



The Helena Public Schools educate, engage, and empower each student to maximize his or her individual potential with the knowledge, skills and character essential to being a responsible citizen and life-long learner.

BOARD OF TRUSTEES POLICY COMMITTEE MEETING

Tuesday, October 6, 2020 | Noon – 1:00 p.m.

This meeting will occur at the May Butler Center (55 S. Rodney) and via Microsoft Teams. Maximum capacity at the in-person meeting is six participants - including committee members

To participate remotely, please use this link:

<https://helenaschools.org/event/board-of-trustees-policy-committee-meeting-10-06-2020/>

I. INTRODUCTIONS

II. REVIEW OF AGENDA

III. GENERAL PUBLIC COMMENT *This is the time for comment on public matters that are not on the agenda. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order. The Board cannot enter into a discussion during General Public Comment.*

IV. REVIEW SEPTEMBER 1, 2020, POLICY MEETING MINUTES

V. PRESENTATION OF POLICIES FOR SECOND REVIEW

- A. 5000 Equal Employment Opportunity and Non-Discrimination Policy
- B. 5005 Sexual Harassment

VI. PRESENTATION OF POLICIES FOR FIRST REVIEW

- A. 3000 Equal Educational Opportunities Policy
- B. 3005 Bullying, Intimidation, Harassment, Hazing Prevention and Reporting Policy

VII. SUPERINTENDENT OR BOARD COMMENTS

VIII. ADJOURNMENT

NEXT MEETING:

Tuesday, November 3, 2020 - May Butler Center

Noon – 1:00 p.m.



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Board of Trustees – Policy Committee Meeting

Tuesday, September 1, 2020

MINUTES - DRAFT

Attendees

Committee:

Libby Goldes, Committee Chair
John McEwen, Committee Member
Jennifer McKee, Committee Member

Others:

Tyler Ream, Superintendent
Josh McKay, Assistant Superintendent
Barb Ridgway, Chief of Staff
Janelle Mickelson, Business Services Administrator
Stacy Collette, Human Resources Director
Tim McMahan, Activities Director
Elizabeth Kaleva, District Attorney

I. CALL TO ORDER / INTRODUCTIONS

The meeting was called to order at 12:06pm by Committee Chair, Libby Goldes, and introductions were made.

II. REVIEW OF AGENDA

There were no requested changes to the agenda.

III. GENERAL PUBLIC COMMENT

There was no public comment.

IV. REVIEW OF 08.04.2020 POLICY COMMITTEE MINUTES

Ms. Ridgway provided clarification that the committee typically reviews a policy twice before asking for approval from the Board, but Policies 9035 and 9050 were expedited due to the COVID-19 emergency.

V. PRESENTATION OF POLICIES FOR FIRST REVIEW

A. Background Information on the U.S. Department of Education Changes Related to Sexual Harassment

Ms. Kaleva provided a brief background on the required changes to both Policy 3000 and Policy

3005 stemming from the changes at the federal level to Title IX. Ms. Kaleva explained that Title IX encompasses sexual violence, sexual harassment, and sexual discrimination. In May 2020, new rules were issued that substantially changed the way sexual harassment is addressed in public schools – K-12 and universities – and the rule became effective August 14, 2020. Because of these changes, policies must be in place – encompassing both students and staff – by the end of the first quarter. She added the actual definition of sexual harassment had changed under the new rules to include unwelcome conduct of a sexual nature that is severe, persistent, and pervasive. Ms. Kaleva noted this change did not mean the district wouldn't address bad behavior; it just meant that behavior may not be categorized as sexual harassment and become a Title IX issue.

Mr. McEwen asked for clarification on Title IX. Ms. Kaleva replied Title IX prohibited discrimination based on sex in any institutional organization. She provided examples of sexual violence, sexual harassment, and sexual discrimination. Ms. Ridgway added it also encompassed quid pro quo behavior.

Mr. McEwen referenced the word “severe” used in the policy and asked if it need be included. Ms. Kaleva responded it must be included per federal law. Ms. Ridgway added then the district must choose which standard of evidence to use. Ms. Kaleva provided additional details that the standards were preponderance of evidence or clear and convincing evidence. The district would use preponderance of evidence because that was the standard used in court.

Mr. McEwen asked if there was an equivalent to BFOQ (Bonified Occupational Qualification) in education. Ms. Kaleva answered the closest comparison was gender-based sports. Dr. Ream added there must be a match to or additional programs for girls.

