

2
3 **PERSONNEL**

5012

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4
5 Sexual Harassment, Sexual Intimidation and Sexual Misconduct in the Workplace

6
7 The District will strive to provide employees a work environment free of unwelcome sexual
8 advances, requests for sexual favors, and other verbal or physical conduct or communications
9 constituting sexual harassment, or misconduct, as defined and otherwise prohibited by state and
10 federal law.

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12 The District prohibits its employees from engaging in any conduct of a sexual nature when:

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14 1. Submission to such conduct is made either explicitly or implicitly a term or condition of
15 an individual's employment;
16 2. Submission to or rejection of such conduct by an individual is used as a basis for
17 employment decisions affecting that individual; or
18 3. Such conduct has the purpose or effect of substantially interfering with the individual's
19 work performance or creating an intimidating, hostile, or offensive work environment.
20 4. Such conduct deprives the individual of their rights to equal employment under District
21 policy and state or federal law.
22

23 Sexual harassment, sexual intimidation and sexual misconduct prohibited by this policy includes
24 verbal, electronic, or physical contact or conduct. The terms "intimidating," "hostile,"
25 "misconduct," or "offensive" include but are not limited to conduct that has the effect of
26 deprivation of rights, humiliation, embarrassment, or discomfort. Examples of sexual
27 harassment, sexual intimidation, and sexual misconduct include but are not limited to unwelcome
28 or forceful physical touching, crude jokes or pictures, discussions of sexual experiences, pressure
29 or requests for sexual activity or favors, intimidation by words, actions, insults, or name calling,
30 teasing related to sexual characteristics, and spreading rumors related to a person's alleged
31 sexual activities. The District will evaluate sexual harassment, sexual intimidation, and sexual
32 misconduct in light of all circumstances.
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34 A violation of this policy may result in disciplinary action, up to and including termination of
35 employment. The District is authorized to report any violation of this policy to law enforcement
36 that is suspected to be a violation of state or federal criminal laws.
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38 Employees who believe they may have been sexually harassed, intimidated, or been subjected to
39 sexual misconduct should contact the Title IX Coordinator or an administrator, who will assist
40 them in filing a complaint. An individual with a complaint alleging a violation of this policy
41 shall follow the Uniform Complaint Procedure.
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43 Any person who knowingly makes false accusation regarding sexual harassment intimidation or
44 misconduct will likewise be subject to disciplinary action, up to and including termination of
45 employment.
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Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), 29 C.F.R.
§ 1604.11
Title IX of the Education Amendments, 20 U.S.C. §§ 1681,
Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, MCA Human Rights Act
Harris v. Fork Lift Systems, 114 S.Ct. 367 (1993)

Policy History:

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