

Title IX Procedure

Title IX Grievance Procedures

The St. Regis School district has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX of the Education Amendments of 1972 Act (Title IX). Title IX prohibits discrimination on the basis of sex in education programs or activities operated by public school districts. Sexual harassment is a form of sex discrimination. The St. Regis School District does not discriminate on the basis of sex in its education programs and activities.

All references to sex discrimination throughout these procedures include gender-based harassment and sexual harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual harassment can occur whenever an individual makes sexual advances, requests sexual favor, and engages in other verbal and physical conduct of a sexual and or sex-based nature, imposed on the basis of sex, that:

In the case of a student, denies, or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or in the case of an employee denies or limits the employment, recruitment, consideration, or selection or treatment, or that makes such conduct a condition of the employee's employment status; OR

Has the purpose or effect of:

- Substantially interfering with a student's educational environment or employee's work environment;
- Creating an intimidating, hostile, or offensive educational or work environment;
- Depriving a student of educational aid, benefits, services, or treatment; or depriving an employee of the benefits of or deprives that employee of employment opportunities; or
- Making submission to or rejection of such conduct the basis for academic decisions affecting a student or employment decisions affecting an employee.

Sexual harassment includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or is unable to give consent due to an intellectual or other disability. Sexually violent acts include rape, sexual assault, sexual battery, and sexual coercion.

Title IX Coordinator

Inquiries concerning the application of Title IX may be referred to the District's Title IX Coordinator:

Shaun Ball, Principal

PO Box 280, St. Regis, MT 59866

406-649-2311

Inquiries may also be referred to the Office of Civil Rights, United States Department of Education.

Title IX Employee Sexual Harassment Policy 5012

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

14 The Board designates the following individual to serve as the District's Title IX Coordinator:
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16 Title: Shaun Ball – Principal

17 Office address:

18 Email: cheesmant@stregis.k12.mt.us

19 Phone number: 406-649-2311

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

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

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30 1. A District employee conditioning the provision of an aid, benefit, or service of the 31 District on an individual's participation in unwelcome sexual conduct; 32

33 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and 34 objectively offensive that it effectively denies a person equal access to the District's 35 education program or activity; or

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37 3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 38 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or 39 "stalking" as defined in 34 USC 12291(a)(30).

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

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45 An individual is not required to submit a report of sexual harassment involving the Title IX 46 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged harassment, the individual may report the allegations to the building principal or superintendent 5 or other unbiased school official.

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7 Retaliation Prohibited

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

report 16 or formal complaint of sexual harassment, for the purpose of interfering with any right or 17 privilege secured by Title IX or this part, constitutes retaliation.

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19 Confidentiality

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

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29 Notice Requirements

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

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40 Training Requirements

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

the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers 5 and investigators receive training on issues of relevance of questions and evidence, including 6 when questions and evidence about the complainant's sexual predisposition or prior sexual 7 behavior are not relevant as set forth in the formal procedures that follow, and training on any 8 technology to be used at a live hearing, if applicable. Investigators also receive training on 9 issues of relevance to create an investigative report that fairly summarizes relevant evidence. All 10 materials used to train individuals who receive training under this section must not rely on sex 11 stereotypes and must promote impartial investigations and adjudications of formal complaints of 12 sexual harassment and are made publicly available on the District's website.

14 Conflict of Interest and Bias

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16 The District ensures that Title IX Coordinators, investigators, decision-makers, and any
17 person 17 who facilitates an informal resolution process do not have a conflict of interest or
bias for or 18 against complainants or respondents generally or an individual complainant or
respondent. 19

20 Determination of Responsibility

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22 The individual who has been reported to be the perpetrator of conduct that could constitute
23 sexual harassment is presumed not responsible for alleged conduct. A determination
regarding 24 responsibility will be made by the decision-maker at the conclusion of the
investigation in 25 accordance with the process outlined in Policy 5012P. No disciplinary
sanctions will be imposed 26 unless and until a final determination of responsibility is reached.

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28 Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination 29 Policy 5012P – Sexual Harassment Procedures

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32 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties 33 §§
49-3-101, et seq., MCA Montana Human Rights Act 34 Civil Rights Act, Title VI; 42 USC 2000d
et seq.

35 Civil Rights Act, Title VII; 42 USC 2000e et seq. 36 Education Amendments of 1972, Title IX;
20 USC 1681 et seq. 37 34 CFR Part 106 Nondiscrimination on the basis of sex in 38 education
programs or activities receiving 39 Federal financial assistance 40 10.55.701(1)(f), ARM Board
of Trustees

41 10.55.719, ARM Student Protection Procedures 42 10.55.801(1)(a), ARM School Climate
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44 Policy History:

45 Adopted on: March 8, 2006

46 Reviewed on:

47 Revised on: May 11, 2016, March 20, 2019, September 16, 2020