Ms. Ridgway asked Ms. Kaleva to provide an outline on how the new rules changed the investigation process. Ms. Kaleva responded the new rules separate out each position of the Title IX grievance procedure. The Fact Finder could not be the Coordinator, the Coordinator could not be the Decision Maker, etc. She added all positions also must complete training.

Ms. Kaleva outlined next steps as:

1. Identify Title IX Coordinators
2. Separate the Coordinators for staff and students.
3. Appoint and train specific Investigators.
4. Train Fact Finders separately.
5. Establish and train an individual at the Appellate level.
6. All training needed to be certified by the district and the training entity.
7. Training had to be posted on the website.

Ms. Ridgway confirmed for the committee that the Appellate level decision was final. There are no further appeals to the Superintendent or the Board.

B. Policy 3000: Equal Educational Opportunities

Ms. Kaleva described changes to this policy resulting in language and citation changes to make it clear the district had a separate Title IX sexual harassment grievance procedures in place. These language and citation changes complied with federal law.

Mr. McEwen asked who the Title IX Coordinator was. Ms. Collette answered three Coordinators had been identified – the two high school administrators would serve Eastside/Westside at the student level, and Mr. McKay would serve as Title IX Coordinator for staff, visitors, volunteers, and contractors.

Mr. McEwen asked if the Coordinator was a new function. Ms. Kaleva replied the district always had a timeline Coordinator, but the responsibilities would now be split between a Coordinator for students and a Coordinator for staff.

Ms. Goldes asked the committee if they would like to forward the policy to the Board as an Item for Information. The committee agreed.

C. Policy 3005: Bullying, Intimidation, Harassment, Hazing Prevention, and Reporting

Ms. Kaleva told the committee Policy 3005 required additional language to detail the procedure to be followed by the district when students think they think they are the victims of sexual harassment. Additional required language included stating any adult school employee who has notice of sexual harassment or allegations of sexual harassment must report it to the applicable Title IX Coordinator. Ms. Kaleva said this information needed to be included in building handbooks along with the specific Title IX Coordinator.

Ms. Ridgway referenced Line 110 and asked if it should read, “Formal complaints alleging sexual discrimination should be addressed through the grievance procedure.” Ms. Kaleva recommended, “Formal complaints alleging harassment should be addressed through the Title IX procedures. All other discrimination complaints are handled through the district’s uniform complaint procedure.”

Ms. Kaleva noted Line 116 outlines what needs to take place when a complaint is filed: taking prompt action to investigate, notifying the complainant and respondent along with their parents/guardians, taking supporting or remedial measures to ensure continued access to the district’s programs or activities while the grievance is pending. She added the supportive or remedial measures could not be punitive in nature.

Ms. Kaleva referenced existing language regarding when DPHHS needed to become involved. If the alleged harassment, intimidation, or bullying did not take place in school or during a school-related activity or did not materially or substantially disrupt the order or operations of the district, the matter would be referred to DPHHS.

Ms. Kaleva described how this policy applied to electronic communications. If the instance occurs during operational hours, the district has jurisdiction over those students. If a student is using

district technology for educational purposes and involved in bullying, intimidation, harassment, or hazing on that device, the district likely has jurisdiction. Since the school environment now includes living rooms, and the school day doesn't have defined hours, school districts across the country will have to adapt to this change. Ms. Kaleva added that if a student is on TEAMS, chatting after school, the district still has jurisdiction.

Ms. Kaleva added legal references had been updated.

Potential edits to the policy were offered by the committee. Ms. Ridgway agreed to make all changes excluding language that paralleled statute.

Ms. Kaleva offered clarification that sexual harassment was the only form of harassment that did not go to the board, but this policy included all forms of harassment.

Ms. Goldes asked if the committee was ready to advance the policy to the board for a first reading. Ms. Kaleva added the procedures already were in place and advised matching policies to be adopted as soon as possible. Ms. Goldes confirmed both Policy 3000 and Policy 3005 would be sent to the Board for information. The committee concurred.

VI. SUPERINTENDENT'S REPORT / BOARD COMMENTS

There was neither a Superintendent's report nor additional board comments.

VII. ADJOURNMENT

Committee Chair, Ms. Goldes, adjourned the meeting at 1:01pm.

