

MSU Billings Personnel Procedures

POLICY REFERENCE: Sexual Harassment

OTHER REFERENCES: EEOC Guidelines on Sexual Harassment; Civil Rights Act of 1991

DATE ADOPTED/REVISED: 10/08/08

Any individual who believes that he or she has experienced sexual harassment should immediately contact the Director of Human Resources 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 University 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 Director of Human Resources should be contacted.

Individuals 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 the 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.

Any supervisor who receives a report of an alleged sexual harassment shall immediately notify the Director of Human Resources.

After review of the complaint, the Director of Human Resources may authorize and/or conduct an investigation according to the following procedures:

- (1) The Director of Human Resources shall initiate an investigation or select another appropriate management representative to initiate the investigation no later than ten (10) working days after receiving notice of the alleged sexual harassment. The investigation shall include verification of the alleged sexual harassment, a recommended course of action, and written documentation of the investigation. If the Director of Human Resources is not the investigator, the investigator shall submit the results of the investigation to the Director of Human Resources. The investigator's report shall remain confidential and may not be disseminated except to individuals having a need or right to know which outweighs the privacy rights of the individuals involved. The investigator's report should be completed within thirty (30) calendar days of receiving the initial complaint.

- (2) If the investigation establishes that there is insufficient evidence to find sexual harassment occurred, the Director of Human Resources within five (5) working days shall inform the appropriate individuals that no action will be taken. If the investigation establishes that sexual harassment occurred, the individual shall be subject to discipline commensurate with the nature of the offense. Disciplinary action up to and including discharge may take place. The agency will, in writing, inform the complainant only that an action was taken, not the details of the action. In the case of a student found to be in violation, the student discipline shall be handled through the student disciplinary procedure.
- (3) If extenuating circumstances require an extension of the above timeframes, the complainant and respondent will be notified in writing by the Director of Human Resources.
- (4) A respondent may grieve disciplinary action through the grievance procedures applicable to his or her employment status, status as a student, or status as an applicant. In such a case, only the nature and appropriateness of the disciplinary action may be grieved.

Neither the University nor any employee will retaliate against the individual for filing a discrimination complaint or for participating in any way in a complaint procedure.

OTHER COMPLAINT FILING OPTION: An individual may concurrently file a complaint of unlawful discrimination with the Human Rights Bureau (PO Box 1728, Helena, MT 59624-1728, phone 1-800-542-0807.) The complaint must be filed either:

- (a) within 180 days of the alleged incident; or
- (b) if the employee initiates action to resolve the alleged discrimination in accordance with this procedure or contract grievance procedure, within 300 days of the alleged incident.