

# **Discrimination and Harassment Policy**

## **Purpose**

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

## **Statement of the Policy**

Discrimination or harassment of any form 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 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.

### **A. 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, or other conduct prohibited by the laws of the State of North Dakota or the United States of America governing civil rights and discrimination, results in the unequal treatment or separation or segregation of persons, or if accomplished would have such effect.

### **B. 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: (1) phone calls with no legitimate purpose; (2) insults, taunts or challenges in a manner likely to provoke violent or disorderly response; (3) calls at inconvenient hours or in offensive language; (4) offensive touching; or (5) any other course of alarming conduct serving no legitimate purpose of the actor.

### **C. Sexual Harassment**

The University of Mary prohibits sexual harassment of its students, faculty, staff and administrators, including student to student and other peer sexual harassment. The university recognizes the possibility of same sex harassment. Same sex harassment will be given the same consideration as harassment by a member of the opposite sex. For purposes of this policy, sexual harassment means the following:

1. An unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or student's academic status, (b) submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual or as a basis for a threatening situation for a student, or (c) such conduct has the purpose of affecting or unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment.
2. Examples of sexual harassment include (a) uninvited letters, telephone calls, or materials of a sexual nature, (b) uninvited sexual aggressive looks, touching or gestures, (c) uninvited pressure for sexual favors, (d) uninvited pressure for dates, (e) uninvited sexual teasing, jokes, remarks, questions, or suggestions which indicate that women or men should not hold certain positions because they are not capable of carrying out certain functions, or (f) attempted or actual rape or sexual assault.

#### **D. 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.
4. 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.

## **E. 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 has the right to file a written complaint pursuant to the conduct grievance procedure. [Conduct Grievance Procedure](#)
3. Any person other than the victim who observes discrimination or harassment has the right to submit a written complaint pursuant to the conduct grievance procedure. This shall be referred to as a “third party complaint.”
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. [Sexual Misconduct Policy](#).

### **Approved**

April 2009 by the President of the University of Mary

November 2009 by the Executive Committee of the University of Mary Board of Trustees