

1 **Browning Public Schools**

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3 **Policy #5012**

4 **Policy Name:** *Sexual Harassment, Sexual Intimidation and Retaliation in the Workplace*

5 **Regulation:** -----

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7 The District will do everything in its power to provide employees a work environment free of unwelcome  
8 sexual advances, requests for sexual favors, and other verbal or physical conduct or communications  
9 constituting sexual 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 individual’s  
15 employment;  
16 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions  
17 affecting such individual; or  
18 3. Such conduct has the purpose or effect of substantially interfering with the individual’s work  
19 performance or creating an intimidating, hostile or offensive working environment.

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

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25 A violation of this policy may result in disciplinary action, up to and including discharge. Any person who  
26 knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary  
27 action, up to and including discharge.

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29 The District also prohibits retaliation against any employee because he or she has made a report of alleged  
30 sexual harassment, or against any employee who has testified, assisted or participated in the investigation  
31 of a report. Retaliation is itself a violation of state and federal laws prohibiting discrimination and any  
32 individual who is determined to have engaged in prohibited retaliation will be subject to discipline.

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34 It is the policy of this District to provide regular in-service education and training to its employees about  
35 sexual harassment and intimidation, as defined and otherwise prohibited by state and federal law.

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

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41 **Cross References:** 1700 Uniform Complaint Procedure

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43 **Legal References:** Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11  
44 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.  
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)

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49 **Policy History:**

50 Adopted on: 10/10/00  
51 Revised on: 2/13/01, 5/30/07 (formerly Policy #5060), 1/11/11