2
3 PERSONNEL

4
5 Equal Employment Opportunity and Non-Discrimination

6
7 **As required by federal law, including but not limited to the Civil Rights Act of 1964, Title**
8 **IX, and Section 504 and the Americans with Disabilities Act and their regulations** The
9 District ~~shall~~ will provide equal employment opportunities **and will not discriminate in its**
10 **educational programs or activities, including in the area of employment, with respect** to all
11 persons, regardless of their race, color, religion, creed, national origin, sex, age, gender, sexual
12 orientation, gender identity and expression, ancestry, marital status, military status, citizenship
13 status, culture, social origin or condition, use of lawful products while not at work, political
14 affiliation or a mental, physical or sensory handicap, or by any other distinguishing characteristic
15 if otherwise able to perform essential functions of a job with reasonable accommodations, and
16 other legally protected categories. **For purposes of this policy, “sex” includes sexual**
17 **orientation and gender identity and expression.**

18
19 The District shall not retaliate against any employee for complaining about not receiving equal
20 employment opportunities or other unlawful discriminatory practices, participating in a
21 proceeding regarding the denial of equal employment opportunities, or otherwise opposing
22 discrimination.

23
24 The District will make reasonable accommodation for an individual with a disability known to
25 the District, if the individual is otherwise qualified for the position, unless the accommodation
26 would impose undue hardship on the District.

27
28 Persons who believe they have not received equal employment opportunities or have been
29 retaliated against should report their claims ~~to the Superintendent through the Uniform Grievance~~
30 ~~Procedure.~~ to the building principal. **Inquiries regarding sex discrimination or sexual**
31 **harassment may also be directed to the District’s Title IX Coordinator, the Assistant**
32 **Secretary for the U.S. Department of Education, or both. Claims of sexual harassment or**
33 **disability discrimination will be handled through the District’s Title IX and Section 504 and**
34 **ADA Sexual Harassment Grievance Procedures. **Claims of disability discrimination will be**
35 **handled through the District’s Section 504 and ADA Grievance Procedure.** All other claims
36 will be handled through the Uniform Complaint Procedure.**

37
38 No employee or applicant will be discriminated against because he or she initiated a complaint,
39 was a witness, supplied information or otherwise participated in an investigation or proceeding
40 involving an alleged violation of this policy or State or federal laws. The District reserves the
41 right to take action against any individual who knowingly makes false accusations or knowingly
42 provides false information.

43
44 Retaliation against an employee who has filed a discrimination complaint, testified or
45 participated in any manner in a discrimination investigation or proceeding is prohibited.

47 Cross Reference: 1085 Uniform Complaint Procedure
48 Title IX **Sexual Harassment Grievance Procedure**
49 Section 504 and ADA Grievance Procedure
50
51 Legal Reference: 29 U.S.C. §§ 621, *et seq.* Age Discrimination in Employment Act
52 42 U.S.C. §§ 12111, *et seq.* Americans with Disabilities Act, Title I
53 29 U.S.C. § 206(d) Equal Pay Act
54 8 U.S.C. §§ 1324(a), *et seq.* Immigration Reform and Control Act
55 29 U.S.C. §§ 791, *et seq.* Rehabilitation Act of 1973
56 20 U.S.C. §§ 1681, *et seq.*; Title IX of the Education Amendments
57 **34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in**
58 **Education,**
59 Montana Constitution, Art. X, § 1 - Educational goals and duties
60
61 § 49-2-101, *et seq.* MCA Human Rights Act
62 § 49-2-301, MCA Retaliation Prohibited
63 § 49-1-102, MCA Freedom from discrimination
64 § 49-2-303, MCA Discrimination in employment
65 § 49-3-201, MCA *et seq.* Governmental Code of Fair Practices
66
67 § 49-2-101, *et seq.*, MCA Human Rights Act
68 *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020)
69
70 Policy History:
71 Adopted on: 8.13.2013
72 Revised on:
73
74
75

2
3 PERSONNEL

4
5 Sexual Harassment

6
7 The District shall provide employees an employment environment free of ~~unwelcome sexual~~
8 ~~advances, requests for sexual favors, and other verbal or physical conduct, or communications~~
9 ~~constituting~~ sexual harassment as defined and otherwise prohibited by State and federal law
10 including Title IX and its implementing regulations, in the educational programs and activities
11 it offers, including the area of employment.

