

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. BSC complies with the North Dakota State Board of Higher Education (SBHE) policy 503.1 Student Free Speech and Expression.

Student Procedure – Harassment

Procedure

Definitions:

1. **Student-on-Student Harassment** – An institution may only discipline students for student-on-student harassment which meets one or more of the following criteria:

- Unwelcome verbal, written, or physical conduct directed to another student or a specified group of students;
- 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
 - objectively and subjectively creates a hostile or disruptive environment or substantially interferes with the student’s educational work;
 - Or the conduct 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
- Conduct which violates North Dakota criminal laws prohibiting harassment, stalking, menacing, criminal coercion, or similar behavior.

2. **Student-on-Student Discriminatory Harassment** – Speech or expression that is unwelcome, targets the victim on a 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 the institution.

Guidelines:

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

- slurs, jokes, or derogatory remarks about a class of persons, a person's race, color, gender, national origin, religion, age, disability or sexual orientation, language or accent.

- display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person.
- disparaging or disrespectful comments even if unrelated to a person's race, color, gender, national origin, religion, age, disability or sexual orientation.
- loud, angry outbursts or obscenities directed toward another student, staff or faculty.
- harassment in electronic form is prohibited under [NDUS Procedure 1901.2 - Computer and Network Usage](#).
- sexual Harassment is addressed under BSC's Sexual Harassment and Title IX Compliance Policy and/or BSC's Sexual Misconduct Policy.

Supervisor and Employee Responsibility:

- BSC employees are expected to deal promptly with all employees, students, customers, contractors, and visitors who are harassing students at any BSC campus or BSC activity.
- A student who engages in student-on-student harassment or student-on-student discriminatory harassment is subject to discipline under BSC's Student Code of Conduct.
- An employee who engages in harassment of students is subject to discipline under the Employee Code of Conduct.
- BSC employees 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.
- Any employee who becomes aware of any complaint or type of harassment must report it immediately to their supervisor or the 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](#) 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, information protected by the Genetic Information Nondiscrimination Act (GINA), 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.

Inquiries regarding student non-discrimination policies and 504/ADA policies at BSC should be directed to:

Dr. Kaylyn Bondy
 Vice President for Student Affairs
 1200 Schafer Street
 Bismarck, ND 58501
 Phone: 701-224-5638
kaylyn.bondy@bismarckstate.edu

For Title IX inquiries, contact:

Dr. Kaylyn Bondy
Vice President for Student Affairs/Title IX Coordinator
National Energy Center of Excellence, Room #331C
1200 Schafer Street
Bismarck, ND 58501
Phone: 701-224-5638
kaylyn.bondy@bismarckstate.edu

Office for Civil Rights
Chicago Office (Local OCR office for North Dakota)
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov
Website: <http://www.ed.gov/ocr/>

Inquiries regarding employee non-discrimination policies and 504/ADA policies at BSC should be directed to:

Nicole Mikkelsen
Chief Human Resources Officer
Meadowlark Building
1700 Schafer Street
Bismarck, ND 58501
Phone: 701-224-5427
nicole.mikkelsen@bismarckstate.edu

References:

[State Board of Higher Education Policy 503.1 – Student Free Speech and Expression](#)

[State Board of Higher Education Policy 603.1 – Harassment and Discrimination](#)

[NDUS Procedure 1901.2 - Computer and Network Usage](#)

[BSC Policy Sexual Harassment and Title IX Compliance](#)

[BSC Policy Sexual Misconduct](#)

[Title VII of the Civil Rights Act of 1964](#)

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; reviewed by the Campus Council on July 28, 2021 and approved by the Executive Council on July 29, 2021. Approved by the North Dakota University System Vice Chancellor for Academic & Student Affairs on August 10, 2021.