

1 **Ovando School District #11**

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3 **STUDENTS**

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5 Sexual Harassment/Intimidation of Students

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7 Sexual harassment is a form of sex discrimination and is prohibited. An employee, District agent,
8 or student engages in sexual harassment whenever that individual makes unwelcome advances,
9 requests sexual favors, or engages in other verbal, non-verbal, or physical conduct of a sexual or
10 sex-based nature, imposed on the basis of sex, that:

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

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15 2. Has the purpose or effect of:

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17 a. Substantially interfering with a student’s educational environment;

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

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21 c. Depriving a student of educational aid, benefits, services, opportunities, or
22 treatment; or

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

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

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34 Students who believe that they may have been sexually harassed or intimidated should consult a
35 counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint
36 process. Supervisors or teachers who knowingly condone or fail to report or assist a student to
37 take action to remediate such behavior of sexual harassment or intimidation may themselves be
38 subject to discipline.

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40 Any District employee who is determined, after an investigation, to have engaged in sexual
41 harassment will be subject to disciplinary action up to and including discharge. Any student of
42 the District who is determined, after an investigation, to have engaged in sexual harassment will
43 be subject to disciplinary action, including but not limited to suspension and expulsion consistent
44 with the District’s discipline policy. Any person who knowingly makes a false accusation
45 regarding sexual harassment likewise will be subject to disciplinary action up to and including
46 discharge with regard to employees or suspension and expulsion with regard to students.

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4The District will make every effort to ensure that employees or students accused of sexual
5harassment or intimidation are given an appropriate opportunity to defend themselves against
6such accusations.

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8To the greatest extent possible, the District will treat complaints in a confidential manner. The
9District realizes that limited disclosure may be necessary in order to complete a thorough
10investigation. Retaliation against persons who file a complaint is a violation of law prohibiting
11discrimination and will lead to disciplinary action against an offender.

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13Any individual seeking further information should consult the Superintendent for the name of the
14current Title IX Coordinator for the District. The Superintendent will ensure that student and
15employee handbooks include the name, address, and telephone number of an individual
16responsible for coordinating District compliance efforts.

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18An individual with a complaint alleging a violation of this policy should follow the Uniform
19Complaint Procedure.

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23Cross Reference: 1700 Uniform Complaint Procedure

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25Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
26 §§ 49-3-101, et seq., MCA Montana Human Rights Act
27 Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.
28 34 CFR Part 106 Nondiscrimination on the basis of sex in
29 education programs or activities receiving
30 Federal financial assistance

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32Policy History:

33Adopted on: March 10, 2014

34Reviewed on: February 10, 2014

35Revised on: February 10, 2014