

# FORSYTH SCHOOL DISTRICT

## PERSONNEL

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### Sexual Harassment, Sexual Intimidation and Sexual Misconduct in the Workplace

5012

The District shall do everything in its power to ***will strive to*** provide employees an employment ***a work*** environment free of unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, ***or misconduct***, as defined and otherwise prohibited by state and federal law.

~~District employees shall not make sexual advances or request sexual favors or engage~~ ***The District prohibits its employees from engaging*** in any conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
- ***Such conduct deprives the individual of their rights to equal employment under District policy and state or federal law.***

Sexual harassment, ***sexual intimidation and sexual misconduct*** prohibited by this policy includes verbal, ***electronic*** or physical conduct ***or contact***. The terms "intimidating", "hostile", or "offensive" include, but are not limited to, conduct which has the effect of ***deprivation of rights***, humiliation, embarrassment, or discomfort. ***Examples of sexual harassment, sexual intimidation and sexual misconduct include but are not limited to unwelcome or forceful physical touching, crude jokes or pictures, discussions of sexual experiences, pressure or requests for sexual activity or favors, intimidation by words, actions, insults or name calling, teasing related to sexual characteristics and spreading rumors related to a person's alleged sexual activities. The District will evaluate*** ~~sexual harassment, sexual intimidation and sexual misconduct will be evaluated~~ in light of all of the circumstances.

A violation of this policy may result in discipline, up to and including ~~discharge~~ ***termination of employment***. ~~Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.~~ ***The District is authorized to report any violation of this policy to law enforcement that is suspected to be a violation of state or federal criminal laws.***

~~Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop.~~

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX coordinator or an administrator, who will assist them in filing a complaint. An

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individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

*Any person who knowingly makes a false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including termination.*

Cross Reference:      3215              Uniform Grievance Procedure  
                                 **5012F**              **Complaint Reporting Form**

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

Policy History:

Adopted on: 02/07/02

Revised on: