conduct or communication by an individual is used as a  
34 factor in decisions affecting that individual’s employment or education; or  
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36 ! That conduct or communication has the purpose or effect of substantially or unreasonably  
37 interfering with an individual’s employment or educational environment.  
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39 An “intimidating, hostile, or offensive employment or educational environment” is an  
40 environment in which:

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42 ! Unwelcome sexually oriented jokes, innuendoes, obscenities, pictures/posters, or any  
43 actions with sexual connotations make a student or employee feel uncomfortable; or  
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4 Any aggressive, harassing behavior in the workplace or school, which affects working or  
5 learning, whether or not sexual in connotation, is directed toward an individual based on  
6 their sex.

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8 The following are examples of sexual harassment or intimidation:

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10 Unwanted sexual advances (may include situations which began as reciprocal attractions  
11 but ceased to be reciprocal).

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13 Sexual gestures, verbal abuse, sexually oriented jokes, innuendo, or obscenities.

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15 Displaying of sexually suggestive objects, pictures, cartoons, or posters.

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17 Sexually suggestive letters, notes, or invitations.

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19 Employment or educational benefits affected in exchange for sexual favors.

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21 Physical conduct such as assault, attempted rape, impeding or blocking movement, or  
22 unwelcome touching.

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24 Hazing or daring to perform in unsafe work or learning practices, particularly when  
25 directed toward students or employees in nontraditional settings.

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27 Prevention

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29 It is the District's policy to provide regular in-service education and training about sexual  
30 harassment and intimidation for employees and students, including:

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32 Definitions of sexual harassment and intimidation and overview of relevant state and  
33 federal laws.

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35 Identification of harassing behaviors by students and/or staff.

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37 Age-specific prevention techniques.

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39 Coping techniques for self and others.

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41 Training in positive, age-appropriate communication alternatives to harassment.

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43 Grievance procedures available to employees and students.

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45 Sexual harassment prevention will be included in staff and student orientation, and students,

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4 employees, parents, and caretakers will be actively involved in the development of the District’s  
5 sexual harassment prevention program.

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7 Reporting  
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9 Students or employees who believe they may have been harassed or intimidated should contact a  
10 counselor, Title IX Coordinator, Equal Employment Opportunity Officer, or first-level supervisor  
11 not involved in the alleged harassment. Persons who feel they are being harassed or intimidated  
12 should take the following steps:

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14 Inform the individual that his/her behavior is unwelcome, offensive, or inappropriate.  
15 DO NOT assume or hope the problem will go away.  
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17 Notify a counselor, Title IX Coordinator, or an administrator, right away. Early reporting  
18 assists any investigation.  
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20 Request a copy of the District’s sexual harassment policy so that reporting processes are  
21 clear.  
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23 Keep notes. Keep a record of dates, times, places, witnesses, and descriptions of each  
24 incident. Save all notes or records in a safe place.  
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26 Complainants are permitted and encouraged to have a friend or advisor present with them for  
27 moral support during any stage of the investigation of the report.  
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29 All employees and students have a responsibility to maintain a positive work and learning  
30 environment, by reporting all incidents or rumors of harassment or intimidation involving  
31 themselves or others. Students and staff are encouraged to use the reporting procedure set forth  
32 in this policy.  
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34 Once a report has been filed with an administrator, Title IX Coordinator, or other authorized  
35 person, a confidential and expeditious investigation will begin, following procedures outlined  
36 under “Investigation and Action Procedure,” below, with strict observance of the specific  
37 protections provided above. An inquiry may be initiated by the District without a written  
38 complaint, if there is reasonable suspicion of illegal behavior.  
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40 Confidentiality  
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42 A report of sexual harassment or intimidation and its investigation are to be kept in strictest  
43 confidentiality, for protection of all parties involved. The parties’ right to privacy will be  
44 protected. The District has a compelling interest to provide educational programs in an  
45 environment free from sex discrimination. Sex discrimination includes sexual harassment.

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4 Therefore the District's obligation to investigate and take corrective action may supersede an  
5 individual's right to privacy.  
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#### 7 Investigation and Action Procedure 8

9 After receiving a report or grievance, the Title IX Coordinator will conduct an investigation and  
10 make written recommendation to the Superintendent within thirty (30) days. In determining  
11 whether alleged conduct constitutes sexual harassment, the coordinator will consider facts of the  
12 allegation, case law, state and federal laws and regulations, and District policy prohibiting sexual  
13 harassment and intimidation.  
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15 On receipt of a recommendation from the coordinator that probable cause exists to credit the  
16 allegations of sexual harassment or intimidation, the Superintendent may take action based on the  
17 report/recommendation, or the Superintendent may conduct his/her own investigation into the  
18 charges. The Superintendent may appoint an outside investigator to conduct the investigation.  
19 Such investigation must be completed within thirty (30) days of the Superintendent's receipt of  
20 the recommendation from the coordinator.  
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22 Pending such investigation, the Superintendent may take any action necessary to protect the  
23 alleged victim and other employees or students, consistent with requirements of any applicable  
24 regulations and statutes. The Superintendent may take such action deemed necessary and  
25 appropriate after completion of the investigation, consistent with requirements of applicable  
26 regulations or statutes. Final disposition of the case will be by action of the Board.  
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#### 28 Support Services 29

30 Students and staff who are victims of harassment will receive counseling from the school  
31 counselor and other support services, to help them cope with effects of harassment or  
32 intimidation.  
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#### 34 Sanctions 35

36 A substantiated charge against a District employee will subject the employee to disciplinary  
37 action in accordance with any appropriate employee contract, up to and including discharge. A  
38 substantiated charge against a student will subject that student to student disciplinary action,  
39 including suspension or expulsion, consistent with the District's student discipline policy.  
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#### 41 Notification 42

43 Notice of the existence of this policy, prevention plan, and procedures will be posted in  
44 prominent locations in all District buildings, including information on how to obtain a copy.  
45 Notice will also be included annually in student, parent, and staff handbooks.

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4 Sexual Harassment as Sexual Child Abuse  
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6 Under certain circumstances, sexual harassment may constitute sexual child abuse. Recognizing  
7 the harmful effects of sexual child abuse, the Board emphatically and enthusiastically supports  
8 those sections of Montana law concerned with reporting of suspected child abuse and neglect  
9 perpetrated by persons within or outside District employment. For definitions, reporting  
10 requirements, and policy statements, see Policy 5232, Abused and Neglected Child Reporting.  
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14 Cross Reference: 1700 Uniform Complaint Procedure

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16 Legal References: Art. X, Sec. 1, Montana Constitution  
17 49-3-101, et seq., MCA Montana Human Rights Act  
18 Title IX of the Educational Amendments, 20 U.S.C. 1681, et seq.  
19 34 CFR Part 106  
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21 Policy History:

22 Adopted on: March 8, 2006

23 Revised on: