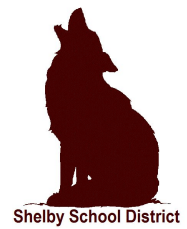




# Shelby Public School District #14



1010 Oilfield Ave ~ Shelby, MT 59474  
www.ShelbyPublicSchools.org  
Phone: (406) 424-8910 ~ Fax: (406) 434-2959

## SHELBY SCHOOL BOARD MEETING AGENDA

Location: JH/HS Auditorium

Date: Tuesday, October 13, 2020

Time: 7:00 PM

- |  |            |
|--|------------|
| 1. Call To Order   | Ms. James  |
| 2. Pledge Allegiance   | Ms. James  |
| 3. Review and Approval of Minutes  | Ms. James  |
| 4. Review and Approval of Claims and Voided Checks                             | Ms. Flynn  |
| 5. Public Comment  | Ms. James  |
| 6. Reports   |            |
| a. Elem Principal Report   | Mr. Smith  |
| b. JH/HS Principal Report  | Mr. Fisher |
| c. Superintendent Schedule   | Mr. Crump  |
| 7. Action Items  | Mr. Crump  |
| a. Hire  |            |
| i. Speech and Drama Coach - Jodi Aklestad                                      |            |
| ii. Assistant Speech and Drama Coach - Rikki Bleeker                           |            |
| iii. Volunteer Speech and Drama Coach - Tanner Dean                            |            |
| iv. Assistant Boys Basketball Coach - Mike White                               |            |
| v. Assistant Wrestling Coach - Eric Mertz                                      |            |
| vi. Volunteer Wrestling Coach - Kyle Fisher                                    |            |
| vii. Volunteer E-Sports Coach - Johnathon Hough                                |            |
| b. Board Policy Updates - Second Reading                                       |            |
| i. BP 3210 – Equal Education, Nondiscrimination, and Sex Equity                |            |
| ii. BP 3225 – Sexual Harassment of Students                                    |            |
| iii. BP 3225P – Sexual Harassment Grievance Procedure for Students - NEW       |            |
| iv. BP 3225F – Sexual Harassment Reporting/Intake Form for Students            |            |
| v. BP 3226 – Bullying, Harassment, Intimidation, Hazing                        |            |
| vi. BP 3310 – Student Discipline   |            |
| vii. BP 5010 – Equal Employment Opportunity, Nondiscrimination, and Sex Equity |            |
| viii. BP 5012 - Sexual Harassment of Employees                                 |            |
| ix. BP 5012P - Sexual Harassment Grievance Procedure for Employees - NEW       |            |
| x. BP 5012F – Sexual Harassment Reporting/Intake Form for Employees - NEW      |            |
| xi. BP 5015 – Bullying, Harassment, Intimidation, Hazing                       |            |
| c. COVID-19 Updates & Action   |            |
| d. MOAs (SEA, Bus, and Custodial)  |            |
| e. Attendance/Transportation Agreements  |            |
| 8. Discussion Items  | Mr. Crump  |
| a. Christmas Event   |            |
| b. Project Update - Concrete & facade  |            |
| c. Vehicle Purchase Update - November expected date                            |            |
| 9. Correspondence  | Mr. Crump  |
| 10. Informal Superintendent Evaluation   | Ms. James  |
| 11. Next Meeting of the Board - Tuesday, November 10, 2020, at 7 PM            | Ms. James  |
| 12. Adjournment  | Ms. James  |

## JH/High School Board Report ~ October 13, 2020

	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
<b>7</b>	28	29								
<b>8</b>	36	36								
<b>9</b>	22	22								
<b>10</b>	30	30								
<b>11</b>	29	30								
<b>12</b>	25	23								
<b>Total</b>	170	170								

### Month in Review:

- 9/16- Picture Retakes @ 7:30 a.m.
- 9/21- No School PD Day
- 9/28-10/3- Homecoming Week
- 9/30-10/1- 7th Grade Field Trip to Glacier National Park
- 10/3- JH Girls Basketball concluded (note we had 11 games / every other school had only 6 games)
- 10/5- 7th Grade FFA to Big Sandy
- 10/6- ACT Test for Seniors
- 10/7- Sophomore World Cultures II Class to Ulm Pishkun
- 10/7- Suicide Memorial Walk @ Shelby High School Track @ 6:00 p.m.
- 10/8- Freshman World Cultures I Class to Ulm Pishkun

### Schedule for this Month:

- 10/13- ASVAB Test for Juniors
- 10/14- PSAT Test for Juniors
- 10/14- Great American Shakeout Earthquake Drill @ 10:10 a.m.
- 10/15-10/16- MFPE No School
- 10/17- Fire Inspection @ 7:00 p.m.
- 10/26-10/30- Red Ribbon Week

### Upcoming Events:

- 11/2- No School PD Day
- 11/16 & 11/17- Parent-Teacher Conferences
- 11/20- Key Club Blood Drive

# Elementary School Board Report - October 2020

	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>
<b><i>K</i></b>	34	36							
<b><i>1</i></b>	36	36							
<b><i>2</i></b>	38	41							
<b><i>3</i></b>	36	39							
<b><i>4</i></b>	32	31							
<b><i>5</i></b>	33	37							
<b><i>6</i></b>	40	42							
<b><i>Camrose</i></b>	14	14							
<b><i>Big Rose</i></b>	13	13							
<b><i>Total</i></b>	<b><i>276</i></b>	<b><i>289</i></b>							

## Month in Review:

- September 9: Elementary Staff Meeting
- September 16: Elementary Height and Weight Screening
- September 17: Student Picture Day
- September 21: All Staff PD
- September 28: Mr. Smith worked at Camrose
- September 28-October 2: Homecoming Week Activities in the Elementary
- September 30: Elementary IAT
  
- October 1 & 2: Shelby Field Trip for 3rd Grade

## Schedule for this Month:

- October 9: K-2 Field Trip to the Shelby Fire Department
- October 12: Mr. Smith with working at Camrose
- October 14: Great American Shakeout (Earthquake Drill)
- October 21: Elementary Staff and Student Flu Shots
- October 28: Elementary IAT

The U.S. Department of Education, Office for Civil Rights has released amendments to [Title IX regulations at 34 C.F.R. Part 106](#) to address sexual harassment.

Policy 3210 – Equal Education, Nondiscrimination, and Sex Equity – This policy has been updated to reflect the requirement to identify the Title IX Coordinator and Section 504 Coordinator in school district policy.

Policy 3225 – Sexual Harassment of Students – This policy completely replaces the previous version of Policy 3225.

Policy 3225P – Sexual Harassment Grievance Procedure for Students - New procedure policy.

Policy 3225F – Sexual Harassment Reporting/Intake Form for Students – Updated form.

Policy 3226 – Bullying, Harassment, Intimidation, Hazing – This policy has been updated to authorize the Title IX Coordinator to follow the sexual harassment grievance process at Policy 3225P when an allegation made under this policy is suspected to be sexual harassment.

Policy 3310 – Student Discipline – This policy has been updated to specifically include sexual harassment as part of the code of conduct and now includes a provision authorizing administrative, non-disciplinary removal from school through offsite instruction for reasons related to safety or investigation.

Policy 5010 – Equal Employment Opportunity, Nondiscrimination, and Sex Equity - This policy has been updated to reflect the requirement to identify the Title IX Coordinator and Section 504 Coordinator in school district policy.

Policy 5012 - Sexual Harassment of Employees – This policy completely replaces the previous version of Policy 5012.

Policy 5012P - Sexual Harassment Grievance Procedure for Employees – New procedure policy.

Policy 5012F – Sexual Harassment Reporting/Intake Form for Employees – New form.

Policy 5015 – Bullying, Harassment, Intimidation, Hazing – This policy has been updated to authorize the Title IX Coordinator to follow the sexual harassment grievance process at Policy 3225P when an allegation made under this policy is suspected to be sexual harassment.

2  
3 **STUDENTS**

4  
5 Equal Educational Opportunity, Nondiscrimination, and Sex Equity

6  
7 The District will make equal educational opportunities available for all students without regard  
8 to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical  
9 or mental handicap or disability, economic or social condition, actual or potential marital or  
10 parental status. No student will be denied equal access to programs, activities, services, or  
11 benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access  
12 to educational and extracurricular programs and activities.

13  
14 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be  
15 directed to the District Title IX Coordinator. **The Board designates the Jr High/High School**  
16 **Counselor to serve as the District’s Title IX Coordinator.**

17  
18 Inquiries regarding discrimination on the basis of disability or requests for accommodation  
19 should be directed to the District Section 504 Coordinator. **The Board designates the Jr**  
20 **High/High School Counselor to serve as the District’s Section 504 Coordinator.**

21  
22 Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights  
23 and Responsibilities, Policy 3225/**3225P-Sexual Harassment**, or Policy 3226-  
24 Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform  
25 Complaint Procedure.

26  
27 The District, in compliance with federal regulations, will notify annually all students, parents,  
28 staff, and community members of this policy and the designated coordinator to receive inquiries.  
29 This annual notification will include the name and location of the coordinator and will be  
30 included in all handbooks.

31  
32 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence  
33 against students, staff, or volunteers with disabilities. The District will consider such behavior as  
34 constituting discrimination on the basis of disability, in violation of state and federal law.

35		
36	Cross Reference:	1700 Uniform Complaint Procedure
37		3200 Student Rights and Responsibilities
38		3225 Sexual Harassment/Intimidation of Students
39		3226 Bullying/Harassment/Intimidation/Hazing
40		

41	Legal Reference:	Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education
42		§ 49-2-307, MCA Discrimination in education
43		24.9.1001, et seq., ARM Sex Discrimination in Education
44		Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
45		34 CFR Part 106 Nondiscrimination on the basis of sex in
46		education programs or activities receiving
47		Federal financial assistance
48		

- 1 Policy History:
- 2 Adopted on:
- 3 Reviewed on: 08/09/2011
- 4 Revised on: 07/11/2017

2  
3 **STUDENTS**

5 Sexual Harassment of Students

6  
7 The District does not discriminate on the basis of sex in any education program or activity that it  
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
10 manner. Inquiries about the application of Title IX to the District may be referred to the  
11 District’s Title IX Coordinator.

12  
13 **The Board designates the Jr High/High School Counselor to serve as the District’s Title IX**  
14 **Coordinator.**

15  
16 Any person may report sex discrimination, including sexual harassment, at any time, including  
17 during non-business hours. Such a report may be made in person, by mail, by telephone or by  
18 electronic mail, using the contact information listed for the Title IX Coordinator, or by any other  
19 means that results in the Title IX Coordinator receiving the person’s verbal or written report.  
20

21 For purposes of this policy and the grievance process, “sexual harassment” means conduct on the  
22 basis of sex that satisfies one or more of the following:

- 23  
24 1. A District employee conditioning the provision of an aid, benefit, or service of the  
25 District on an individual’s participation in unwelcome sexual conduct;  
26  
27 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and  
28 objectively offensive that it effectively denies a person equal access to the District’s  
29 education program or activity or  
30  
31 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in  
32 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or  
33 “stalking” as defined in 34 USC 12291(a)(30).  
34

35 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
36 harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination  
37 process for investigation.

38  
39 An individual is not required to submit a report of sexual harassment involving the Title IX  
40 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged  
41 harassment, the individual may report the allegations to the building principal or superintendent  
42 or other unbiased school official.  
43

44 Retaliation Prohibited

1 The District prohibits intimidation, threats, coercion or discrimination against any individual for  
2 the purpose of interfering with any right or privilege secured by Title IX or this policy, or  
3 because the individual has made a report or complaint, testified, assisted, or participated or  
4 refused to participate in any manner in an investigation proceeding or hearing, if applicable.  
5 Intimidation, threats, coercion, or discrimination, including charges against an individual for  
6 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise  
7 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report  
8 or formal complaint of sexual harassment, for the purpose of interfering with any right or  
9 privilege secured by Title IX or this part, constitutes retaliation.

10  
11 Confidentiality

12  
13 The District must keep confidential the identity of any individual who has made a report or  
14 complaint of sex discrimination, including any individual who has made a report or filed a  
15 formal complaint of sexual harassment, any individual who has been alleged to be the victim or  
16 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may  
17 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or  
18 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,  
19 hearing or judicial proceeding arising thereunder.

20  
21 Notice Requirements

22  
23 The District provides notice to applicants for admission and employment, students, parents or  
24 legal guardians of elementary and secondary school students, employees and the union(s) with  
25 the name or title, office address, email address and telephone number of the Title IX Coordinator  
26 and notice of the District grievance procedures and process, including how to report or file a  
27 complaint of sex discrimination, how to file a formal complaint of sexual harassment and how  
28 the District will respond. The District also posts the Title IX Coordinator's contact information  
29 and Title IX policies and procedures in a prominent location on the District website and in all  
30 handbooks made available by the District.

31  
32 Training Requirements

33  
34 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
35 who facilitates an informal resolution process, receives training on the definition of sexual  
36 harassment, the scope of the District's education program or activity, how to conduct an  
37 investigation and grievance process including hearings, appeals and informal resolution  
38 processes, when applicable, and how to serve impartially including by avoiding prejudgment of  
39 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers  
40 and investigators receive training on issues of relevance of questions and evidence, including  
41 when questions and evidence about the complainant's sexual predisposition or prior sexual  
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43  
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46



1 behavior are not relevant as set forth in the formal procedures that follow, and training on any  
2 technology to be used at a live hearing, if applicable. Investigators also receive training on  
3 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All  
4 materials used to train individuals who receive training under this section must not rely on sex  
5 stereotypes and must promote impartial investigations and adjudications of formal complaints of  
6 sexual harassment and are made publicly available on the District’s website.

7  
8 Conflict of Interest and Bias

9  
10 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
11 who facilitates an informal resolution process do not have a conflict of interest or bias for or  
12 against complainants or respondents generally or an individual complainant or respondent.

13  
14 Determination of Responsibility

15  
16 The individual who has been reported to be the perpetrator of conduct that could constitute  
17 sexual harassment is presumed not responsible for alleged conduct. A determination regarding  
18 responsibility will be made by the decision-maker at the conclusion of the investigation in  
19 accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed  
20 unless and until a final determination of responsibility is reached.

21  
22 Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity  
23 Policy 3225P – Sexual Harassment Procedures

24  
25  
26 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
27 §§ 49-3-101, et seq., MCA Montana Human Rights Act  
28 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
29 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
30 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
31 34 CFR Part 106 Nondiscrimination on the basis of sex in  
32 education programs or activities receiving  
33 Federal financial assistance  
34 10.55.701(1)(f), ARM Board of Trustees  
35 10.55.719, ARM Student Protection Procedures  
36 10.55.801(1)(a), ARM School Climate

37  
38 Policy History:

39 Adopted on: 08/09/2011

40 Reviewed on:

41 Revised on: 04/09/2019

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3 **STUDENTS**

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5  
6 Sexual Harassment Grievance Procedure - Students

7  
8 The Board requires the following grievance process to be followed for the prompt and equitable  
9 resolution of student complaints alleging any action that would be prohibited as sexual  
10 harassment by Title IX. The Board directs the process to be published in accordance with all  
11 statutory and regulatory requirements.

