

1 **Cascade School District**

2  
3 **COVID-19 Emergency Measures**

1905

4  
5 Student, Staff, and Community Health and Safety

6  
7 The School District has adopted the protocols outlined in this policy during the term of the  
8 declared public health emergency to ensure the safe and healthy delivery of education services  
9 provided to students on school property in accordance with Policy 1906, and a safe workplace  
10 when staff are present on school property in accordance with Policy 1909, and the safety, health  
11 and well-being of parents and community members. The supervising teacher, principal,  
12 superintendent or designated personnel are authorized to implement the protocols in coordination  
13 with state and local health officials.

14  
15 Symptoms of Illness

16  
17 Students and staff who are ill, feeling ill, diagnosed as ill, or otherwise demonstrating symptoms  
18 of illness must not come to school or work. Students who have a fever or are exhibiting other  
19 signs of illness must be isolated in a designated area until such time as parents or caregiver may  
20 arrive at the school to retrieve the ill student. All surfaces and areas should be thoroughly  
21 cleaned and disinfected once the student has vacated the area by staff utilizing safety measures in  
22 accordance with state and/or local health standards as applicable. Students may engage in  
23 alternative delivery of education services during the period of illness or be permitted to make up  
24 work in accordance with District Policy 1906. Staff members will be provided access to leave in  
25 accordance with District Policy 1911 or the applicable Master Contract or Memorandum of  
26 Understanding.

27  
28 Parents, guardians, or caregivers of students who are ill, feeling ill, diagnosed as ill, or otherwise  
29 demonstrating symptoms of illness must not be present at the school for any reason including but  
30 not limited events or gatherings or to drop off or pick up students excepted as provided by this  
31 policy. To avoid exposing others to illness, parents or caregivers who are ill must make  
32 arrangements with others to transport students to school or events, if at all practicable. If not  
33 practicable, parents, guardians or caregivers must not leave their vehicle during pickup or drop  
34 off and must arrange with District staff to supervise students in accordance with physical  
35 distancing guidelines in this Policy.

36  
37  
38 Physical Distancing

39  
40 Option 2

41 To the extent possible, elementary school courses will be delivered to the same group of students  
42 each day, and the same teachers will remain with the same group in the same separate and  
43 designated room each day. If physical distancing is not possible during meal service and courses  
44 delivered in a separate area such as the library, gymnasium, and music room, the service or  
45 course will be delivered in the designated classroom for each group of students. Recess and use  
46 of playgrounds during recess are permitted on an adjusted schedule to maintain appropriate

1  
2  
3  
4 student groupings. Transportation services will be provided in accordance with cleaning and  
5 disinfection procedures outlined in this policy.

6  
7 Secondary school courses will be delivered using a restructured bell system to minimize student  
8 interaction in common areas. Upon arriving in a classroom, secondary school students will be  
9 provided disinfecting wipes or disinfecting spray and disposable paper towel and time to clean  
10 their learning area or desk. Meal service for secondary students will be provided through a grab  
11 and go lunch that will be eaten in designated areas.

12  
13 Parent arrival times to drop-off and pick up students riding with parents and caregivers will be  
14 staggered in designated intervals by grade level through a schedule set by the supervising teacher  
15 or building administrator.

16  
17 Drop off and pick up of students will be completed in a manner that limits direct contact between  
18 parents and staff members and adhere to social distancing recommendations in the exterior of the  
19 building.

20  
21 Visitors to the school authorized by District Policy 1903 will maintain a six-foot distance  
22 between themselves and others. This distancing requirement does not apply to individuals who  
23 are a part of the visitor's regular household isolation group when the group is authorized to  
24 present at the school facility.

## 25 26 27 Face Coverings as Personal Protective Equipment

### 28 29 Option 3

30 In accordance with directives from the State of Montana, if the number of active COVID-19  
31 cases in the county in which the School District is located is four (4) or more, the School District  
32 requires all staff, volunteers, visitors, and students aged five (5) and over to wear a face covering  
33 peers while present in any school building. In accordance with directives from the State of  
34 Montana, if the number of active COVID-19 cases in the county in which the School District is  
35 located is four (4) or more, the School District also requires all staff, volunteers, visitors, and  
36 students aged five (5) and over to wear a face covering while present at any outdoor school  
37 activity with fifty (50) or more people where physical distancing is not possible or is not  
38 observed. Face covering means disposable or reusable masks that cover the nose and mouth or  
39 face shields. The School District will provide masks or face shields to students, volunteers, and  
40 staff. If a student or staff wears a reusable mask or face shield, the School District expects that  
41 the masks be washed on a regular basis to ensure maximum protection. The School District will  
42 assist students or staff members who request help washing or replacing a mask.

43  
44 Students, staff, volunteers, and visitors are not required to wear a mask or face shield under this  
45 provision when:

- 46 1. consuming food or drink;

2. engaged in physical activity;
3. communicating with someone who is hearing impaired;
4. giving a speech, lecture, class presentation, course lesson, or performance when separated by at least six feet of distance from the gathering, class, or audience;
5. identifying themselves;
6. receiving medical attention; or
7. precluded from safely using a face covering due to a medical or developmental condition. The superintendent, building principal, or their designee shall request documentation from a care provider when considering an exception to this provision for medical or developmental reasons. The School District will comply with all applicable disability and discrimination laws when implementing this provision.

Teachers may allow students to remove their masks or face shields if students are seated at their desks in a classroom and six feet of distance is strictly maintained between each of the students. If a teacher is working one on one with a student, both teacher and student must wear a mask or face shield. If students are working in small groups, the students must be wearing masks or face shields.

All points of entry to any school building or facility open to the public shall have a clearly visible sign posted stating: "Mask or face covering use required for ages 5 and older." The School District authorizes the administration to report any violations of this provision to the county attorney.

Allegations of harassment of any person wearing a mask or face shield or those with recognized exemptions to the face covering requirement will be promptly investigated in accordance with District policy. A student, staff member, or visitor who, after an investigation, is found to engaged in behavior that violates District policy is subject to redirection or discipline. Failure or refusal to wear a mask or face shield by a staff member or student not subject to an exception noted above may result in redirection or discipline in accordance with District policy and codes of conduct, as applicable.

If the number of active COVID-19 cases in the county where the school district is located is three (3) or fewer after this provision is adopted, the Board of Trustees authorizes the supervising teacher, principal, superintendent or designated personnel to waive the requirement for masks or face shields to be worn in the school building or at school events. The supervising teacher, principal, superintendent or designated personnel shall coordinate with the county health department each day to determine whether masks or face shields are required at the school in accordance with requirements issued by the State of Montana. The supervising teacher, principal, superintendent or designated personnel shall announce the applicability of a face covering requirement to students, parents, staff, volunteers, and visitors for the immediate successive school day each day by 3:00 pm. If the supervising teacher, principal, superintendent or designated personnel determines masks or face shields are not required, signs will be removed but students, parents, staff, volunteers, and visitors may wear a mask or face shield while present

1  
2  
3  
4 in any school building or at any school event. The standard requirements for face coverings  
5 outlined in this provision will govern if the number of cases in the county where the school is  
6 located is again four (4) or more.  
7

### 8 9 Cleaning and Disinfecting

10  
11 School district personnel will routinely both clean by removing germs, dirt and impurities and  
12 disinfect by using chemicals to kill germs on all surfaces and objects in any school building and  
13 on school property that are frequently touched. This process shall include cleaning  
14 objects/surfaces not ordinarily cleaned daily.  
15

16 Personnel will clean with the cleaners typically used and will use all cleaning products according  
17 to the directions on the label. Personnel will disinfect with common EPA-registered household  
18 disinfectants. A list of products that are EPA-approved for use against the virus that causes  
19 COVID-19 is available from the supervising teacher or administrator. Personnel will follow the  
20 manufacturer's instructions for all cleaning and disinfection products.  
21

