



Montana State University – Great Falls Policy and Procedure Manual

SUBJECT: 400 Human Resources
Policy 401.2 Sexual Harassment
Effective: Revised:

Reference: [EEOC Guidelines on Sexual Harassment](#); [Civil Rights Act of 1991](#)

[Title VII of the Civil Rights Act of 1964](#) prohibits discrimination on the basis of gender, and sexual harassment is a form of gender-based discrimination. Montana State University—Great Falls College of Technology prohibits and will not tolerate sexual harassment on its premises, within any of its programs, services or other College-sponsored activities, or by anyone acting as an agent of the College.

MSU—Great Falls uses the definition of sexual harassment set forth by the U.S. Equal Employment Opportunity Commission which states:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

The College extends these protections beyond its employees to include its students (in accordance with Title IX), other consumers, and members of the general public who come into contact with the College or its agents.

Anyone who believes that he or she has experienced sexual harassment should immediately contact the College's Human Resources Director to discuss options for resolving the issue. Individuals are generally encouraged to attempt to resolve the issue informally by discussing their concerns with the alleged harasser, his or her supervisor, or both. However, the College recognizes that sexual harassment is a sensitive and potentially volatile issue, and if it is not feasible for the harassed individual to follow this recommended procedure, the Human Resources Director should be contacted initially to begin an investigation. All complaints will be handled with discretion and information provided in the initial complaint and during the course of the investigation will remain as confidential as possible. The identity of both the complainant and the alleged harasser will be protected.

Employees and students who believe they have experienced sexual harassment are encouraged to report the incident(s) or action(s) as soon as possible after the alleged harassment has occurred. Early reporting is encouraged, because ability to investigate and act on such reports diminishes with time. Sexual harassment complaints must be received within 180 days of the alleged act(s), with the possibility of extending that deadline to 300 days with extenuating circumstances.

The Human Resources Director will generally begin with an informal investigation to determine the validity of the charge and seek satisfactory resolution. In extreme or potentially dangerous circumstances, the Human Resources Director will authorize an immediate formal investigation and may recommend that the alleged offender be suspended from duties with pay and/or barred from the premises pending the findings of the investigation.

The Human Resources Director will complete the investigation within fifteen (15) working days of the receipt of the complaint, unless circumstances beyond the control of the investigator prevent such a



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timely completion. In that case, the Human Resources Director will request an extension of up to fifteen (15) working days to complete the investigation.

Upon completion of the investigation, the Human Resources Director will complete a Report of Findings and submit it to the Dean within ten (10) working days of the completion of the investigation. When circumstances prevent completion within that timeframe, the Human Resources Director may request an extension of up to ten (10) working days.

Any individual found to be guilty of violating the College's sexual harassment policy will be subject to discipline commensurate with the nature of the offense. Disciplinary action up to and including termination may be implemented.

Individuals who submit complaints and/or participate in the investigation process are protected from retaliation resulting from their participation. Anyone engaging in retaliatory behavior will be in violation of the College's sexual harassment policy, and therefore subject to appropriate disciplinary action as outlined above.

MSU—Great Falls is committed to providing and ensuring a safe, positive learning environment that is free from harassment.

Observation of Harassment

Employees who are not themselves victims of sexual harassment, but observe actions which they have interpreted to be harassment, should bring such actions to the attention of the Human Resources Director.

Confidentiality

Reports of sexual harassment, including the investigation, the outcome of an investigation and any action(s) taken relating to a specific employee(s) or student(s) are confidential. Dissemination of confidential information shall be limited to persons with a *need to know* during the course of and following an investigation.

Violations of Policy

Substantiated violations of this policy may result in disciplinary action that complies with the discipline policy of the College. If the initial violation is sufficiently severe or if lesser violations are repeated, appropriate discipline may include discharge.

If disciplinary action results from a report of sexual harassment, the respondent may file a complaint under the College's complaint policy or through a grievance procedure available through collective bargaining agreements or statute.