

SECTION 1500.08

HARASSMENT

Lake Region State College will maintain a learning and working environment that is free from harassment of its employees and students, including student-to-student and other peer harassment. Any person engaging in inappropriate conduct will be in violation of this policy.

Discrimination is defined under applicable federal and state law. In general, unlawful discrimination means failing to treat people equally based, at least in part, on status that is protected under applicable law or policy.

Student-on-student harassment is a specific form of discrimination. LRSC may only discipline students for student-on-student harassment which meets one or more of the following criteria:

1. (i) Unwelcome verbal, written, or physical conduct directed to another student or a specified group of students; (ii) Conduct that is lewd, obscene, defamatory, unlawful, has the purpose of causing distress, or is based on the student's (or students') actual or perceived personal characteristics; and either (iii a) Conduct that objectively and subjectively creates a hostile or disruptive environment or substantially interferes with the student's educational work or (iii b) Conduct that is so severe, pervasive, or objectively offensive that it is reasonably likely, based on specific and documented facts, to create a substantial disruption to the educational environment or to effectively deny a student equal access to educational opportunities or benefits provided by the institution; or,
2. Conduct which violates North Dakota criminal laws prohibiting harassment, stalking, menacing, criminal coercion, or similar behavior.

Student-on-student discriminatory harassment is speech or expression that is unwelcome, targets the victim on the basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied access to educational opportunities or benefits provided by LRSC.

Sexual harassment is harassment, whether between individuals of the same or different sex, which includes unwelcome behavior or conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in university-sponsored programs or activities or the submission to or rejection of such behavior or conduct is a factor in decisions affecting that individual's education, employment, or participation in university-sponsored programs or activities. It has the effect of interfering with a person's work or a student's academic performance, or it creates an objectively hostile environment.

Sexual harassment may include, but is not limited to, the following:

1. Verbal harassment or abuse
2. Pressure for sexual activity
3. Repeated remarks to a person with sexual or demeaning implications
4. Unwelcome touching (i.e. patting, pinching, hugging, repeated brushing against another employee's body or touching their clothing)
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.
6. Suggesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment or educational program status
7. Graphic verbal comment about an individual's body
8. Sexually degrading words, to describe an individual
9. Display in the workplace or in public areas of sexually suggestive objects or pictures
10. Requesting or demanding sexual favors
11. Physical assault

If harassment occurs:

1. Anyone who experiences sexual harassment should let the offender know immediately and firmly state that such behavior is unwelcome.
2. Any person who alleges harassment by any faculty, staff or student at Lake Region State College may file a complaint directly to:
 - a. Their immediate supervisor
 - b. Human Resource Director
 - c. The Vice President for Academic and Student Affairs
 - d. The Vice President for Administrative Affairs
 - e. The President
3. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with LRSC's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.
4. The complaint will be documented, investigated, and resolved in accordance with Equal Opportunity Employment guidelines, Title VII and Title IX principles.
5. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.

Employee Responsibilities

All employees are required to prevent sexual/unlawful harassment in the workplace. Employees must immediately report any perceived incident of harassment or retaliation.

Supervisor Responsibilities

Supervisors are responsible to make every effort to prevent sexual/unlawful harassment in their respective work areas. Supervisors must take immediate action to deal effectively with harassment and inappropriate behavior once such behavior has been brought to the supervisor's attention. This includes documenting the incident, reporting it to their supervisor or the Human Resource Director, and initiating an investigation when directed.

LRSC will investigate complaints of harassment or inappropriate behavior in a timely, thorough, and discreet manner and will take appropriate corrective and disciplinary action.

Institutions under the control of the State Board of Higher Education shall not discipline or impose sanctions on any students for harassing conduct or expression unless the speech meets the definition of either student-on-student harassment or student-on-student discriminatory harassment. LRSC may not utilize the disciplinary process to sanction or discipline student speech that constitutes protected conduct except as provided in those definitions.

Notwithstanding, LRSC may respond to student-on-student speech or expression which does not meet these definitions by taking constructive, non-punitive actions to promote a welcoming, inclusive environment.

Sanctions:

1. A substantiated charge against a faculty or staff member at LRSC will be dealt with through disciplinary procedures up to and including, termination.
2. A substantiated charge against a student at LRSC will be dealt with according to student disciplinary procedures, including suspension or expulsion.
3. Anyone who is found to have intentionally made a false report of harassment or who fails to cooperate in the investigation of a complaint will be subject to disciplinary actions up to and including termination, suspension, or expulsion.

History

Administrative Council Approved 04/25/00

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