22 The District will provide EPA-registered disposable wipes to teachers, staff, and secondary  
23 students so that commonly used surfaces (e.g., keyboards, desks, remote controls) can be wiped  
24 down before use. Supervising teacher or administrators are required to ensure adequate supplies  
25 to support cleaning and disinfection practices.  
26

### 27 28 Student Arrival

29  
30 Hand hygiene stations will be available at the entrance of any school building, so that children  
31 can clean their hands before they enter. If a sink with soap and water is not available, the School  
32 District will provide hand sanitizer with at least 60% alcohol. Hand sanitizer will be kept out of  
33 elementary students' reach and student use will be supervised by staff.  
34

35 A District employee will greet children outside the school as they arrive to ensure orderly  
36 compliance with the provisions of this policy.  
37

### 38 39 Temperature Screening

40  
41 Designated School District staff are authorized to test the temperature of students with an  
42 approved non-contact or touchless temperature reader. Students who have a fever or are  
43 exhibiting other signs of illness must be isolated in a designated area until such time as parents or  
44 caregiver may arrive at the school to retrieve the ill student. All surfaces and areas should be  
45 thoroughly cleaned and disinfected once the student has vacated the area by staff utilizing safety  
46 measures in accordance with state and/or local health standards as applicable.

1  
2  
3  
4 When administering a temperature check on a possibly ill student, designated staff members will  
5 utilize available physical barriers and personal protective equipment to eliminate or minimize  
6 exposures due to close contact to a child who has symptoms during screening.  
7

### 8 9 Healthy Hand Hygiene Behavior

10  
11 All students, staff, and others present in the any school building will engage in hand hygiene at  
12 the following times, which include but are not limited to:

- 13 • Arrival to the facility and after breaks
- 14 • Before and after preparing, eating, or handling food or drinks
- 15 • Before and after administering medication or screening temperature
- 16 • After coming in contact with bodily fluid
- 17 • After recess
- 18 • After handling garbage
- 19 • After assisting students with handwashing
- 20 • After use of the restroom

21  
22 Hand hygiene includes but is not limited to washing hands with soap and water for at least 20  
23 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol  
24 can be used if soap and water are not readily available.  
25

26 Staff members will supervise children when they use hand sanitizer and soap to prevent  
27 ingestion. Staff members will place grade level appropriate posters describing handwashing  
28 steps near sinks.  
29

### 30 31 Vulnerable Individuals

32  
33 Vulnerable individuals (defined by the Centers for Disease Control at the time of this policy's  
34 adoption as those age 65 or older or those with serious underlying health conditions, including  
35 high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune  
36 system is compromised such as by chemotherapy for cancer and other conditions requiring such  
37 therapy) are authorized to talk to their healthcare provider to assess their risk and to determine if  
38 they should telework during the period of declared public health emergency.  
39

40 Employees who have documented high risk designation from a medical provider are entitled to  
41 reasonable accommodation within the meaning of that term in accordance with the Americans  
42 with Disabilities Act and Section 504 as outlined in District Policy 5002. These accommodations  
43 may include but are not limited to teleworking in accordance with a work plan developed in  
44 coordination with and authorized by the supervising teacher, administrator or other designated  
45 supervisor. Such employees may also be eligible for available leave in accordance with the  
46 applicable policy or master agreement provision.

1  
2  
3  
4 Food Preparation and Meal Service  
5

6 Facilities must comply with all applicable federal, state, and local regulations and guidance  
7 related to safe preparation of food.  
8

9 Sinks used for food preparation must not be used for any other purposes.

10  
11 Staff and students will wash their hands in accordance with this policy.  
12  
13

14 Transportation Services  
15

16 The Board of Trustees authorizes the transportation of eligible transportees to and from the  
17 school facility in a manner consistent with the protocols established in this policy. The  
18 transportation director and school bus drivers will clean and disinfect each seat on each bus after  
19 each use.  
20  
21

22 Public Awareness  
23

24 The School District will communicate with parents, citizens, and other necessary stakeholders  
25 about the protocols established in this policy and the steps taken to implement the protocols  
26 through all available and reasonable means.  
27  
28

29 Confidentiality  
30

31 This policy in no way limits or adjusts the School District's obligations to honor staff and student  
32 privacy rights. All applicable district policies and handbook provision governing confidentiality  
33 of student and staff medical information remain in full effect.  
34  
35

36 Transfer of Funds for Safety Purposes  
37

38 The Board of Trustees may transfer state or local revenue from any budgeted or non-budgeted  
39 fund, other than the debt service fund or retirement fund, to its building reserve fund in an  
40 amount not to exceed the school district's estimated costs of improvements to school and student  
41 safety and security to implement this policy in accordance with District Policy 1006FE.  
42

43 Legal Reference: Governor Directive implementing Executive Orders 2-2020 and 3-2020 –  
44 Face Coverings - August 12, 2020.  
45

46 Cross Reference: Policy 1901 – School District Policy and Procedures

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

- Policy 1906 - Student Services and Instructional Delivery
- Policy 1907 – Transportation Services
- Policy 1006FE – Transfer of Funds for Safety Purposes
- Policy 3410 – Student examination and screenings
- Policy 3417 – Communicable Diseases
- Policy 3431 – Emergency Treatment
- Policy 1911 - Personnel Use of Leave
- Policy 1910 – Human Resources and Personnel
- Policy 4120 - Public Relations
- Policy 5002 – Accommodating Individuals with Disabilities
- Policy 5130 – Staff Health
- Policy 5230 - Prevention of Disease Transmission
- Policy 6110 – Superintendent Authority
- Policy 6122 - Delegation of Authority

Policy History:

- Adopted on: April 27, 2020
- Reviewed on:
- Revised on: August 18, 2020
- Terminated on:

4  
5 Equal Educational Opportunity, Nondiscrimination, and Sex Equity

6  
7 The District will make equal educational opportunities available for all students without regard  
8 to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical  
9 or mental handicap or disability, economic or social condition, actual or potential marital or  
10 parental status. No student will be denied equal access to programs, activities, services, or  
11 benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access  
12 to educational and extracurricular programs and activities.

13  
14 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be  
15 directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the  
16 Department of Education, or both. The Board designates the following individual to serve as the  
17 District’s Title IX Coordinator:

18  
19 Nichole Pieper, JH/HS Principal  
20 321 Central Ave W, PO Box 529, Cascade, MT 59421  
21 nichole.pieper@cascade.k12.mt.us  
22 (406) 468-9383 x 106  
23

24 Inquiries regarding discrimination on the basis of disability or requests for accommodation  
25 should be directed to the District Section 504 Coordinator. The Board designates the following  
26 individual to serve as the District’s Section 504 Coordinator:

27  
28 Nichole Pieper, JH/HS Principal  
29 321 Central Ave W, PO Box 529, Cascade, MT 59421  
30 nichole.pieper@cascade.k12.mt.us  
31 (406) 468-9383 x 106  
32

33 Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights  
34 and Responsibilities, Policy 3225/3225P-Sexual Harassment, or Policy 3226-  
35 Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform  
36 Complaint Procedure.

37  
38 The District, in compliance with federal regulations, will notify annually all students, parents,  
39 staff, and community members of this policy and the designated coordinator to receive inquiries.  
40 This annual notification will include the name and location of the coordinator and will be  
41 included in all handbooks.

