

Student Policy – Harassment

Policy:

It is the policy of Bismarck State College to maintain academic conditions under which students are free from unlawful harassment. Engaging in harassment is unacceptable conduct which will not be tolerated. Any student or employee found to have engaged in harassment will be subject to disciplinary action. Managers and supervisors who know or should have known of 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 students and employees. BSC is required by law and State Board of Higher Education (SBHE) Policy to take all steps necessary to prevent 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 harassment.

Guidelines:

1. Harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive 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. Sexual harassment means unwelcome or unwanted sexual advances, requests or demands for sexual favors, verbal abuse or kidding that is sex-oriented and considered unacceptable by a student, engaging in any type of sexually oriented conduct that would unreasonably interfere with a student's academic performance, or creating a learning environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts, or attentions.
3. Illegal harassment may consist of verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment. 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.

To aid students in identifying prohibited behavior, the following specific examples of harassment are provided (these examples are not meant to be all inclusive):

1. Unwelcome touching of a personal nature, which can encompass leaning over, patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual.
2. Subtle or blatant expectations, pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's academic status. Extending unwanted sexual attentions to a student that reduces personal productivity or time available to work at assigned tasks.
3. Comments about a student's body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted and considered offensive by others; or any other tasteless, sexually oriented comments, innuendos, or actions that offend others; or singling out a student in class and saying things to her/him of a sexual nature.
4. Slurs and jokes about a class of persons, such as persons who are disabled, homosexual, or a racial minority. Derogatory remarks about a person's national origin, race, gender, language or accent.
5. Display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person.
6. Disparaging or disrespectful comments even if unrelated to a person's race, color, gender, national origin, religion, age, disability or sexual orientation.
7. Loud, angry outbursts or obscenities directed toward another student, staff or faculty.
8. Please note that harassment in electronic form is also prohibited under NDUS Procedure 1901.2 - Computer and Network Usage.

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 students at any BSC campus or BSC activity.
2. An employee or student who engages in harassment of students is subject to standard disciplinary procedures.
3. Administrators, managers and supervisors who become aware of 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 workplace 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 harassment are subject to disciplinary procedures.

Reporting Harassment:

The Harassment Complaint Procedure (<http://www.bismarckstate.edu/uploads/resources/282/HarassmentComplaint.pdf>) 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, sex, gender, gender identity, national origin, age, religion, sexual orientation, genetic information, marital status, disability, veteran's status or any other status protected by law in its admissions, student aid, employment practices, education programs or other related activities.

Concerns regarding compliance with Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and the Age Discrimination and Employment Act may be referred to Rita Lindgren, Chief Human Resources Officer, Bismarck State College, BSC Meadowlark Building, 1700 Schafer Street, Bismarck, ND 58501, (701) 224-5427, rita.lindgren@bismarckstate.edu or to the Office for Civil Rights/Chicago, U.S. Department of Education, Citigroup Center, 500 W Madison Street, Suite 1475, Chicago, IL 60661. Telephone: (312) 730-1560, Fax: (312) 730-1576, TDD: (800) 877-8339, email: OCR.Chicago@ed.gov, 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 June 28, 1985.

Revisions - December 24, 1987; March 23, 1990; July 18, 1990; October 22, 1991; July 27, 1994; June 7, 1996; May 28, 1998; November 9, 2001; September 8, 2003; September 16, 2003; January 13, 2004, October 17, 2005; May 27, 2008; February 18, 2010; November 22, 2010; April 7, 2011; June 5, 2015.