

MSU Billings Personnel Policies

POLICY: Sexual Harassment

POLICY NO.: 406.3

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

DATE ADOPTED/REVISED: 10/08/08

Montana State University Billings prohibits and will not tolerate sexual harassment on its premises, within any of its programs, services or other University-sponsored activities, or by anyone acting as an agent of the University.

MSU Billings 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 University 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 University or its agents.

Sexual harassment in education or employment covers a broad spectrum of behavior, ranging from sexual innuendoes and gender-based comments made at inappropriate times, perhaps in the guise of humor, to coerced sexual relations. In its extreme form, sexual harassment occurs when a person in a position of influence over the job, career, or grades of others uses his/her authority to coerce another person into sexual relations or to punish that person for rejecting or reporting such advances.

MSU Billings considers such behavior unacceptable. Sexual harassment is furthermore a violation of state and federal equal opportunity and nondiscrimination regulations.

In keeping with the University's policy on sexual harassment, Montana State University Billings desires to create a working environment for employees and a learning environment for students which is free of sexual harassment and intimidation. Materials such as calendars, posters, post cards, photographs and

cartoons that contain sexually explicit images or language can create an intimidating, hostile or offensive environment and may subject persons of either sex to humiliation, embarrassment or discomfort because of their gender. Such materials are inappropriate and should be removed from the workplace.

This policy applies to space provided by the University for the conduct of its business such as offices, shops, classrooms, hallways, lounges and study carrels.

This policy does not apply to: (1) libraries, resource rooms, or research collections; (2) materials related to course content or assignments used in the educational setting; (3) displays and exhibits in galleries and museums, or (4) private rooms or family housing units rented from the University.

Disciplinary action will be taken when instances of sexual harassment are identified and confirmed. Retaliation against persons who file complaints is also a violation of laws prohibiting discrimination and will lead to disciplinary action against offenders.

Supervisors who knowingly condone or fail to report incidents of harassment will themselves be subject to discipline.

Employees or students who wish to report incidents of sexual harassment should contact the Director of Human Resources/EEO Officer and may pursue complaints through appropriate Sexual Harassment procedures.