42  
43 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence  
44 against students, staff, or volunteers with disabilities. The District will consider such behavior as  
45 constituting discrimination on the basis of disability, in violation of state and federal law.  
46  
47



1 Cross Reference: 1700 Uniform Complaint Procedure  
2 3200 Student Rights and Responsibilities  
3 3225 Sexual Harassment/Intimidation of Students  
4 3226 Bullying/Harassment/Intimidation/Hazing  
5  
6 Legal Reference: Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education  
7 § 49-2-307, MCA Discrimination in education  
8 24.9.1001, et seq., ARM Sex Discrimination in Education  
9 Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.  
10 34 CFR Part 106 Nondiscrimination on the basis of sex in  
11 education programs or activities receiving  
12 Federal financial assistance  
13  
14 Policy History:  
15 Adopted on: March 18, 2008  
16 Reviewed on:  
17 Revised on: March 24, 2015  
18 October 17, 2017

2  
3 **STUDENTS**

5 Sexual Harassment of Students

6  
7 The District does not discriminate on the basis of sex in any education program or activity that it  
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
10 manner. Inquiries about the application of Title IX to the District may be referred to the  
11 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of  
12 Education, or both.

13  
14 The Board designates the following individual to serve as the District’s Title IX Coordinator:

15 Nichole Pieper, JH/HS Principal  
16 321 Central Ave W, PO Box 529, Cascade, MT 59421  
17 nichole.pieper@cascade.k12.mt.us  
18 (406) 468-9383 x 106  
19

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

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

- 27
- 28 1. A District employee conditioning the provision of an aid, benefit, or service of the  
29 District on an individual’s participation in unwelcome sexual conduct;  
30
  - 31 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and  
32 objectively offensive that it effectively denies a person equal access to the District’s  
33 education program or activity or  
34
  - 35 3. “Sexual assault” as defined in 20 USC 1092(f)(6)(A)(v), “dating violence” as defined in  
36 34 USC 12291(a)(10), “domestic violence” as defined in 34 USC 12291(a)(8) or  
37 “stalking” as defined in 34 USC 12291(a)(30).  
38

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

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

#### Retaliation Prohibited

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

#### Confidentiality

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

#### Notice Requirements

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

#### Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution 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 and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual

behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

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

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity  
Policy 3225P – Sexual Harassment Procedures

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

Policy History:

Adopted on: May 21, 2001  
Reviewed on: July 16, 2019  
Revised on: April 15, 2008

2  
3 **Sexual Harassment Reporting/Intake Form for Students**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the  
5 Title IX Coordinator to document allegations.

6  
7 School \_\_\_\_\_ Date \_\_\_\_\_

8  
9 Student's name \_\_\_\_\_

10  
11 • Who was responsible for the harassment or incident(s)? \_\_\_\_\_

12 \_\_\_\_\_

13

14 • Describe the incident(s). \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17

18 • Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21

22 • Were other individuals involved in the incident(s)?  yes  no

23 If so, name the individual(s) and explain their roles. \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27

28 • Did anyone witness the incident(s)?  yes  no

29 If so, name the witnesses. \_\_\_\_\_

30 \_\_\_\_\_

31 \_\_\_\_\_

32 \_\_\_\_\_

33

34 • Did you take any action in response to the incident?  yes  no

35 If yes, what action did you take? \_\_\_\_\_

36 \_\_\_\_\_

37 \_\_\_\_\_

38 \_\_\_\_\_

39

40 • Were there any prior incidents?  yes  no

41 If so, describe any prior incidents. \_\_\_\_\_

42 \_\_\_\_\_

43 \_\_\_\_\_

44

45 Signature of complainant \_\_\_\_\_

46

47 Signatures of parents/legal guardians \_\_\_\_\_

48

49 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*

50 *remain confidential in accordance with law and policy.*

51

2  
3 **STUDENTS**

4 Sexual Harassment Grievance Procedure – Students

5  
6 The Board requires the following grievance process to be followed for the prompt and equitable  
7 resolution of student complaints alleging any action that would be prohibited as sexual  
8 harassment by Title IX. The Board directs the process to be published in accordance with all  
9 statutory and regulatory requirements.

10  
11 Definitions

12  
13 The following definitions apply for Title IX policies and procedures:

14  
15 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the  
16 District’s Title IX Coordinator or any official of the District who has authority to institute  
17 corrective measures on behalf of the District, or to any employee of an elementary or secondary  
18 school.

19  
20 “Education program or activity:” includes locations, events or circumstances over which the  
21 District exercised substantial control over both the individual who has been reported to be the  
22 perpetrator of conduct that could constitute sexual harassment, and the context in which the  
23 sexual harassment occurs.

24  
25 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute  
26 sexual harassment.

27  
28 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could  
29 constitute sexual harassment.

30  
31 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator  
32 alleging sexual harassment against a Respondent and requesting that the District investigate the  
33 allegation of sexual harassment.

34  
35 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as  
36 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent  
37 before or after the filing of a formal complaint or where no formal complaint has been filed.

38  
39 District Requirements

40  
41 When the District has actual knowledge of sexual harassment in an education program or activity  
42 of the District, the District will respond promptly in a manner that is not deliberately indifferent.  
43 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
44 harassment, the Title IX Coordinator will direct the individual to the applicable sex  
45 discrimination process for investigation.

1  
2  
3 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator  
4 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive  
5 measures. Supportive measures are designed to restore or preserve equal access to the District's  
6 education program or activity without unreasonably burdening the other party, including  
7 measures designed to protect the safety of all parties or the District's educational environment, or  
8 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines  
9 or other course-related adjustments, modifications of work or class schedules, mutual restrictions  
10 on contact between the parties, leaves of absence, increased security and monitoring of certain  
11 areas of the District's property, campus escort services, changes in work locations and other  
12 similar measures.

13  
14 The Title IX Coordinator is responsible for coordinating the effective implementation of  
15 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly  
16 contact the Complainant to discuss the availability of supportive measures, consider the  
17 Complainant's wishes with respect to supportive measures, inform the Complainant of the  
18 availability of supportive measures with or without the filing of a formal complaint, and explain  
19 to the Complainant the process for filing a formal complaint. If the District does not provide the  
20 Complainant with supportive measures, then the District must document the reasons why such a  
21 response was not clearly unreasonable in light of the known circumstances.

### 22 23 Timelines

24  
25 The District has established reasonably prompt time frames for the conclusion of the grievance  
26 process, including time frames for filing and resolving appeals and informal resolution processes.  
27 The grievance process may be temporarily delayed or extended for good cause. Good cause may  
28 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent  
29 law enforcement activity; or the need for language assistance or accommodation of disabilities.  
30 In the event the grievance process is temporarily delayed for good cause, the District will provide  
31 written notice to the Complainant and the Respondent of the delay or extension and the reasons  
32 for the action.

### 33 34 Response to a Formal Complaint

35  
36 At the time of filing a formal complaint, a Complainant must be participating in or attempting to  
37 participate in the education program or activity of the District with which the formal complaint is  
38 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by  
39 electronic mail, or other means designated by the District.

40  
41 The District must follow the formal complaint process before the imposition of any disciplinary  
42 sanctions or other actions that are not supportive measures. However, nothing in this policy  
43 precludes the District from removing a Respondent from the District's education program or  
44 activity on an emergency basis, provided that the District undertakes an individualized safety and  
45 risk analysis, determines that an immediate threat to the physical health or safety of any student

1  
2  
3  
4 or other individual arising from the allegations of sexual harassment justifies removal, and  
5 provides the Respondent with notice and an opportunity to challenge the decision immediately  
6 following the removal. A period of removal may include the opportunity for the student to  
7 continue instruction in an offsite capacity. The District may also place a non-student employee  
8 Respondent on administrative leave during the pendency of the grievance process. This  
9 provision may not be construed to modify any rights under the Individuals with Disabilities  
10 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities  
11 Act.

