

## ***General Policy - Harassment***

### **Purpose:**

To reaffirm BSC's policy prohibiting all workplace harassment; to clarify conduct that constitutes workplace harassment.

### **Policy:**

It is the policy of Bismarck State College that all employees, students, customers, contractors, and visitors to our campus enjoy a positive, respectful and productive work environment free from behavior, actions or language constituting workplace harassment.

Engaging in workplace harassment is unacceptable conduct which will not be tolerated. Any employee found to have engaged in workplace harassment will be subject to disciplinary action up to and including termination. Managers and supervisors who know or should have known of workplace harassment and fail to report such behavior, or fail to take immediate, appropriate action, will be subject to disciplinary action up to and including termination.

This policy recognizes BSC's commitment to the understanding that the maintenance of ethical standards and the concerns for academic freedom prohibit the exploitation of employees and students. BSC is required by law and State Board of Higher Education (SBHE) Policy to take all steps necessary to prevent workplace harassment. These steps include informing individuals of their rights and responsibilities, developing educational programs to sensitize the campus community to the issue, and developing sanctions against workplace harassment. Employees may be held personally liable for acts of discrimination or workplace harassment.

### **Guidelines:**

1. Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive work environment. It may be sexual, racial, based on gender, national origin, age, disability, religion or a person's sexual orientation. It may also encompass other forms of hostile, intimidating, threatening, humiliating or violent behavior, which are not necessarily illegal discrimination, but are nonetheless prohibited by this policy.
2. It is misconduct for an employee to harass another employee, customers, contractors, visitors or students.
3. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when
  - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as a basis for any employment decision (granting leave, promotion, favorable performance appraisal, etc); or

- 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.
4. Workplace harassment means verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, sexual orientation, age and/or disability when 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.
  5. Harassment can also be verbal or physical behavior which is derogatory, abusive, disparaging, "bullying," threatening or disrespectful, even if unrelated to a legally protected status.
  6. Harassment in electronic form is also prohibited under NDUS Procedure 1901.2- Computer and Network Usage.
  7. To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment are provided (these examples are not meant to be all inclusive):
    - unwelcome touching of a personal nature, which can encompass leaning over, cornering or pinching; sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
    - slurs and jokes about a class of persons, such as persons who are disabled, homosexual or a racial minority;
    - display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person;
    - derogatory remarks about a person's national origin, race, language, accent;
    - disparaging or disrespectful comments even if unrelated to a person's race, color, gender, national origin, religion, age, disability or sexual orientation; or
    - loud, angry outbursts or obscenities directed toward another employee, student, customer, contractor, or visitor in the workplace.

**Supervisor and Employee Responsibility:**

1. Administrators, managers and supervisors are expected to deal promptly with all employees, students, customers, contractors, and visitors who are harassing others at any BSC campus or BSC activity.
2. An employee who engages in workplace harassment is subject to standard disciplinary procedures.
3. Administrators, managers and supervisors who become aware of workplace harassment but fail to take immediate action against it will be subject to disciplinary procedures, also. Not taking immediate action is viewed by the courts as condoning the behavior. EEOC states an employer is responsible for acts of harassment in the work place where the employer knows, or should have known, of the conduct, unless it can be shown the organization took immediate and appropriate corrective action.
4. Any employee who becomes aware of any complaint or type of harassment must report it immediately to their supervisor or Rita Lindgren, Chief Human Resources Officer, or designee and fill out the Harassment Complaint Form. Employees who fail to immediately report any complaint or type of workplace harassment are subject to disciplinary procedures.

5. Administrators, managers and supervisors may not take adverse action or retaliate, or permit such action, against an employee in response to the filing of a bona fide complaint.

### **Reporting Workplace Harassment:**

The Harassment Complaint Procedure (<http://www.bismarckstate.edu/hr/policies.asp>) is available for any person who wishes to file a complaint alleging a violation of this policy.

### **Notice of Nondiscrimination:**

Bismarck State College is an equal opportunity institution that does not discriminate on the basis of race, color, gender, national origin, age, religion, sexual orientation, or disability in its admissions, student aid, employment practices, education programs or other related activities. Inquiries concerning Title VI, VII, ADA, ADEA, Title IX, and Section 504 may be referred to Rita Lindgren, Chief Human Resources Officer, Bismarck State College, Meadowlark Building, 1700 Schafer St., Bismarck, ND 58501 (701) 224-5427 or to the Office for Civil Rights/Chicago, U.S. Department of Education, Citigroup Center, 500 W. Madison St., Suite 1475, Chicago, IL 60661 telephone: (312) 730-1560, fax: (312) 730-1576, TDD (312) 730-1609 or 1-877-521-2172, website: <http://www.ed.gov/ocr/>.

### **References:**

ND SBHE Policy 603.1  
Title VII of the Civil Rights Act of 1964  
Title IX of the Education Amendments of 1972

### **History of This Policy:**

First policy draft July 1, 1985.

Revisions - December 24, 1987; March 23, 1990; June 1, 1990; November 21, 1991; June 16, 1993; October 21, 1993; May 2, 1994; August 7, 1997; June 18, 1998; May 12, 2000; June 6, 2000; March 26, 2002; January 7, 2003; September 8, 2003; September 16, 2003, January 12, 2004, October 17, 2005; May 27, 2008; February 18, 2010.