12  
13 Definitions

14  
15 The following definitions apply for Title IX policies and procedures:

16  
17 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the  
18 District’s Title IX Coordinator or any official of the District who has authority to institute  
19 corrective measures on behalf of the District, or to any employee of an elementary or secondary  
20 school.

21  
22 “Education program or activity:” includes locations, events or circumstances over which the  
23 District exercised substantial control over both the individual who has been reported to be the  
24 perpetrator of conduct that could constitute sexual harassment, and the context in which the  
25 sexual harassment occurs.

26  
27 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute  
28 sexual harassment.

29  
30 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could  
31 constitute sexual harassment.

32  
33 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator  
34 alleging sexual harassment against a Respondent and requesting that the District investigate the  
35 allegation of sexual harassment.

36  
37 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as  
38 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent  
39 before or after the filing of a formal complaint or where no formal complaint has been filed.

40  
41 District Requirements

42  
43 When the District has actual knowledge of sexual harassment in an education program or activity  
44 of the District, the District will respond promptly in a manner that is not deliberately indifferent.  
45 When the harassment or discrimination on the basis of sex does not meet the definition of sexual

1 harassment, the Title IX Coordinator will direct the individual to the applicable sex  
2 discrimination process for investigation.

3 3225P  
4 Page 2 of 9  
5

6 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator  
7 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive  
8 measures. Supportive measures are designed to restore or preserve equal access to the District's  
9 education program or activity without unreasonably burdening the other party, including  
10 measures designed to protect the safety of all parties or the District's educational environment, or  
11 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines  
12 or other course-related adjustments, modifications of work or class schedules, mutual restrictions  
13 on contact between the parties, leaves of absence, increased security and monitoring of certain  
14 areas of the District's property, campus escort services, changes in work locations and other  
15 similar measures.

16  
17 The Title IX Coordinator is responsible for coordinating the effective implementation of  
18 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly  
19 contact the Complainant to discuss the availability of supportive measures, consider the  
20 Complainant's wishes with respect to supportive measures, inform the Complainant of the  
21 availability of supportive measures with or without the filing of a formal complaint, and explain  
22 to the Complainant the process for filing a formal complaint. If the District does not provide the  
23 Complainant with supportive measures, then the District must document the reasons why such a  
24 response was not clearly unreasonable in light of the known circumstances.

### 25 26 Timelines

27  
28 The District has established reasonably prompt time frames for the conclusion of the grievance  
29 process, including time frames for filing and resolving appeals and informal resolution processes.  
30 The grievance process may be temporarily delayed or extended for good cause. Good cause may  
31 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent  
32 law enforcement activity; or the need for language assistance or accommodation of disabilities.  
33 In the event the grievance process is temporarily delayed for good cause, the District will provide  
34 written notice to the Complainant and the Respondent of the delay or extension and the reasons  
35 for the action.

### 36 37 Response to a Formal Complaint

38  
39 At the time of filing a formal complaint, a Complainant must be participating in or attempting to  
40 participate in the education program or activity of the District with which the formal complaint is  
41 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by  
42 electronic mail, or other means designated by the District.

43  
44 The District must follow the formal complaint process before the imposition of any disciplinary  
45 sanctions or other actions that are not supportive measures. However, nothing in this policy  
46 precludes the District from removing a Respondent from the District's education program or

- 1 activity on an emergency basis, provided that the District undertakes an individualized safety and
- 2 risk analysis, determines that an immediate threat to the physical health or safety of any student

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5 or other individual arising from the allegations of sexual harassment justifies removal, and  
6 provides the Respondent with notice and an opportunity to challenge the decision immediately  
7 following the removal. A period of removal may include the opportunity for the student to  
8 continue instruction in an offsite capacity. The District may also place a non-student employee  
9 Respondent on administrative leave during the pendency of the grievance process. This  
10 provision may not be construed to modify any rights under the Individuals with Disabilities  
11 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities  
12 Act.

13  
14 Upon receipt of a formal complaint, the District must provide written notice to the known parties  
15 including:

- 16  
17 1. Notice of the allegations of sexual harassment, including information about the  
18 identities of the parties involved in the incident, the conduct allegedly constituting  
19 sexual harassment, the date and location of the alleged incident, and any sufficient  
20 details known at the time. Such notice must be provided with sufficient time to  
21 prepare a response before any initial interview;  
22
- 23 2. An explanation of the District's investigation procedures, including any informal  
24 resolution process;  
25
- 26 3. A statement that the Respondent is presumed not responsible for the alleged  
27 conduct and that a determination regarding responsibility will be made by the  
28 decision-maker at the conclusion of the investigation;  
29
- 30 4. Notice to the parties that they may have an advisor of their choice who may be, but  
31 is not required to be, an attorney, and may inspect and review any evidence; and  
32
- 33 5. Notice to the parties of any provision in the District's code of conduct or policy that  
34 prohibits knowingly making false statements or knowingly submitting false  
35 information.  
36

37 If, in the course of an investigation, the District decides to investigate allegations about the  
38 Complainant or Respondent that are not included in the notice initially provided, notice of the  
39 additional allegations must be provided to known parties.  
40

41 The District may consolidate formal complaints as to allegations of sexual harassment against  
42 more than one Respondent, or by more than one Complainant against one or more Respondents,  
43 or by one party against the other party, where the allegations of sexual harassment arise out of  
44 the same facts or circumstances.  
45  
46

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5 Investigation of a Formal Complaint  
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7 When investigating a formal complaint and throughout the grievance process, the District must:  
8

- 9 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach  
10 a determination regarding responsibility rests on the District and not the parties’;  
11
- 12 2. Provide an equal opportunity for the parties to present witnesses and evidence;  
13
- 14 3. Not restrict either party’s ability to discuss the allegations under investigation or to  
15 gather and present relevant evidence;  
16
- 17 4. Allow the parties to be accompanied with an advisor of the party’s choice who may be,  
18 but is not required to be, an attorney. The District may establish restrictions regarding  
19 the extent to which the advisor may participate in the proceedings, as long as the  
20 restrictions apply equally to both parties;  
21
- 22 5. Provide written notice of the date, time, location, participants, and purpose of any  
23 interview or meeting at which a party is expected to participate, with sufficient time for  
24 the party to prepare to participate;  
25
- 26 6. Provide the parties equal access to review all the evidence collected which is directly  
27 related to the allegations raised in a formal complaint and comply with the review  
28 periods outlined in this process;  
29
- 30 7. Objectively evaluate all relevant evidence without relying on sex stereotypes;  
31
- 32 8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who  
33 facilitate an informal resolution process, do not have a conflict of interest or bias for or  
34 against Complainants or Respondents generally or an individual Complainant or  
35 Respondent;  
36
- 37 9. Not make credibility determinations based on the individual’s status as Complainant,  
38 Respondent or witness;  
39
- 40 10. Not use questions or evidence that constitute or seek disclosure of privileged  
41 information unless waived.  
42

43 Dismissal of Formal Complaints  
44

45 If the conduct alleged in the formal complaint would not constitute sexual harassment even if  
46 proved, did not occur in the District’s education program or activity, or did not occur against a

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5 person in the United States, then the District must dismiss the formal complaint with regard to  
6 that conduct for purposes of sexual harassment under this policy.  
7