12  
13 Upon receipt of a formal complaint, the District must provide written notice to the known parties  
14 including:

- 15  
16 1. Notice of the allegations of sexual harassment, including information about the  
17 identities of the parties involved in the incident, the conduct allegedly constituting  
18 sexual harassment, the date and location of the alleged incident, and any sufficient  
19 details known at the time. Such notice must be provided with sufficient time to  
20 prepare a response before any initial interview;
- 21  
22 2. An explanation of the District's investigation procedures, including any informal  
23 resolution process;
- 24  
25 3. A statement that the Respondent is presumed not responsible for the alleged  
26 conduct and that a determination regarding responsibility will be made by the  
27 decision-maker at the conclusion of the investigation;
- 28  
29 4. Notice to the parties that they may have an advisor of their choice who may be, but  
30 is not required to be, an attorney, and may inspect and review any evidence; and
- 31  
32 5. Notice to the parties of any provision in the District's code of conduct or policy that  
33 prohibits knowingly making false statements or knowingly submitting false  
34 information.

35  
36 If, in the course of an investigation, the District decides to investigate allegations about the  
37 Complainant or Respondent that are not included in the notice initially provided, notice of the  
38 additional allegations must be provided to known parties.

39  
40 The District may consolidate formal complaints as to allegations of sexual harassment against  
41 more than one Respondent, or by more than one Complainant against one or more Respondents,  
42 or by one party against the other party, where the allegations of sexual harassment arise out of  
43 the same facts or circumstances.



1  
2  
3  
4 Investigation of a Formal Complaint  
5

6 When investigating a formal complaint and throughout the grievance process, the District must:  
7

- 8 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach  
9 a determination regarding responsibility rests on the District and not the parties’;
- 10 2. Provide an equal opportunity for the parties to present witnesses and evidence;
- 11 3. Not restrict either party’s ability to discuss the allegations under investigation or to  
12 gather and present relevant evidence;
- 13 4. Allow the parties to be accompanied with an advisor of the party’s choice who may be,  
14 but is not required to be, an attorney. The District may establish restrictions regarding  
15 the extent to which the advisor may participate in the proceedings, as long as the  
16 restrictions apply equally to both parties;
- 17 5. Provide written notice of the date, time, location, participants, and purpose of any  
18 interview or meeting at which a party is expected to participate, with sufficient time for  
19 the party to prepare to participate;
- 20 6. Provide the parties equal access to review all the evidence collected which is directly  
21 related to the allegations raised in a formal complaint and comply with the review  
22 periods outlined in this process;
- 23 7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
- 24 8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who  
25 facilitate an informal resolution process, do not have a conflict of interest or bias for or  
26 against Complainants or Respondents generally or an individual Complainant or  
27 Respondent;
- 28 9. Not make credibility determinations based on the individual’s status as Complainant,  
29 Respondent or witness;
- 30 10. Not use questions or evidence that constitute or seek disclosure of privileged  
31 information unless waived.  
32  
33  
34  
35  
36  
37  
38  
39  
40

41  
42 Dismissal of Formal Complaints  
43

44 If the conduct alleged in the formal complaint would not constitute sexual harassment even if  
45 proved, did not occur in the District’s education program or activity, or did not occur against a  
46

1  
2  
3  
4 person in the United States, then the District must dismiss the formal complaint with regard to  
5 that conduct for purposes of sexual harassment under this policy.  
6

7 The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any  
8 time during the investigation or hearing, if applicable, when any of the following apply:  
9

- 10 1. a Complainant provides written notification to the Title IX Coordinator that the  
11 Complainant would like to withdraw the formal complaint or any allegations therein;  
12
- 13 2. the Respondent is no longer enrolled or employed by the District or;  
14
- 15 3. specific circumstances prevent the District from gathering evidence sufficient to reach a  
16 determination as to the formal complaint or allegations therein.  
17

18 Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the  
19 reasons for dismissal simultaneously to both parties.  
20

#### 21 Evidence Review 22

23 The District provides both parties an equal opportunity to inspect and review any evidence  
24 obtained as part of the investigation so that each party can meaningfully respond to the evidence  
25 prior to the conclusion of the investigation. The evidence provided by the District must include  
26 evidence that is directly related to the allegations in the formal complaint, evidence upon which  
27 the District does not intend to rely in reaching a determination regarding responsibility, and any  
28 inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to  
29 completion of the investigative report, the Title IX Coordinator must send to each party and the  
30 party's advisor, if any, the evidence subject to inspection and review in an electronic format or a  
31 hard copy. The parties have 10 calendar days to submit a written response to the Title IX  
32 Coordinator, which the investigator will consider prior to completion of the investigative report.  
33

#### 34 Investigative Report 35

36 The investigator must prepare an investigative report that fairly summarizes relevant evidence  
37 and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each  
38 party and the party's advisor, if any, the investigative report in an electronic format or a hard  
39 copy, for their review and written response. The parties have 10 calendar days to submit a  
40 written response to the Title IX Coordinator.  
41

#### 42 Decision-Maker's Determination 43

44 The investigative report is submitted to the decision-maker. The decision-maker cannot be the  
45 same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a  
46

1  
2  
3  
4 hearing or make a determination regarding responsibility until 10 calendar days from the date the  
5 Complainant and Respondent receive the investigator's report.  
6

7 Prior to reaching a determination regarding responsibility, the decision-maker must afford each  
8 party the opportunity to submit written, relevant questions that a party wants asked of any party  
9 or witness, provide each party with the answers, and allow for additional, limited follow-up  
10 questions from each party. Questions and evidence about the Complainant's sexual  
11 predisposition or prior sexual behavior are not relevant, unless such questions and evidence  
12 about the Complainant's prior sexual behavior are offered to prove that someone other than the  
13 Respondent committed the conduct alleged by the Complainant, or if the questions and evidence  
14 concern specific incidents of the Complainant's prior sexual behavior with respect to the  
15 Respondent and are offered to prove consent. Questions must be submitted to the Title IX  
16 Coordinator within three calendar days from the date the Complainant and Respondent receive  
17 the investigator's report.  
18

19 The decision-maker must issue a written determination regarding responsibility based on a  
20 preponderance of the evidence standard. The decision-maker's written determination must:  
21

- 22 1. Identify the allegations potentially constituting sexual harassment;
- 23
- 24 2. Describe the procedural steps taken, including any notifications to the parties,  
25 interviews with parties and witnesses, site visits, methods used to gather evidence, and  
26 hearings held;  
27
- 28 3. Include the findings of fact supporting the determination;
- 29
- 30 4. Draw conclusions regarding the application of any District policies and/or code of  
31 conduct rules to the facts;  
32
- 33 5. Address each allegation and a resolution of the complaint including a determination  
34 regarding responsibility, the rationale therefor, any recommended disciplinary  
35 sanction(s) imposed on the Respondent, and whether remedies designed to restore or  
36 preserve access to the educational program or activity will be provided by the District  
37 to the Complainant; and  
38
- 39 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal  
40 the determination.  
41

42 A copy of the written determination must be provided to both parties simultaneously, and  
43 generally will be provided within 60 calendar days from the District's receipt of a formal  
44 complaint.  
45  
46

1  
2  
3  
4 The determination regarding responsibility becomes final either on the date that the District  
5 provides the parties with the written determination of the result of the appeal, if an appeal is  
6 filed, or if an appeal is not filed, the date on which an appeal would no longer be considered  
7 timely.  
8

9 Where a determination of responsibility for sexual harassment has been made against the  
10 Respondent, the District will provide remedies to the Complainant that are designed to restore or  
11 preserve equal access to the District's education program or activity. Such remedies may include  
12 supportive measures; however, remedies need not be non-disciplinary or non-punitive and need  
13 not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective  
14 implementation of any remedies. Following any determination of responsibility, the District may  
15 implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated  
16 agreement. For students, the sanctions may include disciplinary action, up to and including  
17 permanent exclusion.  
18

## 19 20 Appeals

21  
22 Either the Complainant or Respondent may appeal the decision-maker's determination regarding  
23 responsibility or a dismissal of a formal complaint, on the following bases:  
24