12
13 Sexual harassment means conduct on the basis of sex that satisfies one or more of the
14 following:

- 15 (1) An employee of the District conditioning the provision of an aid, benefit, or service of
16 the District on an individual’s participation in unwelcome sexual conduct;
- 17 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
18 objectively offensive that it effectively denies a person equal access to the District’s
19 education program or activity; or
- 20 (3) “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined
21 in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8),
22 or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

23
24 ~~District employees shall not make unwelcome sexual advances or request sexual favors or~~
25 ~~engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is~~
26 ~~made either explicitly or implicitly a term or condition of an individual’s employment; (2)~~
27 ~~submission to or rejection of such conduct by an individual is used as the basis for employment~~
28 ~~decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially~~
29 ~~interfering with an individual’s work performance or creating an intimidating, hostile, or~~
30 ~~offensive working environment. Sexual harassment prohibited by this policy includes verbal or~~
31 ~~physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to,~~
32 ~~conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment~~
33 ~~will be evaluated in light of all the circumstances. A violation of this policy may result in~~
34 ~~discipline, up to and including termination. Any person making a knowingly false accusation~~
35 ~~regarding sexual harassment will likewise be subject to disciplinary action, up to and including~~
36 ~~discharge.~~

37
38 Reporting

39
40 ~~Employees who believe they are being subjected to sexual harassment by anyone connected with~~
41 ~~their work should report the matter promptly to their immediate supervisor or to the first level~~
42 ~~supervisor who is not involved in the alleged harassment or to the Helena Public School's Title~~
43 ~~IX/EEO officer.~~

44
45 Employees should report claims of sexual harassment to the District’s Title IX Coordinator and/or
46 use the District’s Title IX Sexual Harassment Grievance Procedures. All formal complaints about

2
3 STUDENTS

4
5 Equal Educational Opportunities

6
7 Equal educational and extracurricular opportunities shall be available for all students without regard to race,
8 color, national origin, sex, religious beliefs, physical and mental handicap or disability, or actual or potential
9 marital or parental status. The District will not knowingly enter into agreements with any entity or any
10 individual that discriminates against students on the basis of sex or any other protected status. Any student
11 may file a ~~discrimination grievance~~ **complaint** by using the ~~Title IX and~~ Section 504 / ADA Grievance
12 Procedures for claims relating to sex or disability discrimination, **the Title IX Sexual Harassment**
13 **Grievance Procedures for claims of sexual harassment**, or the Uniform Grievance Procedure for all other
14 claims.

15
16 No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or
17 be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and
18 extracurricular programs and activities **pursuant to Title IX and its regulations**. Any student may file a
19 sex equity complaint by using the District’s ~~Title IX~~ **Uniform** Grievance Procedures.

20
21 Inquiries regarding discrimination of any kind should be directed to the building administrator or District’s
22 Title IX Coordinator, who shall provide information and, if necessary, direct the individual to the
23 appropriate grievance procedures. Inquiries regarding sex discrimination **or sexual harassment** may also
24 be directed to the District’s Title IX Coordinator, **the Assistant Secretary for the U.S. Department of**
25 **Education, or both**. The District will annually publish notice of these rights to students and parents.

26	27 Legal References:	§ 49-2-307, MCA	Discrimination in education
28		§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
29		20 USC 1681 et seq	Title IX
30		42 USC § 12111 et seq.	Americans with Disabilities Act
31		29 USC § 791 et seq.	Rehabilitation Act of 1973
32		28 CFR 35.107	Nondiscrimination on the Basis of Disability in State and Local Government Services
33		34 CFR 104.7	Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
34		<u>34 CFR Part 106</u>	<u>Nondiscrimination on the Basis of Sex in Education</u>
35		10.55.701, ARM	Board of Trustees

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37
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39
40 Cross References:

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42 Policy History:

43 Adopted on: 2.10.2015

44 Revised on:

2
3 STUDENTS

4
5 Bullying, Intimidation, Harassment & Hazing Prevention and Reporting Policy

6
7 The Board is committed to providing students with a safe and civil school environment free from
8 harassment, intimidation and bullying. The ~~Board and~~ District will not tolerate harassment,
9 intimidation or bullying in any form at school, school-related events (including off campus
10 events), school sponsored activities, school buses or any event related to school business.
11 Bullying, harassment, intimidation or hazing by students, staff, or third parties, is strictly
12 prohibited and shall not be tolerated. This includes but is not limited to: inciting, aiding,
13 encouraging, coercing or directing others to commit acts of harassment, intimidation or bullying
14 is prohibited under this policy.