8 The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any  
9 time during the investigation or hearing, if applicable, when any of the following apply:  
10

- 11 1. a Complainant provides written notification to the Title IX Coordinator that the  
12 Complainant would like to withdraw the formal complaint or any allegations therein;  
13
- 14 2. the Respondent is no longer enrolled or employed by the District or;  
15
- 16 3. specific circumstances prevent the District from gathering evidence sufficient to reach a  
17 determination as to the formal complaint or allegations therein.  
18

19 Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the  
20 reasons for dismissal simultaneously to both parties.  
21

#### 22 Evidence Review 23

24 The District provides both parties an equal opportunity to inspect and review any evidence  
25 obtained as part of the investigation so that each party can meaningfully respond to the evidence  
26 prior to the conclusion of the investigation. The evidence provided by the District must include  
27 evidence that is directly related to the allegations in the formal complaint, evidence upon which  
28 the District does not intend to rely in reaching a determination regarding responsibility, and any  
29 inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to  
30 completion of the investigative report, the Title IX Coordinator must send to each party and the  
31 party's advisor, if any, the evidence subject to inspection and review in an electronic format or a  
32 hard copy. The parties have 10 calendar days to submit a written response to the Title IX  
33 Coordinator, which the investigator will consider prior to completion of the investigative report.  
34

#### 35 Investigative Report 36

37 The investigator must prepare an investigative report that fairly summarizes relevant evidence  
38 and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each  
39 party and the party's advisor, if any, the investigative report in an electronic format or a hard  
40 copy, for their review and written response. The parties have 10 calendar days to submit a  
41 written response to the Title IX Coordinator.  
42

#### 43 Decision-Maker's Determination 44

45 The investigative report is submitted to the decision-maker. The decision-maker cannot be the  
46 same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a

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5 hearing or make a determination regarding responsibility until 10 calendar days from the date the  
6 Complainant and Respondent receive the investigator's report.

7  
8 Prior to reaching a determination regarding responsibility, the decision-maker must afford each  
9 party the opportunity to submit written, relevant questions that a party wants asked of any party  
10 or witness, provide each party with the answers, and allow for additional, limited follow-up  
11 questions from each party. Questions and evidence about the Complainant's sexual  
12 predisposition or prior sexual behavior are not relevant, unless such questions and evidence  
13 about the Complainant's prior sexual behavior are offered to prove that someone other than the  
14 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence  
15 concern specific incidents of the Complainant's prior sexual behavior with respect to the  
16 Respondent and are offered to prove consent. Questions must be submitted to the Title IX  
17 Coordinator within three calendar days from the date the Complainant and Respondent receive  
18 the investigator's report.

19  
20 The decision-maker must issue a written determination regarding responsibility based on a  
21 preponderance of the evidence standard. The decision-maker's written determination must:

- 22  
23 1. Identify the allegations potentially constituting sexual harassment;
- 24  
25 2. Describe the procedural steps taken, including any notifications to the parties,  
26 interviews with parties and witnesses, site visits, methods used to gather evidence, and  
27 hearings held;
- 28  
29 3. Include the findings of fact supporting the determination;
- 30  
31 4. Draw conclusions regarding the application of any District policies and/or code of  
32 conduct rules to the facts;
- 33  
34 5. Address each allegation and a resolution of the complaint including a determination  
35 regarding responsibility, the rationale therefor, any recommended disciplinary  
36 sanction(s) imposed on the Respondent, and whether remedies designed to restore or  
37 preserve access to the educational program or activity will be provided by the District  
38 to the Complainant; and
- 39  
40 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal  
41 the determination.

42  
43 A copy of the written determination must be provided to both parties simultaneously, and  
44 generally will be provided within 60 calendar days from the District's receipt of a formal  
45 complaint.



The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion.

### Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

1  
2  
3  
4  
5 Informal Resolution Process  
6

7 Except when concerning allegations that an employee sexually harassed a student, at any time  
8 during the formal complaint process and prior to reaching a determination regarding  
9 responsibility, the District may facilitate an informal resolution process, such as mediation, that  
10 does not involve a full investigation and determination of responsibility, provided that the  
11 District:

- 12
- 13 1. Provides to the parties a written notice disclosing:
    - 14 A. The allegations;
    - 15 B. The requirements of the informal resolution process including the circumstances  
16 under which it precludes the parties from resuming a formal complaint arising  
17 from the same allegations, provided, however, that at any time prior to agreeing to  
18 a resolution, any party has the right to withdraw from the informal resolution  
19 process and resume the Title IX formal complaint process with respect to the  
20 formal complaint; and
    - 21 C. Any consequences resulting from participating in the informal resolution process,  
22 including the records that will be maintained or could be shared.
  - 23 2. Obtains the parties' voluntary, written consent to the informal resolution process.  
24  
25  
26  
27  
28

29 The informal resolution process generally will be completed within 30 calendar days, unless the  
30 parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process.  
31 The formal grievance process timelines are stayed during the parties' participation in the  
32 informal resolution process. If the parties do not reach resolution through the informal resolution  
33 process, the parties will resume the formal complaint grievance process, including timelines for  
34 resolution, at the point they left off.

35  
36 Recordkeeping  
37

38 The District must maintain for a period of seven years records of:

- 39
- 40 1. Each sexual harassment investigation, including any determination regarding  
41 responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies  
42 provided to the Complainant designed to restore or preserve equal access to the  
43 District's education program or activity;
  - 44 2. Any appeal and the result therefrom;
- 45  
46

1 3. Any informal resolution and the result therefrom; and

2  
3  
4  
5 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and  
6 any person who facilitates an informal resolution process. The District must make  
7 these training materials publicly available on its website.  
8

9 The District must create, and maintain for a period of seven years, records of any actions,  
10 including any supportive measures, taken in response to a report or formal complaint of sexual  
11 harassment. In each instance, the District must document the basis for its conclusion that its  
12 response was not deliberately indifferent, and document that it has taken measures designed to  
13 restore or preserve equal access to the District’s education program or activity.  
14

15 Cross Reference: Policy 3210 Equal Education, Nondiscrimination and Sex Equity  
16 Policy 3225 Sexual Harassment  
17 Policy 3310 Student Discipline  
18

19 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
20 Section 49-3-101, et seq., MCA, Montana Human Rights Act  
21 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
22 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
23 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
24 Section 20-5-201, MCA, Duties and Sanctions  
25 Section 20-5-202, MCA, Suspension and Expulsion  
26 34 CFR Part 106 Nondiscrimination on the basis of sex in  
27 education programs or activities receiving  
28 Federal financial assistance  
29 10.55.701(1)(f), ARM Board of Trustees  
30 10.55.719, ARM Student Protection Procedures  
31 10.55.801(1)(a), ARM School Climate  
32

33 Policy History:

34 Adopted on:

35 Reviewed on:

36 Revised on:

2  
3 **Sexual Harassment Reporting/Intake Form for Students**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the  
5 Title IX Coordinator to document allegations.