- 25 1. Procedural irregularity that affected the outcome of the matter;
- 26  
27 2. New evidence that was not reasonably available at the time that could affect the  
28 outcome and
- 29  
30 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or  
31 bias for or against Complainants or Respondents generally or an individual  
32 Complainant or Respondent that affected the outcome.  
33

34 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar  
35 days after the date of the written determination. The appeal decision-maker must not have a  
36 conflict of interest or bias for or against Complainants or Respondents generally or an individual  
37 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the  
38 decision-maker from the original determination.  
39

40 The appeal decision-maker must notify the other party in writing when an appeal is filed and  
41 give both parties a reasonable equal opportunity to submit a written statement in support of, or  
42 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a  
43 written decision describing the result of the appeal and the rationale for the result. The decision  
44 must be provided to both parties simultaneously, and generally will be provided within 10  
45 calendar days from the date the appeal is filed.  
46

1  
2  
3  
4 Informal Resolution Process  
5

6 Except when concerning allegations that an employee sexually harassed a student, at any time  
7 during the formal complaint process and prior to reaching a determination regarding  
8 responsibility, the District may facilitate an informal resolution process, such as mediation, that  
9 does not involve a full investigation and determination of responsibility, provided that the  
10 District:

- 11
- 12 1. Provides to the parties a written notice disclosing:
    - 13 A. The allegations;
    - 14 B. The requirements of the informal resolution process including the circumstances  
15 under which it precludes the parties from resuming a formal complaint arising  
16 from the same allegations, provided, however, that at any time prior to agreeing to  
17 a resolution, any party has the right to withdraw from the informal resolution  
18 process and resume the Title IX formal complaint process with respect to the  
19 formal complaint; and
    - 20 C. Any consequences resulting from participating in the informal resolution process,  
21 including the records that will be maintained or could be shared.
  - 22 2. Obtains the parties' voluntary, written consent to the informal resolution process.  
23  
24  
25

26  
27  
28 The informal resolution process generally will be completed within 30 calendar days, unless the  
29 parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process.  
30 The formal grievance process timelines are stayed during the parties' participation in the  
31 informal resolution process. If the parties do not reach resolution through the informal resolution  
32 process, the parties will resume the formal complaint grievance process, including timelines for  
33 resolution, at the point they left off.  
34

35 Recordkeeping  
36

37 The District must maintain for a period of seven years records of:

- 38
- 39 1. Each sexual harassment investigation, including any determination regarding  
40 responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies  
41 provided to the Complainant designed to restore or preserve equal access to the  
42 District's education program or activity;
  - 43 2. Any appeal and the result therefrom;
  - 44 3. Any informal resolution and the result therefrom; and  
45  
46

- 1  
2  
3  
4 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and  
5 any person who facilitates an informal resolution process. The District must make  
6 these training materials publicly available on its website.  
7

8 The District must create, and maintain for a period of seven years, records of any actions,  
9 including any supportive measures, taken in response to a report or formal complaint of sexual  
10 harassment. In each instance, the District must document the basis for its conclusion that its  
11 response was not deliberately indifferent, and document that it has taken measures designed to  
12 restore or preserve equal access to the District’s education program or activity.  
13

14 Cross Reference: Policy 3210 Equal Education, Nondiscrimination and Sex Equity  
15 Policy 3225 Sexual Harassment  
16 Policy 3310 Student Discipline  
17

18 Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties  
19 Section 49-3-101, et seq., MCA, Montana Human Rights Act  
20 Civil Rights Act, Title VI; 42 USC 2000d et seq.  
21 Civil Rights Act, Title VII; 42 USC 2000e et seq.  
22 Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
23 Section 20-5-201, MCA, Duties and Sanctions  
24 Section 20-5-202, MCA, Suspension and Expulsion  
25 34 CFR Part 106 Nondiscrimination on the basis of sex in  
26 education programs or activities receiving  
27 Federal financial assistance  
28 10.55.701(1)(f), ARM Board of Trustees  
29 10.55.719, ARM Student Protection Procedures  
30 10.55.801(1)(a), ARM School Climate  
31

32 Policy History:

33 Adopted on:

34 Reviewed on:

35 Revised on:

2  
3 STUDENTS

5 Bullying/Harassment/Intimidation/Hazing

6  
7 The Board will strive to provide a positive and productive learning and working environment. Bullying,  
8 harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not  
9 be tolerated.

10  
11 Definitions

- 12
- 13 1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors,
- 14 service contractors or others engaged in District business, such as employees of businesses or
- 15 organizations participating in cooperative work programs with the District, and others not directly
- 16 subject to District control at inter-district and intra-District athletic competitions or other school
- 17 events.
- 18 2. "District" includes District facilities, District premises, and non-District property if the student or
- 19 employee is at any District-sponsored, District-approved, or District-related activity or function,
- 20 such as field trips or athletic events, where students are under the control of the District or where
- 21 the employee is engaged in District business.
- 22 3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the
- 23 mental or physical health or safety of a student for the purpose of initiation or as a condition or
- 24 precondition of attaining membership in or affiliation with any District-sponsored activity or
- 25 grade-level attainment, including but not limited to forced consumption of any drink, alcoholic
- 26 beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged
- 27 exclusion from social contact, sleep deprivation, or any other forced activity that could adversely
- 28 affect the mental or physical health or safety of a student; requires, encourages, authorizes, or
- 29 permits another to be subject to wearing or carrying any obscene or physically burdensome
- 30 article, assignment of pranks to be performed, or other such activities intended to degrade or
- 31 humiliate.
- 32 4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning
- 33 gesture or physical contact, including any intentional written, verbal, or electronic communication
- 34 ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and
- 35 that substantially interferes with a student's educational benefits, opportunities, or performance,
- 36 that takes place on or immediately adjacent to school grounds, at any school-sponsored activity,
- 37 on school-provided transportation, at any official school bus stop, or anywhere conduct may
- 38 reasonably be considered to be a threat or an attempted intimidation of a student or staff member
- 39 or an interference with school purposes or an educational function, and that has the effect of:
- 40 a. Physically harming a student or damaging a student's property;
- 41 b. Knowingly placing a student in reasonable fear of physical harm to the student or
- 42 damage to the student's property;
- 43 c. Creating a hostile educational environment, or;
- 44 d. Substantially and materially disrupts the orderly operation of a school.
- 45 5. "Electronic communication device" means any mode of electronic communication,
- 46 including but not limited to computers, cell phones, PDAs, or the internet.

### Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate District official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator shall be filed with the Board.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

### Exhaustion of administrative remedies

A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication, as stated above, may seek redress under any available law, either civil or criminal, after exhausting all administrative remedies.

### Responsibilities

The District Administrator shall be responsible for ensuring notice of this policy is provided to students, staff, and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

When an employee has actual knowledge that behavior in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

### Consequences

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or the Board. Individuals may also be referred to law enforcement officials.

### Retaliation and Reprisal

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Cross Reference:       3225    Sexual Harassment  
                               3225    Sexual Harassment Grievance Procedure  
                               3225F  Harassment Reporting/Intake Form for Students

Legal Reference:       § 20-5-207, MCA       “Bully-Free Montana Act”  
                               § 20-5-208, MCA       Definition  
                               § 20-50-209, MCA      Bullying of student prohibited



1  
2  
3  
4                   § 20-5-210, MCA       Enforcement – exhaustion of administrative remedies  
5                   10.55.701(2)(f), ARM   Board of Trustees  
6                   10.55.719, ARM        Student Protection Procedures  
7                   10.55.801(1)(d), ARM   School Climate

8 Policy History:

9   Adopted on:   May 15, 2006  
10   Reviewed on:  
11   Revised on:   March 20, 2007  
12                 February 17, 2009  
13                 March 10, 2014  
14                 August 18, 2015

2  
3 **STUDENTS**

5 Student Discipline

6  
7 The Board grants authority to a teacher or principal to hold a student to strict accountability for  
8 disorderly conduct in school, on the way to or from school, or during intermission or recess.

