

Policy Adopted	07/02/2001
Policy Amended	07/11/2017
Policy Reviewed	Annually

NONDISCRIMINATION & ANTI-HARASSMENT

The TGU School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's, guardian's or employee's race, color, religion, gender, national origin, ancestry, disability, age, or other class protected by law. It is a violation of this policy for any district student, parent, guardian, employee, or third party to discriminate or harass against another district student or employee sexually or based on any other class protected by law, if the conduct occurred within the context of an education program or activity, or if the conduct had a continuing effect in the educational setting of a program or activity occurring on or off school district property. The District will not tolerate discrimination or harassment of a district student or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any individual affiliated with another who is protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated. The District shall promptly investigate any discrimination, harassment, or retaliation complaint and act on findings as appropriate, which may include disciplinary measures such as, termination of employment or expulsion in accordance with board policy, law, and when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. The District will take steps to prevent recurrence of discrimination, harassment, or retaliation and remedy discriminatory effects on the complainant and others, if appropriate.

- I. *Complainant* is the individual filing the complaint. If the complainant is not the victim of the alleged discrimination and/or harassment, the victim must be afforded the same rights as the complainant under this policy.
- II. *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- III. *Discrimination* is defined in accordance with NDCC 14-02.4-02 (6).
- IV. *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- V. *Harassment* is any physical or verbal conduct related to an individual's race, color, religion, gender, national origin, age, disability, or other class protected by law that creates an intimidating, hostile, or offensive working or educational environment or is otherwise sufficiently serious to substantially or unreasonably limit an individual's employment or educational opportunity.
- VI. *Sexual harassment* is unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:

1. It is *quid pro quo*, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; of obtaining an education, advancement, or grade; or is used as a factor in decisions affecting an individual's employment or education.
 2. It creates a *hostile environment* meaning such conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or educational environment.
- I. *Sexual harassment examples* include:
1. Sexual or "dirty" jokes
 2. Sexual advances
 3. Pressure for sexual favors
 4. Unwelcome touching, such as patting, pinching, or constant brushing against another's body
 5. Displaying or distributing of sexually explicit drawings, pictures, and written materials
 6. Graffiti of a sexual nature
 7. Sexual gestures
 8. Spreading rumors about or rating other's sexual activity or performance
 9. Remarks about an individual's sexual orientation
 10. Sexting or other unwelcomed electronic communication, in accordance with law.

Complaint Filing Procedure

The Board shall create an informal and formal discrimination and harassment complaint filing procedure in board regulations. Nothing in this policy or in the discrimination and harassment grievance procedure prevents an individual from pursuing redress through state and/or federal law.

Confidentiality

An individual wishing to file an anonymous discrimination and harassment complaint shall be advised that confidentiality will limit the district's ability to fully respond to the complaint. The District will attempt to protect the identity of the complainant, witnesses, and alleged harasser to the extent possible under law; however, a harassment and discrimination investigation report is subject to the open records law after 60 days or when the investigation is complete (whichever comes first), with limited expectations.

Policy Training and Dissemination

The Board authorizes the Superintendent to develop harassment and discrimination awareness training for students and employees. In addition, the Superintendent shall have available this policy and complementary grievance procedure in each district building and publish it in student and employee handbooks.

Nondiscrimination Coordinator

The Board designates the TGU Superintendent as the Title IX and Nondiscrimination Coordinator. They can be contacted at PO Box 270 • Towner, ND 58788, 701-537-5414