6  
7 School \_\_\_\_\_ Date \_\_\_\_\_

8  
9 Student's name \_\_\_\_\_

10  
11 • Who was responsible for the harassment or incident(s)? \_\_\_\_\_

12 \_\_\_\_\_

13

14 • Describe the incident(s). \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17

18 • Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21

22 • Were other individuals involved in the incident(s)?  yes  no

23 If so, name the individual(s) and explain their roles. \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27

28 • Did anyone witness the incident(s)?  yes  no

29 If so, name the witnesses. \_\_\_\_\_

30 \_\_\_\_\_

31 \_\_\_\_\_

32 \_\_\_\_\_

33

34 • Did you take any action in response to the incident?  yes  no

35 If yes, what action did you take? \_\_\_\_\_

36 \_\_\_\_\_

37 \_\_\_\_\_

38 \_\_\_\_\_

39

40 • Were there any prior incidents?  yes  no

41 If so, describe any prior incidents. \_\_\_\_\_

42 \_\_\_\_\_

43 \_\_\_\_\_

44

45 Signature of complainant \_\_\_\_\_

46

47 Signatures of parents/legal guardians \_\_\_\_\_

48

49 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*  
50 *remain confidential in accordance with law and policy.*

51

2  
3 **STUDENTS**

4  
5 Bullying/Harassment/Intimidation/Hazing

6  
7 The Board will strive to provide a positive and productive learning and working environment. Bullying,  
8 harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not  
9 be tolerated.

10  
11 Definitions

- 12
- 13 1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors,  
14 service contractors or others engaged in District business, such as employees of businesses or  
15 organizations participating in cooperative work programs with the District, and others not directly  
16 subject to District control at inter-district and intra-District athletic competitions or other school  
17 events.  
18
- 19 2. "District" includes District facilities, District premises, and non-District property if the student or  
20 employee is at any District-sponsored, District-approved, or District-related activity or function,  
21 such as field trips or athletic events, where students are under the control of the District or where  
22 the employee is engaged in District business.  
23
- 24
- 25 3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the  
26 mental or physical health or safety of a student for the purpose of initiation or as a condition or  
27 precondition of attaining membership in or affiliation with any District-sponsored activity or  
28 grade-level attainment, including but not limited to forced consumption of any drink, alcoholic  
29 beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged  
30 exclusion from social contact, sleep deprivation, or any other forced activity that could adversely  
31 affect the mental or physical health or safety of a student; requires, encourages, authorizes, or  
32 permits another to be subject to wearing or carrying any obscene or physically burdensome  
33 article, assignment of pranks to be performed, or other such activities intended to degrade or  
34 humiliate.  
35
- 36 4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning  
37 gesture or physical contact, including any intentional written, verbal, or electronic communication  
38 ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and  
39 that substantially interferes with a student's educational benefits, opportunities, or performance,  
40 that takes place on or immediately adjacent to school grounds, at any school-sponsored activity,  
41 on school-provided transportation, at any official school bus stop, or anywhere conduct may  
42 reasonably be considered to be a threat or an attempted intimidation of a student or staff member  
43 or an interference with school purposes or an educational function, and that has the effect of:
  - 44 a. Physically harming a student or damaging a student's property;
  - 45 b. Knowingly placing a student in reasonable fear of physical harm to the student or  
46 damage to the student's property;
  - 47 c. Creating a hostile educational environment, or;
  - 48 d. Substantially and materially disrupts the orderly operation of a school.
- 49
- 50

5. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, or any other devices that connect to the internet, etc.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate District official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator shall be filed with the Board.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

Exhaustion of administrative remedies

A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication, as stated above, may seek redress under any available law, either civil or criminal, after exhausting all administrative remedies.

Responsibilities

The District Administrator shall be responsible for ensuring notice of this policy is provided to students, staff, and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

When an employee has actual knowledge that behavior in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

Consequences

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or the Board. Individuals may also be referred to law enforcement officials.

Retaliation and Reprisal

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Cross Reference: 3225 Sexual Harassment  
3225P Sexual Harassment Grievance Procedure  
3225F Harassment Reporting/Intake Form for Students

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16

Legal Reference:	§ 20-5-207, MCA	“Bully-Free Montana Act”
	§ 20-5-208, MCA	Definition
	§ 20-50-209, MCA	Bullying of student prohibited
	§ 20-5-210, MCA	Enforcement – exhaustion of administrative remedies
	10.55.701(2)(f), ARM	Board of Trustees
	10.55.719, ARM	Student Protection Procedures
	10.55.801(1)(d), ARM	School Climate

Policy History:

Adopted on:

Reviewed on:

Revised on:

2  
3 **STUDENTS**

4  
5 Student Discipline

6  
7 The Board grants authority to a teacher or principal to hold a student to strict accountability for  
8 disorderly conduct in school, on the way to or from school, or during intermission or recess.

9  
10 Disciplinary action may be taken against any student guilty of gross disobedience or misconduct,  
11 including but not limited to instances set forth below:

- 12
- 13 • Using, possessing, distributing, purchasing, or selling tobacco products, and alternative  
14 nicotine and vapor products as defined in 16-11-302, MCA.
  - 15 • Using, possessing, distributing, purchasing, or selling alcoholic beverages, including  
16 powdered alcohol. Students who may be under the influence of alcohol will not be  
17 permitted to attend school functions and will be treated as though they had alcohol in  
18 their possession.
  - 19 • Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs,  
20 controlled substances, or any substance which is represented to be or looks like a narcotic  
21 drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage,  
22 stimulant, depressant, or intoxicant of any kind, including such substances that contain  
23 chemicals which produce the same effect of illegal substances including but not limited  
24 to Spice and K2. Students who may be under the influence of such substances will not be  
25 permitted to attend school functions and will be treated as though they had drugs in their  
26 possession.
  - 27 • Using, possessing, controlling, or transferring a weapon in violation of the “Possession of  
28 Weapons other than Firearms” section in policy 3311.
  - 29 • Using, possessing, controlling, or transferring any object that reasonably could be  
30 considered or used as a weapon as referred to in policy 3311.
  - 31 • Disobeying directives from staff members or school officials or disobeying rules and  
32 regulations governing student conduct.
  - 33 • Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable  
34 conduct toward anyone or urging other students to engage in such conduct.
  - 35 • Causing or attempting to cause damage to, or stealing or attempting to steal, school  
36 property or another person’s property.
  - 37 • Engaging in any activity that constitutes an interference with school purposes or an  
38 educational function or any other disruptive activity.
  - 39 • Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic  
40 and habitual truants.
  - 41 • Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or  
42 retaliation against any person who alleged misconduct under Policy 3225 or 3226 or  
43 participated in an investigation into alleged misconduct under Policy 3225 or 3226.
  - 44 • Defaces or damages any school building, school grounds, furniture, equipment, or book  
45 belonging to the district.
  - 46 • Forging any signature or making any false entry or attempting to authorize any document



used or intended to be used in connection with the operation of a school.

These grounds stated above for disciplinary action apply whenever a student's conduct is reasonably related to school or school activities, including but not limited to the circumstances set forth below:

- On school grounds before, during, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of bullying of a staff member or student, or an interference with school purposes or an educational function.

#### Disciplinary Measures

Disciplinary measures include but are not limited to:

- Expulsion
- Suspension
- Detention, including Saturday school
- Clean-up duty
- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

No District employee or person engaged by the District may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include reasonable force. District personnel are permitted to use as needed to maintain safety for other students, school personnel, or other persons or for the purpose of self-defense.

#### Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.



2  
3 **PERSONNEL**

4  
5 Equal Employment Opportunity, Non-Discrimination, and Sex Equity

6  
7 The District will provide equal employment opportunities to all persons, regardless of their race,  
8 color, religion, creed, national origin, genetic information, sex, age, ancestry, marital status,  
9 military status, citizenship status, use of lawful products while not at work physical or mental  
10 disability. The District will make reasonable accommodation for an individual with a disability  
11 known to the District, if the individual is otherwise qualified for the position, unless the  
12 accommodation would impose undue hardship on the District.

