

Harassment in the Workplace

1. Harassment Policy

Mayville State University is committed to providing a climate, which fosters respect for students, staff and faculty as well as others who participate in programs and activities at the University. Conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment constitute unlawful harassment. Unlawful harassment can be verbal, non-verbal, or physical conduct or communication that shows hostility or aversion to an individual because of race, color, religion, sex, age, genetics, sexual orientation, national origin, disability, or other protected status.

Any employee who engages in conduct that is illegal or is found to have engaged in behavior in violation of this policy will be subject to disciplinary action up to and including termination of employment.

Sexual Harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct or communication of a sexual nature when:

- a. Submission to such conduct is made explicitly or implicitly a term or condition of the individual's employment
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Employees have the right to be free of harassment within the workplace. This includes harassment that may come from nonemployees such as customers or other individuals who provide services to or within MaSU. An employee may discontinue service or a telephone call in a situation where a non-employee is being abusive or harassing, including situations subjecting the employee to conduct, communication, or sexually explicit material which interferes with the employees work performance or creates a hostile, intimidating, or offensive work environment. If this happens, the employee is to immediately report the incident and the action taken to the immediate supervisor and a record for the reasons the services were interrupted must be documented.

Early reporting and intervention are critical and effective means to resolve actual or perceived incidents of harassment.

2. Employee Responsibilities

Employees are responsible to make every effort to prevent unlawful harassment in the workplace. Employees are to immediately report any perceived incidents of harassment or retaliation regardless of the person's position or identity. If an employee witnesses or experiences unlawful harassment in the workplace or any location, activity, or event associated with MaSU, the employee should make clear to the offender that the conduct is unwelcome and offensive and request the behavior to stop.

Reporting

If the employee has confronted the offender and the conduct has not stopped or the employee feels uncomfortable confronting the offender, the employee is to notify their supervisor, appropriate department/division head, the Vice President for the department, or Human Resources who will initiate appropriate action.

Grievances of reported action or inaction may be pursued as provided for in NDUS Human Resource Policy 28 Grievance Procedures (staff) and State Board of Higher Education Policy 612 Faculty Grievances (faculty).

Individuals excluded from the broad-banding system are subject to this harassment policy in addition to the terms and conditions of their contract if applicable. Those excluded from the broad-banding system will default to NDUS Human Resource policy 28 Grievance procedures as it most closely aligns with their employment status.

3. Supervisor Responsibilities

Supervisors and managers are responsible to make every effort to prevent unlawful harassment in their respective work areas. Supervisors and managers must take immediate action to effectively address the harassment or inappropriate conduct once such behavior has been brought to their attention. This includes documenting the reported incident, notifying the Director of the department, and participating in or initiating an investigation as directed. If the alleged harasser is a Director or Division Chair, the appropriate Vice President of the department/division should be notified. If the alleged harasser is a Vice President or senior administrator, the President should be notified.

Failure by an individual who has supervisory responsibility to report an incident of unlawful harassment and take action to remedy its effects is cause for disciplinary action up to and including termination of employment.

4. Institutional Responsibilities

The President's Cabinet and all other administrators have a responsibility to make every effort to prevent unlawful harassment. Immediate action is to be taken to resolve allegations of harassment or inappropriate behavior, which may include but is not limited to initiating an investigation, consulting with Human Resources, and taking corrective and disciplinary action.

5. Investigations

Investigations into complaints of unlawful harassment or inappropriate conduct should be coordinated with Human Resources and will be timely, thorough, and discreet. An employee 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 action up to and including termination.

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