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6 Sexual Harassment of Employees

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

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15 The Board designates the following individual to serve as the District’s Title IX Coordinator:

- 16 16 Title: District Clerk/Title IX Coordinator
- 17 17 Office address: 29893 Yaak River Rd. Troy MT 59935
- 18 18 Email: schoolclerk@yaakschool.org
- 19 19 Phone number: 406-295-9311

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

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

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31 1. A District employee conditioning the provision of an aid, benefit, or service of the
32 District on an individual’s participation in unwelcome sexual conduct;
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34 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive
35 and objectively offensive that it effectively denies a person equal access to the
36 District’s education program or activity; or
- 37
38 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as
39 defined in 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC
40 12291(a)(8) or “stalking” as defined in 34 USC 12291(a)(30).

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42 When the harassment or discrimination on the basis of sex does not meet the definition of
43 sexual harassment, the Title IX Coordinator shall direct the individual to the applicable sex
44 discrimination process for investigation.

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46 An individual is not required to submit a report of sexual harassment involving the Title IX
47 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged

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3 **PERSONNEL**

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5 harassment, the individual may report the allegations to the building principal or superintendent
6 or other unbiased school official.

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8 Retaliation Prohibited

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

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20 Confidentiality

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

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30 Notice Requirements

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

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41 Training Requirements

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43 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
44 who facilitates an informal resolution process, receives training on the definition of sexual
45 harassment, the scope of the District’s education program or activity, how to conduct an
46 investigation and grievance process including hearings, appeals and informal resolution

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6 processes, when applicable, and how to serve impartially including by avoiding prejudgment of
7 the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers
8 and investigators receive training on issues of relevance of questions and evidence, including
9 when questions and evidence about the complainant’s sexual predisposition or prior sexual
10 behavior are not relevant as set forth in the formal procedures that follow, and training on any
11 technology to be used at a live hearing, if applicable. Investigators also receive training on
12 issues of relevance to create an investigative report that fairly summarizes relevant evidence.
13 All materials used to train individuals who receive training under this section must not rely on
14 sex stereotypes and must promote impartial investigations and adjudications of formal
15 complaints of sexual harassment and are made publicly available on the District’s website.

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17 Conflict of Interest and Bias

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19 The District ensures that Title IX Coordinators, investigators, decision-makers, and any person
20 who facilitates an informal resolution process do not have a conflict of interest or bias for or
21 against complainants or respondents generally or an individual complainant or respondent.
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23 Determination of Responsibility

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25 The individual who has been reported to be the perpetrator of conduct that could constitute
26 sexual harassment is presumed not responsible for alleged conduct. A determination regarding
27 responsibility will be made by the decision-maker at the conclusion of the investigation in
28 accordance with the process outlined in Policy 5012P. No disciplinary sanctions will be
29 imposed unless and until a final determination of responsibility is reached.
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33 Cross Reference: Policy 5010 -Equal Employment and Non-Discrimination
34 Policy 5012P – Sexual Harassment Procedures

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36 Legal Reference:
37 Art. X, Sec. 1, Montana Constitution – Educational goals and duties
38 §§ 49-3-101, et seq., MCA Montana Human Rights Act
39 Civil Rights Act, Title VI; 42 USC 2000d et seq.
40 Civil Rights Act, Title VII; 42 USC 2000e et seq.
41 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
42 34 CFR Part 106 Nondiscrimination on the basis of sex in
43 education programs or activities receiving
44 Federal financial assistance
45 10.55.701(1)(f), ARM Board of Trustees
46 10.55.719, ARM Student Protection Procedures
47 10.55.801(1)(a), ARM School Climate

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Yaak School District #24

PERSONNEL

Policy History:
Adopted on: 4/23/2014
Reviewed on: 10/21/2020
Revised on: 12/16/2020

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