9  
10 Disciplinary action may be taken against any student guilty of gross disobedience or misconduct,  
11 including but not limited to instances set forth below:

- 12
- 13 • Using, possessing, distributing, purchasing, or selling tobacco products, and alternative
- 14 nicotine and vapor products as defined in 16-11-302, MCA.
- 15 • Using, possessing, distributing, purchasing, or selling alcoholic beverages, including
- 16 powdered alcohol. Students who may be under the influence of alcohol will not be
- 17 permitted to attend school functions and will be treated as though they had alcohol in
- 18 their possession.
- 19 • Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs,
- 20 controlled substances, or any substance which is represented to be or looks like a narcotic
- 21 drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage,
- 22 stimulant, depressant, or intoxicant of any kind, including such substances that contain
- 23 chemicals which produce the same effect of illegal substances including but not limited
- 24 to Spice and K2. Students who may be under the influence of such substances will not be
- 25 permitted to attend school functions and will be treated as though they had drugs in their
- 26 possession.
- 27 • Using, possessing, controlling, or transferring a weapon in violation of the “Possession of
- 28 Weapons other than Firearms” section in policy 3311.
- 29 • Using, possessing, controlling, or transferring any object that reasonably could be
- 30 considered or used as a weapon as referred to in policy 3311.
- 31 • Disobeying directives from staff members or school officials or disobeying rules and
- 32 regulations governing student conduct.
- 33 • Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable
- 34 conduct toward anyone or urging other students to engage in such conduct.
- 35 • Causing or attempting to cause damage to, or stealing or attempting to steal, school
- 36 property or another person’s property.
- 37 • Engaging in any activity that constitutes an interference with school purposes or an
- 38 educational function or any other disruptive activity.
- 39 • Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic
- 40 and habitual truants.
- 41 • Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or
- 42 retaliation against any person who alleged misconduct under Policy 3225 or 3226 or
- 43 participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- 44 • Defaces or damages any school building, school grounds, furniture, equipment, or book
- 45 belonging to the district.
- 46 • Forging any signature or making any false entry or attempting to authorize any document

used or intended to be used in connection with the operation of a school.

These grounds stated above for disciplinary action apply whenever a student's conduct is reasonably related to school or school activities, including but not limited to the circumstances set forth below:

- On school grounds before, during, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of bullying of a staff member or student, or an interference with school purposes or an educational function.

#### Disciplinary Measures

Disciplinary measures include but are not limited to:

- Expulsion
- Suspension
- Detention, including Saturday school
- Clean-up duty
- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

No District employee or person engaged by the District may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include reasonable force. District personnel are permitted to use as needed to maintain safety for other students, school personnel, or other persons or for the purpose of self-defense.

#### Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

1  
2  
3  
4  
5 Delegation of Authority  
6

7 The Board grants authority to any teacher and to any other school personnel to impose on  
8 students under their charge any disciplinary measure, other than suspension or expulsion,  
9 corporal punishment, or in-school suspension, that is appropriate and in accordance with policies  
10 and rules on student discipline. The Board authorizes teachers to remove students from  
11 classrooms for disruptive behavior.  
12

13 Cross Reference: 3300 Suspension and Expulsion  
14 3225 Sexual Harassment of Students  
15 3226 Bullying, Harassment  
16 5015 Bullying, Harassment  
17

18 Legal Reference: § 16-11-302(1)(7), MCA Definitions  
19 § 20-4-302, MCA Discipline and punishment of pupils –  
20 definition of corporal punishment – penalty  
21 – defense  
22 § 20-5-202, MCA Suspension and expulsion  
23 § 45-8-361, MCA Possession or allowing possession of  
24 weapon in school building – exceptions –  
25 penalties – seizure and forfeiture or return  
26 authorized – definitions  
27 § 45-5-637, MCA Possession or consumption of tobacco  
28 products, alternative nicotine products, or  
29 vapor products by persons under 18 years of  
30 age is prohibited – unlawful attempt to  
31 purchase - penalties  
32 29 U.S.C. § 701 Rehabilitation Act of 1973  
33  
34

35 Policy History:

36 Adopted on: May 15, 2001

37 Reviewed on:

38 Revised on: August 15, 2006

39 January 20, 2009

40 June 21, 2011

41 March 10, 2014

42 August 18, 2015

2  
3 **PERSONNEL**

4  
5 Equal Employment Opportunity, Non-Discrimination, and Sex Equity

6  
7 The District will provide equal employment opportunities to all persons, regardless of their race,  
8 color, religion, creed, national origin, genetic information, sex, age, ancestry, marital status,  
9 military status, citizenship status, use of lawful products while not at work physical or mental  
10 disability. The District will make reasonable accommodation for an individual with a disability  
11 known to the District, if the individual is otherwise qualified for the position, unless the  
12 accommodation would impose undue hardship on the District.

13  
14 Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be  
15 directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the  
16 Department of Education, or both. The Board designates the following individual to serve as the  
17 District’s Title IX Coordinator:

18  
19 Nichole Pieper, JH/HS Principal  
20 321 Central Ave W, PO Box 529, Cascade, MT 59421  
21 nichole.pieper@cascade.k12.mt.us  
22 (406) 468-9383 x 106  
23

24 Inquiries regarding discrimination on the basis of disability or requests for accommodation  
25 should be directed to the District Section 504 Coordinator. The Board designates the following  
26 individual to serve as the District’s Section 504 Coordinator:

27  
28 Nichole Pieper, JH/HS Principal  
29 321 Central Ave W, PO Box 529, Cascade, MT 59421  
30 nichole.pieper@cascade.k12.mt.us  
31 (406) 468-9383 x 106  
32

33 Any individual may file a complaint alleging violation of this policy, Policy 5012/512P – Sexual  
34 Harrassment, or Policy 5015-Bullying/Harassment/Intimidation/Hazing by following those  
35 policies or Policy 1700-Uniform Complaint Procedure.

36  
37 The District, in compliance with federal regulations, will notify annually all students, parents,  
38 staff, and community members of this policy and the designated coordinator to receive inquiries.  
39 This annual notification will include the name and location of the coordinator and will be  
40 included in all handbooks.

41  
42 The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence  
43 against students, staff, or volunteers with disabilities. The District will consider such behavior as  
44 constituting discrimination on the basis of disability, in violation of state and federal law.

45  
46 All complaints about behavior that may violate this policy shall be promptly investigated.

1  
2  
3  
4 Retaliation against an employee who has filed a discrimination complaint, testified, or  
5 participated in any manner in a discrimination investigation or proceeding is prohibited.  
6

7 Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq.*  
8 Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq.*  
9 Equal Pay Act, 29 U.S.C. § 206(d)  
10 Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq.*  
11 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq.*  
12 Genetic Information Nondiscrimination Act of 2008 (GINA)  
13 Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), *et seq.*; 29 C.F.R.,  
14 Part 1601  
15 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, *et seq.*; 34  
16 C.F.R., Part 106  
17 Montana Constitution, Art. X, § 1 - Educational goals and duties  
18 § 49-2-101, *et seq.*, MCA Human Rights Act  
19 § 49-2-303, MCA Discrimination in Employment  
20 § 49-3-102, MCA What local governmental units affected  
21 §49-3-201, MCA Employment of state and local government  
22 personnel.

23 Policy History:

24 Adopted on: May 15, 2001  
25 Reviewed on: February 9, 2009  
26 July 25, 2017  
27 Revised on: November 20, 2018

2  
3 **STUDENTS**

4  
5 Sexual Harassment of Employees

6  
7 The District does not discriminate on the basis of sex in any education program or activity that it  
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the  
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a  
10 manner. Inquiries about the application of Title IX to the District may be referred to the  
11 District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of  
12 Education, or both.