15
16 The District expressly prohibits any form of intimidation, hazing, bullying or harassment
17 including but not limited to the following: any gesture or written, verbal or physical act that is
18 reasonably perceived as being motivated either by any actual or perceived characteristic, such as
19 race, color, religion, ancestry, creed, national origin, sex, gender, sexual orientation, gender
20 identity and expression, age, citizenship status, culture, social origin or condition, marital status,
21 military status, political affiliation or a mental, physical or sensory handicap, or by any other
22 distinguishing characteristic.

23
24 Intimidation, bullying and harassment include acts that a reasonable person knew or should have
25 known, under the circumstances the gesture or written or physical act (a) will have the effect of
26 harming a student or damaging the student’s property; or (b) will place a student in reasonable
27 fear of harm to the student’s person or damage to the student’s property; or (3) has the effect of
28 insulting or demeaning any student or group of students in such a way as to disrupt or interfere
29 with the school’s educational mission or the education of any student.

30
31 ***Definitions:***

32
33 1. “Third parties” include but are not limited to coaches, school volunteers, parents,
34 school visitors, service contractors or others engaged in District business, such as
35 employees of businesses or organizations participating in cooperative work program with
36 the District, and others not directly subject to District control at inter-district and intra-
37 District athletic competitions or other school events.

38
39 2. “Hazing” includes but is not limited to any act that recklessly or intentionally
40 endangers the mental or physical health or safety of a student for the purpose of initiation
41 or as a condition or precondition of attaining membership in or affiliation with any
42 District sponsored activity or grade-level attainment, including but not limited to forced
43 consumption of any drink, alcoholic beverage, drug, or controlled substance, forced
44 exposure to the elements, forced prolonged exclusion from social contact, sleep
45 deprivation, or any other forced activity that could adversely affect the mental or physical
46 health or safety of a student; requires, encourages, authorizes or permits another to be

47 subject to wearing or carrying any obscene or physically burdensome article, assignment
48 of pranks to be performed, or other such activities intended to degrade or humiliate.

49 3. “Bullying” means any harassment, intimidation, hazing, or threatening, insulting, or
50 demeaning gesture or physical contact, including any intentional written, verbal, or
51 electronic communication (cyberbullying) or threat directed against a student that is
52 persistent, severe, or repeated, and that substantially interferes with a student’s
53 educational benefits, opportunities, or performance, that take place on or immediately
54 adjacent to school grounds, at any school-sponsored activity, on school-provided
55 transportation, at any official school bus stop, or anywhere conduct may be reasonable be
56 considered to be a threat or an attempted intimidation of a student or staff member or an
57 interference with school purposes or an educational function, that has the effect of:

- 58 a. Physically harming a student or damaging a student’s property;
- 59 b. Knowingly placing a student in reasonable fear of physical harm to the student
60 or damage to the student’s property;
- 61 c. Creating a hostile educational environment, or;
- 62 d. Substantially and materially disrupts the orderly operation of a school.

63
64 4. “Electronic communication device” means any mode of electronic communication,
65 including but not limited to computers, cell phones, PDAs, or the internet, or any other
66 technological communication innovation.

67 ***Sexual Harassment Prohibited***

68
69
70 Sexual harassment of students is prohibited. Sexual harassment means conduct on the basis of sex
71 that satisfies one or more of the following:

- 72
73 (1) An employee of the District conditioning the provision of an aid, benefit, or service of the
74 District on an individual’s participation in unwelcome sexual conduct;
- 75
76 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
77 objectively offensive that it effectively denies a person equal access to the District’s
78 education program or activity; or
- 79
80 (3) “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in
81 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or
82 “stalking” as defined in 34 U.S.C. § 12291(a)(30).

