

## DISCRIMINATION AND HARASSMENT POLICY

### Purpose

The University of Mary is an institution of higher education founded upon a mission and philosophy which is Christian, Catholic, and Benedictine. Thus, the University of Mary affirms the principle that its students, faculty, staff, and administrators have a right to be free from unjust discrimination and harassment.

This policy is intended to be consistent with university policy and federal and state laws, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Genetic Information Nondiscrimination Act of 2008, and the North Dakota Human Rights Act.

### Statement of Policy

Discrimination or harassment is strictly prohibited and will not be tolerated at the University of Mary. All students, faculty, staff, and administrators have the responsibility to conduct themselves in a proper manner consistent with the mission and philosophy of the University. They should actively work to assure that the right of others to be free from discrimination and harassment is protected. Any violation of this University of Mary policy should be promptly reported, as provided below.

### Discrimination

For purposes of this policy, discrimination means an act or attempted act which, because of race, color, religion, sex, age, national origin, disability, marital status or public assistance, results in the unequal treatment or separation or segregation of persons, or if accomplished would have such effect.

### Harassment

For purposes of this policy, harassment means a course of conduct directed at a specific person that causes unwelcome emotional distress and serves no legitimate purpose. Examples of harassment include, but are not limited to: (1) phone calls, text messages, emails, or digital communications with no legitimate purpose; (2) insults, taunts, or challenges in a manner likely to provoke violent or disorderly response; (3) communications at inconvenient hours or using offensive language; (4) offensive touching; or (5) any other course of alarming conduct serving no legitimate purpose of the actor.

### Sexual Harassment

The Office of Civil Rights defines sexual harassment to mean conduct on the basis of sex that satisfies one or more of the following:

1. *Quid pro quo* harassment by a University employee (condition the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

The University of Mary prohibits sexual harassment of its students, faculty, staff, and administrators, including student to student and other peer sexual harassment. Policy, process, and procedure for sexual harassment is governed by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681). Anyone who believes they are a victim of sexual harassment, as defined above, should visit the Title IX page of the University's website wherein more information about sexual harassment and how to proceed with filing a complaint can be found.

### Disability Harassment

All students and employees have a right to study or work in an environment free of disability harassment. For purposes of this policy, disability harassment means the following:

1. Abusive jokes, name calling, threats, bullying, or assault relating to an individual's physical or mental impairment;
2. Behavior that limits or denies a student's ability to participate in or benefit from programs and activities and creates an intimidating, threatening, or abusive educational environment;
3. Behavior that has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance.

Examples of disability harassment include (a) graffiti containing offensive language relating to a physical or mental disability of an individual, (b) jokes, rumors, or name calling relating to a physical or mental disability of an individual, (c) slurs, negative stereotypes, and hostile acts relating to a physical or mental disability of an individual, (d) a physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability, (e) theft or damage to property motivated by an individual's physical or mental disability.

### What to Do About Discrimination or Harassment

1. Any person who believes they have been subjected to discrimination or harassment should immediately inform the person engaging in the offensive conduct that the conduct is unwelcome and offensive and that it must stop.
2. Any person who believes he or she has been subjected to discrimination or harassment on the basis of sex has the right to make a report or file a written complaint pursuant to the [Conduct Grievance Procedure](#). Any person who believes they have been subjected to sex discrimination or sexual harassment has the right to [make a report or file a formal complaint](#) under Title IX.
3. Any person other than the victim who observes discrimination or harassment is encouraged to report the incident or behavior, using the processes referenced above.
4. If the reported incident constitutes sexual misconduct as defined by the University's [Sexual Misconduct Policy](#), the incident will be governed by that policy.

### Approved

*28 September 2020 by the President's Council*

*29 September 2020 by the President of the University*

*30 September 2020 by the Board of Trustees (EC)*

*22 October 2020 delivered to University Senate*