13  
14 The Board designates the following individual to serve as the District’s Title IX Coordinator:

15  
16 Nichole Pieper, JH/HS Principal  
17 321 Central Ave W, PO Box 529, Cascade, MT 59421  
18 nichole.pieper@cascade.k12.mt.us  
19 (406) 468-9383 x 106  
20

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.

26  
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:

- 29
- 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
  - 36  
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).
- 40

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.

44  
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

1  
2  
3  
4 harassment, the individual may report the allegations to the building principal or superintendent  
5 or other unbiased school official.

6  
7 Retaliation Prohibited  
8

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.  
18

19 Confidentiality  
20

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.  
28

29 Notice Requirements  
30

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.  
39

40 Training Requirements  
41

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 and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District’s website.

Conflict of Interest and Bias

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

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

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

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

Policy History:

Adopted on: May 15, 2001  
Reviewed on: February 9, 2009  
Revised on: August 20, 2019

2  
3 **Sexual Harassment Reporting/Intake Form for Employees**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the  
5 Title IX Coordinator to document allegations.

6  
7 School \_\_\_\_\_ Date \_\_\_\_\_

8  
9 Employee's name \_\_\_\_\_

10  
11 • Who was responsible for the harassment or incident(s)? \_\_\_\_\_

12  
13  
14 • Describe the incident(s). \_\_\_\_\_

15  
16  
17  
18 • Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

19  
20  
21  
22 • Were other individuals involved in the incident(s)?  yes  no  
23 If so, name the individual(s) and explain their roles. \_\_\_\_\_

24  
25  
26  
27  
28 • Did anyone witness the incident(s)?  yes  no  
29 If so, name the witnesses. \_\_\_\_\_

30  
31  
32  
33  
34 • Did you take any action in response to the incident?  yes  no  
35 If yes, what action did you take? \_\_\_\_\_

36  
37  
38  
39  
40 • Were there any prior incidents?  yes  no  
41 If so, describe any prior incidents. \_\_\_\_\_

42  
43  
44  
45 Signature of complainant \_\_\_\_\_

46  
47 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*  
48 *remain confidential in accordance with law and policy.*

2  
3 **PERSONNEL**

4 Sexual Harassment Grievance Procedure – Employees

5  
6 The Board requires the following grievance process to be followed for the prompt and equitable  
7 resolution of employee complaints alleging any action that would be prohibited as sexual  
8 harassment by Title IX. The Board directs the process to be published in accordance with all  
9 statutory and regulatory requirements.

10  
11 Definitions

12  
13 The following definitions apply for Title IX policies and procedures:

14  
15 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the  
16 District’s Title IX Coordinator or any official of the District who has authority to institute  
17 corrective measures on behalf of the District, or to any employee of an elementary or secondary  
18 school.

19  
20 “Education program or activity:” includes locations, events or circumstances over which the  
21 District exercised substantial control over both the individual who has been reported to be the  
22 perpetrator of conduct that could constitute sexual harassment, and the context in which the  
23 sexual harassment occurs.

24  
25 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute  
26 sexual harassment.

27  
28 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could  
29 constitute sexual harassment.

30  
31 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator  
32 alleging sexual harassment against a Respondent and requesting that the District investigate the  
33 allegation of sexual harassment.

34  
35 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as  
36 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent  
37 before or after the filing of a formal complaint or where no formal complaint has been filed.

38  
39 District Requirements

40  
41 When the District has actual knowledge of sexual harassment in an education program or activity  
42 of the District, the District will respond promptly in a manner that is not deliberately indifferent.  
43 When the harassment or discrimination on the basis of sex does not meet the definition of sexual  
44 harassment, the Title IX Coordinator will direct the individual to the applicable sex  
45 discrimination process for investigation.

1  
2  
3  
4 The District treats individuals who are alleged to be the victim (Complainant) and perpetrator  
5 (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive  
6 measures. Supportive measures are designed to restore or preserve equal access to the District's  
7 education program or activity without unreasonably burdening the other party, including  
8 measures designed to protect the safety of all parties or the District's educational environment, or  
9 deter sexual harassment. Supportive measures may include counseling, extensions of deadlines  
10 or other course-related adjustments, modifications of work or class schedules, mutual restrictions  
11 on contact between the parties, leaves of absence, increased security and monitoring of certain  
12 areas of the District's property, campus escort services, changes in work locations and other  
13 similar measures.

14  
15 The Title IX Coordinator is responsible for coordinating the effective implementation of  
16 supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly  
17 contact the Complainant to discuss the availability of supportive measures, consider the  
18 Complainant's wishes with respect to supportive measures, inform the Complainant of the  
19 availability of supportive measures with or without the filing of a formal complaint, and explain  
20 to the Complainant the process for filing a formal complaint. If the District does not provide the  
21 Complainant with supportive measures, then the District must document the reasons why such a  
22 response was not clearly unreasonable in light of the known circumstances.

#### 23 24 Timelines

25  
26 The District has established reasonably prompt time frames for the conclusion of the grievance  
27 process, including time frames for filing and resolving appeals and informal resolution processes.  
28 The grievance process may be temporarily delayed or extended for good cause. Good cause may  
29 include considerations such as the absence of a party, a party's advisor, or a witness; concurrent  
30 law enforcement activity; or the need for language assistance or accommodation of disabilities.  
31 In the event the grievance process is temporarily delayed for good cause, the District will provide  
32 written notice to the Complainant and the Respondent of the delay or extension and the reasons  
33 for the action.

#### 34 35 Response to a Formal Complaint

36  
37 At the time of filing a formal complaint, a Complainant must be participating in or attempting to  
38 participate in the education program or activity of the District with which the formal complaint is  
39 filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by  
40 electronic mail, or other means designated by the District.

41  
42 The District must follow the formal complaint process before the imposition of any disciplinary  
43 sanctions or other actions that are not supportive measures. However, nothing in this policy  
44 precludes the District from placing a non-student employee Respondent on administrative leave  
45 during the pendency of the grievance process. The District may also remove a student  
46 Respondent alleged to have harassed an employee Complainant from the education setting. The

1  
2  
3  
4 student may receive instruction in an offsite capacity during the period of removal. This  
5 provision may not be construed to modify any rights under the Individuals with Disabilities  
6 Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities  
7 Act.  
8

9 Upon receipt of a formal complaint, the District must provide written notice to the known parties  
10 including:

- 11  
12 1. Notice of the allegations of sexual harassment, including information about the  
13 identities of the parties involved in the incident, the conduct allegedly constituting  
14 sexual harassment, the date and location of the alleged incident, and any sufficient  
15 details known at the time. Such notice must be provided with sufficient time to  
16 prepare a response before any initial interview;  
17
- 18 2. An explanation of the District's investigation procedures, including any informal  
19 resolution process;  
20
- 21 3. A statement that the Respondent is presumed not responsible for the alleged  
22 conduct and that a determination regarding responsibility will be made by the  
23 decision-maker at the conclusion of the investigation;  
24
- 25 4. Notice to the parties that they may have an advisor of their choice who may be, but  
26 is not required to be, an attorney, and may inspect and review any evidence; and  
27
- 28 5. Notice to the parties of any provision in the District's code of conduct or policy that  
29 prohibits knowingly making false statements or knowingly submitting false  
30 information.  
31

32 If, in the course of an investigation, the District decides to investigate allegations about the  
33 Complainant or Respondent that are not included in the notice initially provided, notice of the  
34 additional allegations must be provided to known parties.  
35

36 The District may consolidate formal complaints as to allegations of sexual harassment against  
37 more than one Respondent, or by more than one Complainant against one or more Respondents,  
38 or by one party against the other party, where the allegations of sexual harassment arise out of  
39 the same facts or circumstances.  
40

