




**Policy Number:** 400.3  
**Policy Title:** Sexual Harassment  
**Subject: (choose one)** Section 400 – Personnel  
**Date Adopted:** August 24, 2009  
**Date(s) Revised:** September 13, 2012

**Approved by:**   
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Dean/CEO  
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**POLICY STATEMENT:**

Helena College University of Montana considers behavior such as Sexual harassment unacceptable in the educational (student) and academic work place and is furthermore a violation of state and federal equal opportunity and nondiscrimination regulations.

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.

All Helena College policies shall adhere to and be consistent with relevant federal and state laws, rules, and regulations; with Board of Regents' policies and procedures; and with The University of Montana's policies and procedures.

## **PROCEDURES:**

### **DEFINITION (NOT INCLUSIVE)**

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.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 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.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

### **MITIGATION AND PREVENTION**

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim shall use college employer complaint mechanism(s) or grievance system available.

When investigating allegations of sexual harassment, EEOC/Human Resources shall look at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employees, students and guests are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to the offending party that sexual harassment will not be tolerated.

All employees of the College are required to receive Sexual Harassment training once every three years. Such training shall be provided by the Human Resources office. Each employee shall indicate to this office that they have been trained on the interval prescribed.

Employees or students who wish to report incidents of sexual harassment should contact the College Personnel Specialist and EEO/Affirmative Action Officer or may pursue complaints through appropriate grievance procedures.

It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII. Sexual harassment is a form of sex discrimination that violates [Title VII of the Civil Rights Act of 1964](#)