

1 **Browning Public Schools**

2
3 **Policy # 3205**

4 **Policy Name:** *Sexual Harassment/Harassment/Intimidation/Bullying/Menacing/Hazing*
5 **Regulation:**

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7 The Browning Public School District is committed to a positive and productive working and learning
8 environment. A safe and civil environment in school is necessary for students to learn and achieve
9 high academic standards. Sexual harassment, harassment, intimidation, bullying or menacing, like
10 other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and a
11 school’s ability to educate its students. Since, students learn by example; **school board members,**
12 school administrators, faculty staff and volunteers should be expected to demonstrate appropriate
13 behavior, treating others with civility and respect. Sexual harassment, harassment, intimidation,
14 bullying, menacing and hazing will not be tolerated. This includes bullying, harassment, or
15 intimidation via electronic communication devices (“cyberbullying”), and “Third parties” which
16 include but are not limited to coaches, school volunteers, parents, school visitors, service contractors
17 or others engaged in District business, such as employees of businesses or organizations participating
18 in cooperative work programs with the District and others not directly subject to District control at
19 inter-district and intra-district athletic competitions or other school events.

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21 “Sexual harassment” is generally defined as unwelcome sexual advances, requests for favors and
22 other verbal, physical and/or visual contact of a sexual nature when:

- 23 a. submission is made either explicitly or implicitly a term or condition of an individual’s
24 employment or education;
- 25 b. submission to or rejection of that conduct or communication by an individual is used as a
26 factor in decisions affecting that individual’s employment or education; or
- 27 c. that conduct or communication has the purpose or effect of substantially or unreasonably
28 interfering with an individual’s employment or education, or of creating an intimidating,
29 hostile or offensive employment or educational environment.

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31 “Harassment, intimidation, bullying or menacing” means any gesture or written, verbal or physical
32 act that takes place on school property, at any school sponsored activity or on a school bus that:

- 33 a. is motivated by any actual or perceived characteristic, such as race, color, religion,
34 ancestry, national origin, sexual orientation, gender identity and expression, or a
35 physical, mental or sensory disability.
- 36 b. a reasonable person should know, under the circumstances, that the act(s) will have the
37 effect of harming a student or damaging the student’s property, or placing a student in
38 reasonable fear of harm to his person.
- 39 c. has the effect of insulting or demeaning any student or group of students in such a way
40 as to cause substantial disruption in, or substantial interference with, the orderly
41 operation of the school.

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43 “Hazing” is generally defined as any conduct, or method of initiation, which subjects another person
44 whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse,
45 degrade, or intimidate the person as a condition of association with a group.

46
47 An “intimidating, hostile or offensive employment or educational environment” means an
48 environment inclusive of:

- 49
50 a. unwelcome sexually-oriented jokes, innuendoes, obscenities, pictures/posters or any action
51 with sexual connotation that makes a student or employee feel uncomfortable, or

- 1 b. any aggressive, harassing behavior in the workplace or school that affects working or
- 2 learning, whether or not sexual in connotation, is directed toward an individual based on
- 3 their sex, or
- 4
- 5 c. sexual advances which are unwanted (this may include situations which began as reciprocal
- 6 attractions, but later ceased to be reciprocal), or
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- 8 d. sexual gestures, verbal abuse, sexually-oriented jokes, innuendo or obscenities, or
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- 10 e. displaying of sexually suggestive objects, pictures, cartoons, or posters, or
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- 12 f. sexually suggestive letters, notes or invitations, or
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- 14 g. employment or educational benefits affected in exchange for sexual favors, or
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- 16 h. physical conduct such as assault, attempted rape, impeding/blocking movement, unwelcome
- 17 touching.
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- 19 i. “Electronic communication device” means any mode of electronic communication,
- 20 including but not limited to computers, cell phones, PDAs, or the internet.
- 21
- 22 j. **Gossiping in the workplace or on social media has no educational benefit.**
- 23

24 A person, who cites, aides, coerces or directs others to commit acts of harassment, intimidation or
25 bullying or hazing, will be held to the same extent as the person who commits the act.

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27 Furthermore, the District prohibits retaliation against any employee or student because he or she has
28 made a report of alleged sexual harassment, harassment, intimidation bullying, menacing, or hazing
29 against any employee or student who has testified, assisted, or participated in the investigation of a
30 report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or adverse
31 pressure. Retaliation is itself a violation of federal and state regulations prohibiting discrimination
32 and will lead to disciplinary action against the offender.

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34 Students whose behavior is found to be in violation of this policy will be subject to discipline up to
35 and may include expulsion. Staff whose behavior is found to be in violation of this policy will be
36 subject to discipline up to and including dismissal. Third parties whose behavior is found to be in
37 violation of this policy shall be subject to appropriate sanctions as determined and imposed by the
38 Superintendent/designee or the Board. Individuals may also be referred to law enforcement officials.

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40 This policy applies to individuals attending any events on District property, whether or not district-
41 sponsored, and to any school-sponsored events, regardless of location.

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43 **Cross Reference:** #3205R Student Grievance Regulation
44 #3200 Student Conduct and Discipline Policy

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46 **Legal Reference:** 20 U.S.C. 1681, et esq. 34 CFR Part 106 Title IX of the Educational Amendments
47 Article XI Montana Constitution
48 MCA 49-3-101 Montana Human Rights Act

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50 **Policy History:**
51 Adopted on: 4/13/00
52 Revised on: 7/27/05, 1/11/11, 3/11/14, 7/25/19