

	<h1 style="color: blue;">City of Helena</h1> <h2 style="color: blue;">Personnel Policy</h2>	Policy number	1-3
		Original Adoption	02-09-1987
		Revision #	8
		Last revision date	October 2015
<b>Section Title</b>	<b>Equal Employment Opportunity</b>		
<b>Subject</b>	<b>Sexual Harassment Prevention</b>		

The City of Helena is committed to a work environment that promotes equal employment opportunities and is free from discrimination and harassment. Sexual harassment constitutes discrimination and is strictly prohibited by the City of Helena. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City of Helena such as an outside vendor, consultant, citizen or customer.

Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, and other verbal, emotional, physical, and/or visual conduct of a sexual nature when one or more of the following occur:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or a rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may also take more subtle forms. Examples include stereotyped assumptions about the roles of men and women in the work force, or sexual based jokes and rumors. It is important that employees and managers be sensitive to overtones of harassment and deal with these situations appropriately.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Complaints may be filed using the Discrimination Complaint Process outlined in Policy 1-2. Any person in authority that is aware of a complaint must report the issue to the Department Head and the Human Resources Director. Failure to report is a violation of this policy.

All complaints will be investigated promptly. The investigation may include individual interviews with the parties involved, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Employees are expected to fully cooperate in any such investigation. A refusal of an employee to cooperate in an investigation shall result in disciplinary action or may include discharge. Employees found to have filed a false allegation intentionally or maliciously may be disciplined.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Periodic formal Sexual Harassment awareness training will be provided for all employees.

Employees found guilty of sexual harassment or retaliatory behavior are subject to progressive discipline as outlined in Policy 9-1 and could include, but may not be limited to, the following penalties:

- Counseling with the offender(s).
- Training.
- Written Disciplinary Action.
- Transfer, which could include demotion.

- Probation, with a warning of suspension or discharge for continuing or recurring offenses.
- Suspension with or without pay (depending on the seriousness of the offense).
- Discharge for cause.

Retaliation against an individual for reporting sexual harassment or for participating in an investigation of a claim of sexual harassment is a serious violation of this policy. This includes, but may not be limited to, the offended employee, the alleged harassing employee, or anyone providing information in the investigation.

Should retaliation occur, the City will take action which may include disciplinary action or discharge of the retaliating employee.

For cases of elected official's retaliation, the matter will be referred to the courts or appropriate administrative agency of State or Federal government.

A follow-up review will be completed within 6 months after harassment allegations have been confirmed to ensure the sexual harassment has discontinued and all parties involved are not subject to retaliatory behaviors.