83 ***Reporting***

84
85
86 ~~All complaints about behavior that may violate this policy shall be promptly investigated. Any~~
87 ~~student, employee, or third party who has knowledge of conduct in violation of this policy or~~
88 ~~feels he/she has been a victim of hazing, harassment, intimidation, or bullying in violation of this~~
89 ~~policy is encouraged to immediately report his/her concerns to the building principal or the~~
90 ~~District Administrator, who have overall responsibility for such investigations. A student may~~
91 ~~also report concerns to a teacher or counselor, who will be responsible for notifying the~~
92 ~~appropriate District official.~~

93
94 ~~Students who have concerns about bullying or harassment from staff members are encouraged to~~
95 ~~report their concerns to the building principal. Complaints against the building principal shall be~~
96 ~~filed with the Superintendent. Complaints against the Superintendent or District Administrator~~
97 ~~shall be filed with the Board.~~

98
99 Students who believe they are victims of sexual harassment are encouraged to discuss the matter,
100 including the formal complaint process, with the Title IX Coordinator. ~~or~~ Students who
101 believe they are victims of harassment based upon a disability ~~or have witnessed sexual harassment~~
102 ~~or harassment based upon a disability~~ are encouraged to report the matter to the Title IX
103 Coordinator/Section 504 Coordinator or Principal. Students may choose to report to a person of the
104 student's same sex if alleging a violation of Title IX. Complaints will be kept confidential to the
105 extent possible given the need to investigate.

106
107 Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears or
108 receives a report, formal or informal, written or oral, of bullying, harassment, or intimidation shall
109 report it in accordance with procedures developed under this policy. **Any adult school employee**
110 **who has notice of sexual harassment or allegations of sexual harassment shall make a report to**
111 **the District's identified Title IX Coordinators.**

112
113 Formal complaints alleging ~~sexual discrimination or~~ harassment shall be addressed through the
114 District's Title IX Grievance Procedures. Formal complaints alleging sexual discrimination
115 complaints shall be addressed through the District's Uniform Grievance Procedure. Complaints
116 alleging disability discrimination or harassment shall be addressed through the District's Section 504
117 [and ADA if applicable] Grievance Procedures. All other complaints alleging bullying,
118 discrimination, or harassment shall be addressed through the District's Uniform Grievance
119 Procedure.

120
121 The Title IX Coordinator, Section 504 [and ADA if applicable], and/or administrator are responsible
122 for taking the following actions in conformance with the applicable grievance procedure:

- 123
124 1. Taking prompt action to investigate/report complaints of harassment, intimidation and
125 bullying.
126 2. Promptly notifying the ~~alleged victims~~ **complainants** and ~~alleged perpetrators~~ **respondents**
127 and their parents/guardians regarding the outcome;
128 3. **Taking supportive or remedial measures to ensure continued access to the District's**
129 **programs or activities while the grievance process is pending; and**
130 4. Taking disciplinary action as appropriate and any other actions appropriate to address the
131 harassment, intimidation, and bullying.

132
133 In the event that a staff member or administrator knows or reasonably believes that the alleged
134 behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator
135 shall report such activity to law enforcement and/or the Department of Public Health and Human
136 Services. Nothing herein prohibits other individuals from reporting complaints to law enforcement.
137 If it is determined that the alleged harassment, intimidation, or bullying did not occur at school or
138 school-related activity or does not materially or substantially disrupt the orderly operation of the

139 District, an administrator shall refer the matter, as appropriate, to other persons or entities with
140 appropriate jurisdiction, including but not limited to law enforcement or the Department of Public
141 Health and Human Services.

142
143

144 All staff are obligated to address bullying, harassment, hazing and intimidation as described in
145 Board Policy 5015, administrative procedures and / or staff and student handbooks.

146
147

Exhaustion of Administrative Remedies

148

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

153

Responsibilities

154

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

159

Consequences

160

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

168

Retaliation and Reprisal

169

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

176

177 Cross Reference: 5015 PERSONNEL: Harassment / Intimidation / Bullying

178

179 Legal Reference: 34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education
180 § 20-5-207, MCA “Bully-Free Montana Act”
181 § 20-5-208, MCA Definition
182 § 20-5-209, MCA Bullying of student prohibited
183 § 20-5-210, MCA Enforcement – exhaustion of administrative remedies
184 § 49-2-307, MCA Discrimination in education

185 § 49-3-101 et seq. Governmental Code of Fair Practices
186 10.55.701(2)(f), ARM Board of Trustees
187 10.55.719, ARM Student Protection Procedures
188 10.55.801(1)(d), ARM School Climate
189
190 Policy History:
191 Adopted on:
192 Revised on: 12.11.1990, 6.10.2003, 2.12.2019
193