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3 **PERSONNEL**

4
5 Sexual Harassment/Sexual Intimidation in the Workplace

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

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11 The District prohibits its employees from making sexual advances or requesting sexual favors or engaging
12 in any conduct of a sexual nature when:

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- 14 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an
- 15 individual’s employment;
- 16
- 17 2. Submission to or rejection of such conduct by an individual is used as a basis for employment
- 18 decisions affecting that individual; or
- 19
- 20 3. Such conduct has the purpose or effect of substantially interfering with the individual’s work
- 21 performance or creating an intimidating, hostile, or offensive work environment.
- 22

23 Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms
24 “intimidating,” “hostile,” or “offensive” include but are not limited to conduct that has the effect of
25 humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in light of all
26 circumstances.

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28 A violation of this policy may result in disciplinary action, up to and including termination of
29 employment. Any person who knowingly makes false accusation regarding sexual harassment will
30 likewise be subject to disciplinary action, up to and including termination of employment.

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32 An aggrieved person who feels comfortable doing so should directly inform the person engaging in
33 sexually harassing conduct or communication that such conduct or communication is offensive and must
34 stop.

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36 Employees who believe they may have been sexually harassed or intimidated should contact the Title IX
37 Coordinator or an administrator, who will assist them in filing a complaint. An individual with a
38 complaint alleging a violation of this policy shall follow the Uniform Complaint Procedure.

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40 Cross Reference: 1700 Uniform Complaint Procedure

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42 Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), 29 C.F.R.
43 § 1604.11
44 Title IX of the Education Amendments, 20 U.S.C. §§ 1681,
45 Montana Constitution, Art. X, § 1 - Educational goals and duties
46 § 49-2-101, MCA Human Rights Act
47 *Harris v. Fork Lift Systems*, 114 S.Ct. 367 (1993)

48 Policy History:

49 Adopted on: March 10, 2014

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