13  
14 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be  
15 directed to the District Title IX Coordinator. The Board designates the Jr High/High School  
16 Counselor as the District’s Title IX Coordinator.

17  
18 Inquiries regarding discrimination on the basis of disability or requests for accommodation  
19 should be directed to the District Section 504 Coordinator. The Board designates the Jr  
20 High/High School Counselor to serve as the District’s Section 504 Coordinator.

21  
22 Any individual may file a complaint alleging violation of this policy, Policy 5012/5012P –  
23 Sexual Harrassment, or Policy 5015-Bullying/Harassment/Intimidation/Hazing by following  
24 those policies or Policy 1700-Uniform Complaint Procedure.

25  
26 The District, in compliance with federal regulations, will notify annually all students, parents,  
27 staff, and community members of this policy and the designated coordinator to receive inquiries.  
28 This annual notification will include the name and location of the coordinator and will be  
29 included in all handbooks.

30  
31 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence  
32 against students, staff, or volunteers with disabilities. The District will consider such behavior as  
33 constituting discrimination on the basis of disability, in violation of state and federal law.

34  
35 All complaints about behavior that may violate this policy shall be promptly investigated.

36  
37 Retaliation against an employee who has filed a discrimination complaint, testified, or  
38 participated in any manner in a discrimination investigation or proceeding is prohibited.

- 39  
40 Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq.*  
41 Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq.*  
42 Equal Pay Act, 29 U.S.C. § 206(d)  
43 Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq.*  
44 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq.*  
45 Genetic Information Nondiscrimination Act of 2008 (GINA)  
46 Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), *et seq.*; 29 C.F.R.,  
47 Part 1601

1  
2  
3  
4 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.; 34  
5 C.F.R., Part 106  
6 Montana Constitution, Art. X, § 1 - Educational goals and duties  
7 § 49-2-101, *et seq*, MCA Human Rights Act  
8 § 49-2-303, MCA Discrimination in Employment  
9 § 49-3-102, MCA What local governmental units affected  
10 §49-3-201, MCA Employment of state and local government  
11 personnel.  
12

13 Policy History:

14 Adopted on:

15 Reviewed on: 08/09/2011

16 Revised on: 10/09/2012; 07/11/2017

2  
3 **PERSONNEL**

4  
5 Sexual Harassment of Employees

6  
7 The District does not discriminate on the basis of sex in any education program or activity that it  
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
10 manner. Inquiries about the application of Title IX to the District may be referred to the  
11 District’s Title IX Coordinator.

12  
13 The Board designates the Jr High/High School Counselor as the District’s Title IX Coordinator:

14  
15 Any person may report sex discrimination, including sexual harassment, at any time, including  
16 during non-business hours. Such a report may be made using the attached form, in person, by  
17 mail, by telephone or by electronic mail, using the contact information listed for the Title IX  
18 Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s  
19 verbal or written report.

20  
21 For purposes of this policy and the grievance process, “sexual harassment” means conduct on the  
22 basis of sex that satisfies one or more of the following:

- 23  
24 1. A District employee conditioning the provision of an aid, benefit, or service of the  
25 District on an individual’s participation in unwelcome sexual conduct;
- 26  
27 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and  
28 objectively offensive that it effectively denies a person equal access to the District’s  
29 education program or activity; or
- 30  
31 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in  
32 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or  
33 “stalking” as defined in 34 USC 12291(a)(30).

34  
35 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
36 harassment, the Title IX Coordinator shall direct the individual to the applicable sex  
37 discrimination process for investigation.

38  
39 An individual is not required to submit a report of sexual harassment involving the Title IX  
40 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged  
41 harassment, the individual may report the allegations to the building principal or superintendent  
42 or other unbiased school official.

43  
44  
45 Retaliation Prohibited

1  
2  
3  
4 The District prohibits intimidation, threats, coercion or discrimination against any individual for  
5 the purpose of interfering with any right or privilege secured by Title IX or this policy, or  
6 because the individual has made a report or complaint, testified, assisted, or participated or  
7 refused to participate in any manner in an investigation proceeding or hearing, if applicable.  
8 Intimidation, threats, coercion, or discrimination, including charges against an individual for  
9 code of conduct violations that do not involve sex discrimination or sexual harassment, but arise  
10 out of the same facts or circumstances as a report or complaint of sex discrimination, or a report  
11 or formal complaint of sexual harassment, for the purpose of interfering with any right or  
12 privilege secured by Title IX or this part, constitutes retaliation.  
13

#### 14 Confidentiality

15  
16 The District must keep confidential the identity of any individual who has made a report or  
17 complaint of sex discrimination, including any individual who has made a report or filed a  
18 formal complaint of sexual harassment, any individual who has been alleged to be the victim or  
19 perpetrator of conduct that could constitute sexual harassment, and any witness, except as may  
20 be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or  
21 to carry out the purposes of the Title IX regulations, including the conduct of any investigation,  
22 hearing or judicial proceeding arising thereunder.  
23

#### 24 Notice Requirements

25  
26 The District provides notice to applicants for admission and employment, students, parents or  
27 legal guardians of elementary and secondary school students, employees and the union(s) with  
28 the name or title, office address, email address and telephone number of the Title IX Coordinator  
29 and notice of the District grievance procedures and process, including how to report or file a  
30 complaint of sex discrimination, how to file a formal complaint of sexual harassment and how  
31 the District will respond. The District also posts the Title IX Coordinator's contact information  
32 and Title IX policies and procedures in a prominent location on the District website and in all  
33 handbooks made available by the District.  
34

#### 35 Training Requirements

36  
37 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
38 who facilitates an informal resolution process, receives training on the definition of sexual  
39 harassment, the scope of the District's education program or activity, how to conduct an  
40 investigation and grievance process including hearings, appeals and informal resolution  
41 processes, when applicable, and how to serve impartially including by avoiding prejudgment of  
42 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers  
43 and investigators receive training on issues of relevance of questions and evidence, including  
44 when questions and evidence about the complainant's sexual predisposition or prior sexual  
45 behavior are not relevant as set forth in the formal procedures that follow, and training on any  
46 technology to be used at a live hearing, if applicable. Investigators also receive training on

1  
2  
3  
4 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All  
5 materials used to train individuals who receive training under this section must not rely on sex  
6 stereotypes and must promote impartial investigations and adjudications of formal complaints of  
7 sexual harassment and are made publicly available on the District’s website.  
8

9 Conflict of Interest and Bias

10  
11 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person  
12 who facilitates an informal resolution process do not have a conflict of interest or bias for or  
13 against complainants or respondents generally or an individual complainant or respondent.  
14

15 Determination of Responsibility

16  
17 The individual who has been reported to be the perpetrator of conduct that could constitute  
18 sexual harassment is presumed not responsible for alleged conduct. A determination regarding  
19 responsibility will be made by the decision-maker at the conclusion of the investigation in  
20 accordance with the process outlined in Policy 5012P. No disciplinary sanctions will be imposed  
21 unless and until a final determination of responsibility is reached.  
22

23 Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination  
24 Policy 5012P – Sexual Harassment Procedures  
25

26  
27 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
28 §§ 49-3-101, et seq., MCA Montana Human Rights Act  
29 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
30 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
31 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
32 34 CFR Part 106 Nondiscrimination on the basis of sex in  
33 education programs or activities receiving  
34 Federal financial assistance  
35 10.55.701(1)(f), ARM Board of Trustees  
36 10.55.719, ARM Student Protection Procedures  
37 10.55.801(1)(a), ARM School Climate  
38

39 Policy History:

40 Adopted on: 08/09/2011  
41 Reviewed on:  
42 Revised on: 04/09/2019

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6 Sexual Harassment Grievance Procedure - Employees

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8 The Board requires the following grievance process to be followed for the prompt and equitable  
9 resolution of employee complaints alleging any action that would be prohibited as sexual  
10 harassment by Title IX. The Board directs the process to be published in accordance with all  
11 statutory and regulatory requirements.

