Charlo School District R

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## Sexual Harassment, Sexual Intimidation and Sexual Misconduct

Sexual harassment, sexual intimidation, and sexual misconduct are forms of discrimination and are prohibited. An employee, District agent, or student engages in sexual harassment, sexual intimidation, and sexual misconduct whenever that individual makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal, electronic or physical contact or conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies, deprives, or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or

2. Has the purpose or effect of:

a. Substantially interfering with a student's educational environment;

b. Creating an intimidating, hostile, or offensive educational environment;

c. Denying, depriving, or limiting the provision of educational aid, benefits, services, opportunities, or treatment; or

d. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

Sexual harassment, sexual intimidation and sexual misconduct prohibited by this policy includes verbal, electronic, or physical contact or conduct. The terms "intimidating," "hostile," "misconduct," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment, sexual intimidation, and sexual misconduct include but are not limited to unwelcome or forceful physical touching, crude jokes or pictures, discussions of sexual experiences, pressure or requests for sexual activity or favors, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The District will evaluate sexual harassment, sexual intimidation, and sexual misconduct in light of all circumstances.

Students who believe that they may have been sexually harassed, intimidated, or been subjected to sexual misconduct should consult a counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment, intimidation, or misconduct may themselves be subject to discipline. The District will report any suspected child abuse or neglect to proper authorities in accordance with District Policy 5232. The District is authorized to report any violation of this policy to law enforcement that is suspected to be a violation of state or federal criminal laws.

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4 5 6 7 8 9	harassment, intimidat discharge. Any stude in sexual harassment,	e who is determined, after an investigation, to have engaged in sexual ion, or misconduct will be subject to disciplinary action up to and including nt of the District who is determined, after an investigation, to have engaged intimidation, or misconduct will be subject to disciplinary action, including pension and expulsion consistent with the District's discipline policy.
11 12 13 14 15	District realizes that I investigation. Retalia	possible, the District will treat complaints in a confidential manner. The imited disclosure may be necessary in order to complete a thorough tion against persons who file a complaint is a violation of law prohibiting ll lead to disciplinary action against an offender.
16 17 18 19 20	current Title IX Coor employee handbooks	ng further information should consult the Superintendent for the name of the dinator for the District. The Superintendent will ensure that student and include the name, address, and telephone number of an individual inating District compliance efforts.
21 22 23 24	or misconduct likewis	wingly makes a false accusation regarding sexual harassment, intimidation, se will be subject to disciplinary action up to and including discharge with or suspension and expulsion with regard to students.
25 26 27	Cross Reference:	<ul><li>1700 Uniform Complaint Procedure</li><li>5232 Abused and Neglected Child Reporting</li></ul>
28 29 30 31 32 33 34 35 36 37	Legal References:	Art. X, Sec. 1, Montana Constitution – Educational goals and duties §§ 49-3-101, et seq., MCA Montana Human Rights Act Title IX of the Educational Amendments, 20 U.S.C. § 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), ARMBoard of Trustees 10.55.719, ARM Student Protection Procedures 10.55.801(1)(a), ARM School Climate
38 39 40	Policy History: Adopted on: Reviewed on:	

Revised on: 07/16/19