

Bigfork School District # 38

PERSONNEL

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Sexual Harassment/Sexual Intimidation in the Workplace

Bigfork Public School District No.38 is committed to a positive and productive working environment free of discrimination. The District prohibits sexual harassment or sexual intimidation of its employees, whether committed by a worker, co-worker, supervisor, subordinate, contractor, volunteer or student, and finds such behavior cause for disciplinary action. This policy applies to employees, students and volunteers on or off District property.

DEFINITIONS

District employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

The terms "intimidating", "hostile", and "offensive" include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Employees who believe they are a victim of sexual harassment or intimidation or have witnessed sexual harassment/intimidation, should contact their immediate supervisor, the Title IX coordinator, building principal, or superintendent for assistance in the complaint process. If the superintendent is involved in the alleged sexual harassment, the chairman of the Board of Trustees should be contacted.

Any district employee found to have engaged in sexual harassment/intimidation is subject to disciplinary action up to and including dismissal. Any staff member making a deliberately false accusation is also subject to disciplinary action up to and including

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dismissal. Any disciplinary action is subject to state and federal statutes, Board policy, and the applicable collective bargaining agreement. Students found to have engaged in sexual harassment/intimidation of a staff member are also subject to disciplinary action under the guidelines of Board policy and the student handbook up to and including permanent expulsion. The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Furthermore, the District prohibits retaliation against any employee or student because he or she has made a report of alleged sexual harassment, or against any employee or student who has testified, assisted, or participated in the investigation of a report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or adverse pressure. Retaliation is itself a violation of federal and state regulations prohibiting discrimination and will lead to disciplinary action against the offender. Preventive measures may be taken to protect the parties involved during and after the investigation.

Any individual seeking further information should contact the superintendent for the name of the current Title IX coordinator for the district. The superintendent shall ensure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the district's compliance efforts.

An individual with a complaint alleging a violation of this policy shall be provided an accompanying procedure and complaint form.

Cross Reference: 5012P Sexual Harassment/Investigation Procedures
3225E/5012E Sexual Harassment Complaint Form

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

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