



ADMINISTRATIVE RULES OF MONTANA



2.21.4013 HARASSMENT

- (1) Harassment, including sexual harassment, consists of, but is not limited to, oral, written, or electronic communications (for example, voice mails, e-mails, text messages, or other social networking tools) in the form of repeated and unwelcomed jokes, slurs, comments, visual images, or innuendos based on a protected class. Even mutually agreeable behavior, or behavior accepted between two or more people, can be offensive to others; for this reason it is prohibited in the workplace.
- (2) Sexual harassment is a form of discrimination that includes unwelcome verbal or physical conduct of a sexual nature when:
 - (a) submission to the conduct is implicitly or explicitly made a term or condition of employment;
 - (b) submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
 - (c) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (3) Agency managers may not tolerate any behavior that negatively focuses on a protected class. Although a behavior or pattern of behavior might not constitute illegal discrimination, it might still violate this rule.
- (4) Agency managers who observe behaviors that could be viewed as discrimination or harassment shall stop the behavior and notify their agency's EEO officer, ADA coordinator, or human resources manager.

Authorizing statute(s): 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 2000 MAR p. 3515, Eff. 12/22/00; AMD, 2011 MAR p. 1672, Eff. 8/26/11.