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13 Definitions

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15 The following definitions apply for Title IX policies and procedures:

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17 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the  
18 District’s Title IX Coordinator or any official of the District who has authority to institute  
19 corrective measures on behalf of the District, or to any employee of an elementary or secondary  
20 school.

21  
22 “Education program or activity:” includes locations, events or circumstances over which the  
23 District exercised substantial control over both the individual who has been reported to be the  
24 perpetrator of conduct that could constitute sexual harassment, and the context in which the  
25 sexual harassment occurs.

26  
27 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute  
28 sexual harassment.

29  
30 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could  
31 constitute sexual harassment.

32  
33 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator  
34 alleging sexual harassment against a Respondent and requesting that the District investigate the  
35 allegation of sexual harassment.

36  
37 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as  
38 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent  
39 before or after the filing of a formal complaint or where no formal complaint has been filed.

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41 District Requirements

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43 When the District has actual knowledge of sexual harassment in an education program or activity  
44 of the District, the District will respond promptly in a manner that is not deliberately indifferent.  
45 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
46 harassment, the Title IX Coordinator will direct the individual to the applicable sex



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4 discrimination process for investigation.  
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6 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator  
7 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive  
8 measures. Supportive measures are designed to restore or preserve equal access to the District's  
9 education program or activity without unreasonably burdening the other party, including  
10 measures designed to protect the safety of all parties or the District's educational environment, or  
11 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines  
12 or other course-related adjustments, modifications of work or class schedules, mutual restrictions  
13 on contact between the parties, leaves of absence, increased security and monitoring of certain  
14 areas of the District's property, campus escort services, changes in work locations and other  
15 similar measures.  
16

17 The Title IX Coordinator is responsible for coordinating the effective implementation of  
18 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly  
19 contact the Complainant to discuss the availability of supportive measures, consider the  
20 Complainant's wishes with respect to supportive measures, inform the Complainant of the  
21 availability of supportive measures with or without the filing of a formal complaint, and explain  
22 to the Complainant the process for filing a formal complaint. If the District does not provide the  
23 Complainant with supportive measures, then the District must document the reasons why such a  
24 response was not clearly unreasonable in light of the known circumstances.  
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#### 26 Timelines 27

28 The District has established reasonably prompt time frames for the conclusion of the grievance  
29 process, including time frames for filing and resolving appeals and informal resolution processes.  
30 The grievance process may be temporarily delayed or extended for good cause. Good cause may  
31 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent  
32 law enforcement activity; or the need for language assistance or accommodation of disabilities.  
33 In the event the grievance process is temporarily delayed for good cause, the District will provide  
34 written notice to the Complainant and the Respondent of the delay or extension and the reasons  
35 for the action.  
36

#### 37 Response to a Formal Complaint 38

39 At the time of filing a formal complaint, a Complainant must be participating in or attempting to  
40 participate in the education program or activity of the District with which the formal complaint is  
41 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by  
42 electronic mail, or other means designated by the District.  
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44 The District must follow the formal complaint process before the imposition of any disciplinary  
45 sanctions or other actions that are not supportive measures. However, nothing in this policy  
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precludes the District from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. The District may also remove a student Respondent alleged to have harassed an employee Complainant from the education setting. The student may receive instruction in an offsite capacity during the period of removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a formal complaint, the District must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the District's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and
5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties’;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party’s ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party’s choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual’s status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

#### Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District’s education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the District; or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

#### Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

#### Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

#### Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report. Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party

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4 with the answers, and allow for additional, limited follow-up questions from each party.  
5 Questions and evidence about the Complainant's sexual  
6 predisposition or prior sexual behavior are not relevant, unless such questions and evidence  
7 about the Complainant's prior sexual behavior are offered to prove that someone other than the  
8 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence

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10  
11 concern specific incidents of the Complainant's prior sexual behavior with respect to the  
12 Respondent and are offered to prove consent. Questions must be submitted to the Title IX  
13 Coordinator within three calendar days from the date the Complainant and Respondent receive  
14 the investigator's report.

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16 The decision-maker must issue a written determination regarding responsibility based on a  
17 preponderance of the evidence standard. The decision-maker's written determination must:

- 18  
19 1. Identify the allegations potentially constituting sexual harassment;
- 20  
21 2. Describe the procedural steps taken, including any notifications to the parties,  
22 interviews with parties and witnesses, site visits, methods used to gather evidence, and  
23 hearings held;
- 24  
25 3. Include the findings of fact supporting the determination;
- 26  
27 4. Draw conclusions regarding the application of any District policies and/or code of  
28 conduct rules to the facts;
- 29  
30 5. Address each allegation and a resolution of the complaint including a determination  
31 regarding responsibility, the rationale therefor, any recommended disciplinary  
32 sanction(s) imposed on the Respondent, and whether remedies designed to restore or  
33 preserve access to the educational program or activity will be provided by the District  
34 to the Complainant; and
- 35  
36 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal  
37 the determination.

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39 A copy of the written determination must be provided to both parties simultaneously, and  
40 generally will be provided within 60 calendar days from the District's receipt of a formal  
41 complaint.

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43 The determination regarding responsibility becomes final either on the date that the District  
44 provides the parties with the written determination of the result of the appeal, if an appeal is  
45 filed, or if an appeal is not filed, the date on which an appeal would no longer be considered  
46 timely.

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4 Where a determination of responsibility for sexual harassment has been made against  
5 the Respondent, the District will provide remedies to the Complainant that are designed to  
6 restore or preserve equal access to the District's education program or activity. Such remedies  
7 may include supportive measures; however, remedies need not be non-disciplinary or non-  
8 punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible  
9 for effective implementation of any remedies. Following any determination of responsibility, the  
10 District may implement disciplinary sanctions in accordance with State or Federal law and or/the  
11 negotiated agreement. For employees, the sanctions may include any form of responsive  
12 discipline, up to and including termination.

### 13 14 Appeals

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16 Either the Complainant or Respondent may appeal the decision-maker's determination regarding  
17 responsibility or a dismissal of a formal complaint, on the following bases:

- 18  
19 1. Procedural irregularity that affected the outcome of the matter;
- 20  
21 2. New evidence that was not reasonably available at the time that could affect the  
22 outcome and
- 23  
24 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or  
25 bias for or against Complainants or Respondents generally or an individual  
26 Complainant or Respondent that affected the outcome.

27  
28 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar  
29 days after the date of the written determination. The appeal decision-maker must not have a  
30 conflict of interest or bias for or against Complainants or Respondents generally or an individual  
31 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the  
32 decision-maker from the original determination.

33  
34 The appeal decision-maker must notify the other party in writing when an appeal is filed and  
35 give both parties a reasonable equal opportunity to submit a written statement in support of, or  
36 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a  
37 written decision describing the result of the appeal and the rationale for the result. The decision  
38 must be provided to both parties simultaneously, and generally will be provided within 10  
39 calendar days from the date the appeal is filed.

### 40 41 Informal Resolution Process

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43 Except when concerning allegations that an employee sexually harassed a student, at any time  
44 during the formal complaint process and prior to reaching a determination regarding  
45 responsibility, the District may facilitate an informal resolution process, such as mediation, that  
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4 does not involve a full investigation and determination of responsibility, provided that the  
5 District:

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7 1. Provides to the parties a written notice disclosing:

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9 A. The allegations;

10  
11 B. The requirements of the informal resolution process including the circumstances  
12 under which it precludes the parties from resuming a formal complaint arising  
13 from the same allegations, provided, however, that at any time prior to agreeing to  
14 a resolution, any party has the right to withdraw from the informal resolution  
15 process and resume the Title IX formal complaint process with respect to the  
16 formal complaint; and

17  
18 C. Any consequences resulting from participating in the informal resolution process,  
19 including the records that will be maintained or could be shared.  
20

21 2. Obtains the parties' voluntary, written consent to the informal resolution process.  
22

23 The informal resolution process generally will be completed within 30 calendar days, unless the  
24 parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process.  
25 The formal grievance process timelines are stayed during the parties' participation in the  
26 informal resolution process. If the parties do not reach resolution through the informal resolution  
27 process, the parties will resume the formal complaint grievance process, including timelines for  
28 resolution, at the point they left off.  
29

### 30 Recordkeeping

31  
32 The District must maintain for a period of seven years records of:

- 33  
34 1. Each sexual harassment investigation, including any determination regarding  
35 responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies  
36 provided to the Complainant designed to restore or preserve equal access to the  
37 District's education program or activity;  
38  
39 2. Any appeal and the result therefrom;  
40  
41 3. Any informal resolution and the result therefrom; and  
42  
43 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and  
44 any person who facilitates an informal resolution process. The District must make  
45 these training materials publicly available on its website.  
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4 The District must create, and maintain for a period of seven years, records of any actions,  
5 including any supportive measures, taken in response to a report or formal complaint of sexual  
6 harassment. In each instance, the District must document the basis for its conclusion that its  
7 response was not deliberately indifferent, and document that it has taken measures designed to  
8 restore or preserve equal access to the District’s education program or activity.  
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13 Cross Reference: Policy 5010 Equal Employment and Non-Discrimination  
14 Policy 5012 Sexual Harassment  
15 Policy 5255 Employee Discipline  
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17 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
18 Section 49-3-101, et seq., MCA, Montana Human Rights Act  
19 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
20 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
21 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
22 34 CFR Part 106 Nondiscrimination on the basis of sex in  
23 education programs or activities receiving  
24 Federal financial assistance  
25 10.55.701(1)(f), ARM Board of Trustees  
26 10.55.719, ARM Student Protection Procedures  
27 10.55.801(1)(a), ARM School Climate  
28

29 Policy History:  
30 Adopted on:  
31 Reviewed on:  
32 Revised on:



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3 **Sexual Harassment Reporting/Intake Form for Employees**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the  
5 Title IX Coordinator to document allegations.

6  
7 School \_\_\_\_\_ Date \_\_\_\_\_

8  
9 Employee's name \_\_\_\_\_

10  
11 • Who was responsible for the harassment or incident(s)? \_\_\_\_\_

12  
13  
14 • Describe the incident(s). \_\_\_\_\_

15  
16  
17  
18 • Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

19  
20  
21  
22 • Were other individuals involved in the incident(s)?  yes  no  
23 If so, name the individual(s) and explain their roles. \_\_\_\_\_

24  
25  
26  
27  
28 • Did anyone witness the incident(s)?  yes  no  
29 If so, name the witnesses. \_\_\_\_\_

30  
31  
32  
33  
34 • Did you take any action in response to the incident?  yes  no  
35 If yes, what action did you take? \_\_\_\_\_

36  
37  
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39  
40 • Were there any prior incidents?  yes  no  
41 If so, describe any prior incidents. \_\_\_\_\_

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43  
44  
45 Signature of complainant \_\_\_\_\_

46  
47 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*  
48 *remain confidential in accordance with law and policy.*

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3 **PERSONNEL**

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5 Bullying/Harassment/Intimidation

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7 The Board will strive to provide a positive and productive working environment. Bullying,  
8 harassment, intimidation, between employees, or by third parties, is strictly prohibited and shall  
9 not be tolerated. This includes bullying, harassment, or intimidation via electronic  
10 communication devices (“cyberbullying”).

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12 Definitions

- 13  
14 1. “Third parties” include but are not limited to coaches, school volunteers, parents, school  
15 visitors, service contractors or others engaged in District business, such as employees of  
16 businesses or organizations participating in cooperative work programs with the District,  
17 and others not directly subject to District control at inter-district and intra-District athletic  
18 competitions or other school events.  
19  
20 2. “District” includes District facilities, District premises, and non-District property if the  
21 employee is at any District-sponsored, District-approved, or District-related activity or  
22 function, such as field trips or athletic events, where the employee is engaged in District  
23 business.  
24  
25 3. “Harassment, intimidation, or bullying” means any act that substantially interferes with  
26 an employees opportunities, or work performance, that takes place on or immediately  
27 adjacent to school grounds, at any school-sponsored activity, on school-provided  
28 transportation, or anywhere conduct may reasonably be considered to be a threat or an  
29 attempted intimidation of a staff member or an interference with school purposes or an  
30 educational function, and that has the effect of:  
31 a. Physically harming an employee or damaging an employee’s property;  
32 b. Knowingly placing an employee in reasonable fear of physical harm to the  
33 employee or damage to the employee’s property.  
34 c. Creating a hostile working environment.  
35  
36 4. “Electronic communication device” means any mode of electronic communication,  
37 including, but not limited to, computers, cell phones, **or any device that connects to the**  
38 **internet, etc..**

39  
40 Reporting

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42 All complaints about behavior that may violate this policy shall be promptly investigated. Any  
43 employee, or third party who has knowledge of conduct in violation of this policy or feels he/she  
44 has been a victim of harassment, intimidation, or bullying in violation of this policy is  
45 encouraged to immediately report his/her concerns to the building principal or the District  
46 Administrator, who have overall responsibility for such investigations. Complaints against the

1 building principal shall be filed with the Superintendent. Complaints against the Superintendent  
2 5015  
3 page 2 of 2  
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5 or District Administrator shall be filed with the Board.  
6

7 The complainant shall be notified of the findings of the investigation and, as appropriate, that  
8 remedial action has been taken.  
9

10 Responsibilities  
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12 The District Administrator shall be responsible for ensuring that notice of this policy is provided  
13 to staff and third parties.  
14

15 When an employee has actual knowledge that behavior is in violation of this policy is sexual  
16 harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment  
17 grievance process will be followed, if applicable, prior to imposing any discipline that cannot be  
18 imposed without resolution of the Title IX process.  
19

20 Consequences  
21

22 Staff whose behavior is found to be in violation of this policy will be subject to discipline up to  
23 and including dismissal. Third parties whose behavior is found to be in violation of this policy  
24 shall be subject to appropriate sanctions as determined and imposed by the District Administrator  
25 or the Board. Individuals may also be referred to law enforcement officials.  
26

27 Retaliation and Reprisal  
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29 Retaliation is prohibited against any person who reports or is thought to have reported a  
30 violation, files a complaint, or otherwise participates in an investigation or inquiry. Such  
31 retaliation shall be considered a serious violation of Board policy, whether or not a complaint is  
32 substantiated. False charges shall also be regarded as a serious offense and will result in  
33 disciplinary action or other appropriate sanctions.  
34  
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36 Legal Reference: 10.55.701(1)(g), ARM Board of Trustees  
37 10.55.801(1)(d), ARM School Climate

38 Policy History:

39 Adopted on:  
40 Reviewed on: 8/09/2011  
41 Revised on: 12/12/2008; 5/12/09