#### 41 Investigation of a Formal Complaint 42

43 When investigating a formal complaint and throughout the grievance process, the District must:  
44

- 45 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach  
46 a determination regarding responsibility rests on the District and not the parties';

2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

#### Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;

2. the Respondent is no longer enrolled or employed by the District; or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

#### Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

#### Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

#### Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence

1  
2  
3  
4 concern specific incidents of the Complainant's prior sexual behavior with respect to the  
5 Respondent and are offered to prove consent. Questions must be submitted to the Title IX  
6 Coordinator within three calendar days from the date the Complainant and Respondent receive  
7 the investigator's report.  
8

9 The decision-maker must issue a written determination regarding responsibility based on a  
10 preponderance of the evidence standard. The decision-maker's written determination must:

- 11 1. Identify the allegations potentially constituting sexual harassment;
- 12 2. Describe the procedural steps taken, including any notifications to the parties,  
13 interviews with parties and witnesses, site visits, methods used to gather evidence, and  
14 hearings held;
- 15 3. Include the findings of fact supporting the determination;
- 16 4. Draw conclusions regarding the application of any District policies and/or code of  
17 conduct rules to the facts;
- 18 5. Address each allegation and a resolution of the complaint including a determination  
19 regarding responsibility, the rationale therefor, any recommended disciplinary  
20 sanction(s) imposed on the Respondent, and whether remedies designed to restore or  
21 preserve access to the educational program or activity will be provided by the District  
22 to the Complainant; and
- 23 6. The procedures and permissible bases for the Complainant and/or Respondent to appeal  
24 the determination.  
25  
26  
27  
28  
29  
30  
31

32 A copy of the written determination must be provided to both parties simultaneously, and  
33 generally will be provided within 60 calendar days from the District's receipt of a formal  
34 complaint.  
35

36 The determination regarding responsibility becomes final either on the date that the District  
37 provides the parties with the written determination of the result of the appeal, if an appeal is  
38 filed, or if an appeal is not filed, the date on which an appeal would no longer be considered  
39 timely.  
40

41 Where a determination of responsibility for sexual harassment has been made against the  
42 Respondent, the District will provide remedies to the Complainant that are designed to restore or  
43 preserve equal access to the District's education program or activity. Such remedies may include  
44 supportive measures; however, remedies need not be non-disciplinary or non-punitive and need  
45 not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective  
46



1  
2  
3  
4 implementation of any remedies. Following any determination of responsibility, the District may  
5 implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated  
6 agreement. For employees, the sanctions may include any form of responsive discipline, up to  
7 and including termination.

8  
9 Appeals

10  
11 Either the Complainant or Respondent may appeal the decision-maker's determination regarding  
12 responsibility or a dismissal of a formal complaint, on the following bases:

- 13  
14 1. Procedural irregularity that affected the outcome of the matter;  
15  
16 2. New evidence that was not reasonably available at the time that could affect the  
17 outcome and  
18  
19 3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or  
20 bias for or against Complainants or Respondents generally or an individual  
21 Complainant or Respondent that affected the outcome.  
22

23 The request to appeal must be made in writing to the Title IX Coordinator within seven calendar  
24 days after the date of the written determination. The appeal decision-maker must not have a  
25 conflict of interest or bias for or against Complainants or Respondents generally or an individual  
26 Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the  
27 decision-maker from the original determination.  
28

29 The appeal decision-maker must notify the other party in writing when an appeal is filed and  
30 give both parties a reasonable equal opportunity to submit a written statement in support of, or  
31 challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a  
32 written decision describing the result of the appeal and the rationale for the result. The decision  
33 must be provided to both parties simultaneously, and generally will be provided within 10  
34 calendar days from the date the appeal is filed.  
35

36 Informal Resolution Process

37  
38 Except when concerning allegations that an employee sexually harassed a student, at any time  
39 during the formal complaint process and prior to reaching a determination regarding  
40 responsibility, the District may facilitate an informal resolution process, such as mediation, that  
41 does not involve a full investigation and determination of responsibility, provided that the  
42 District:

- 43  
44 1. Provides to the parties a written notice disclosing:  
45  
46

- A. The allegations;
- B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
- C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

#### Recordkeeping

The District must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.



1 **Cascade School District**

2  
3 **PERSONNEL**

4  
5 Bullying/Harassment/Intimidation

6  
7 The Board will strive to provide a positive and productive working environment. Bullying,  
8 harassment, or intimidation between employees or by third parties, are strictly prohibited and  
9 shall not be tolerated. This includes bullying, harassment, or intimidation via electronic  
10 communication devices.

11  
12 Definitions

- 13  
14 • “Third parties” include but are not limited to coaches, school volunteers, parents, school  
15 visitors, service contractors, or others engaged in District business, such as employees of  
16 businesses or organizations participating in cooperative work programs with the District,  
17 and others not directly subject to District control at inter-district and intra-District athletic  
18 competitions or other school events.  
19  
20 • “District” includes District facilities, District premises, and non-District property if the  
21 employee is at any District-sponsored, District-approved, or District-related activity or  
22 function, such as field trips or athletic events, where the employee is engaged in District  
23 business.  
24  
25 • “Harassment, intimidation, or bullying” means any act that substantially interferes with  
26 an employee’s opportunities or work performance, that takes place on or immediately  
27 adjacent to school grounds, at any school-sponsored activity, on school-provided  
28 transportation, or anywhere such conduct may reasonably be considered to be a threat or  
29 an attempted intimidation of a staff member or an interference with school purposes or an  
30 educational function, and that has the effect of:  
31  
32 a. Physically harming an employee or damaging an employee’s property;  
33 b. Knowingly placing an employee in reasonable fear of physical harm to the  
34 employee or damage to the employee’s property; or  
35 c. Creating a hostile working environment.  
36

37 Reporting

38  
39 All complaints about behavior that may violate this policy shall be promptly investigated. Any  
40 employee or third party who has knowledge of conduct in violation of this policy or feels he/she  
41 has been a victim of harassment, intimidation, or bullying in violation of this policy is  
42 encouraged to immediately report his/her concerns to the building principal or the District  
43 Administrator, who have overall responsibility for such investigations. Complaints against the  
44 building principal shall be filed with the Superintendent. Complaints against the Superintendent  
45 or District Administrator shall be filed with the Board, via written communication to the Board  
46 Chair.

1  
2  
3  
4  
5 The complainant may be provided a summary of the findings of the investigation and, as  
6 appropriate, that remedial action has been taken.  
7

#### 8 Responsibilities 9

10 The District Administrator shall be responsible for ensuring that notice of this policy is provided  
11 to staff and third parties.  
12

13 When an employee has actual knowledge that behavior is in violation of this policy is sexual  
14 harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment  
15 grievance process will be followed, if applicable, prior to imposing any discipline that cannot be  
16 imposed without resolution of the Title IX process.  
17

#### 18 Consequences 19

20 Staff whose behavior is found to be in violation of this policy will be subject to discipline up to  
21 and including termination of employment. Third parties whose behavior is found to be in  
22 violation of this policy shall be subject to appropriate sanctions as determined and imposed by  
23 the District Administrator or the Board. Individuals may also be referred to law enforcement  
24 officials.  
25

#### 26 Retaliation and Reprisal 27

28 Retaliation is prohibited against any person who reports or is thought to have reported a  
29 violation, files a complaint, or otherwise participates in an investigation or inquiry. Such  
30 retaliation shall be considered a serious violation of Board policy, whether or not a complaint is  
31 substantiated. False charges shall also be regarded as a serious offense and will result in  
32 disciplinary action or other appropriate sanctions.  
33  
34

35 Legal Reference: 10.55.701(3)(g), ARM Board of Trustees  
36 10.55.801(1)(d), ARM School Climate  
37

#### 38 Policy History:

39 Adopted on: May 15, 2001  
40 Reviewed on: April 21, 2009  
41 Revised on: