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Equal
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Area Equal
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HR Manual,
SBHE Policy,
UND Policy,
UND
Procedure,
USC

COPY

Discrimination and Harassment

POLICY STATEMENT

The University of North Dakota (University/UND) is committed to the principle of equal opportunity in education and employment. UND does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, pregnancy, marital or parental status, veteran's status, political belief or affiliation, or any other status protected by law or UND/ North Dakota University System/State Board of Higher Education policy.

UND prohibits discrimination, harassment, student-on-student discriminatory harassment, and student-on-student harassment, as defined by this policy. UND also prohibits retaliation by its employees and students against a person who exercises their rights or responsibilities under any provision of state or federal law, including Title VI, Title VII, Title IX, the Americans with Disabilities Act, or the North Dakota Human Rights Act, or this policy.

Employees or students who violate this policy may face disciplinary action up to and including separation from the University. Third parties who commit discrimination or harassment may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The University's policy for addressing sexual harassment as defined by Title IX is set forth in UND's Title

IX Sexual Misconduct Policy. (See Related Information).

The University's policy for addressing sexual harassment occurring outside the scope of Title IX is set forth in UND's Sexual Misconduct Policy (See Related Information).

REASON FOR POLICY

UND is dedicated to providing a safe and non-discriminatory learning, living and working environment for all members of the University community. The University adopts this policy with a commitment to eliminating discrimination and harassment, preventing its recurrence and addressing its effects. This policy sets forth the University's response to incidents of discrimination and harassment in compliance with federal and state laws.

SCOPE OF POLICY

This policy applies to:

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Area Managers & Supervisors
- Faculty
- Staff
- Students
- Others: Third Parties

DEFINITIONS

Adverse Action	Any act or omission that results in a materially adverse impact on the terms, conditions and privileges of employment, academic pursuits and/or any other university-sponsored activity. An adverse action violates the discrimination and harassment policy when it is motivated by discrimination based on protected class membership, or in retaliation for protected activity. Adverse actions are not limited to hiring, firing, promotion, demotion, selection for admission, or assigned grades. Other actions can adversely affect terms, conditions and benefits of employment, academic pursuits or other university-sponsored activity. Adverse actions can have multiple motivating factors. UND reserves the right to take action to address discrimination that is one of multiple motivating factors, even if it is determined that a policy violation did not occur.
Complainant	An individual who is alleged to be the victim of conduct prohibited by this policy.
Confidential Employees	Any employee who is a licensed medical, clinical or mental-health

	<p>professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services; and (2) any employee providing administrative, operational and/or relational support for licensed employees in their performance of such services. A confidential employee will not disclose information about harassment or discrimination to the AVP EO/ Title IX, or others, in a way that identifies the involved individuals without their permission (subject to the exceptions set forth in the Privacy and Confidentiality section of this policy).</p>
Discrimination	<p>The unfair or unequal treatment of an individual or a group based upon the individual or group's actual or perceived membership in a protected class and results in an adverse action. An adverse action that is motivated in full or in part by discrimination violates this policy.</p> <p>UND may respond to conduct or speech that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment.</p>
Employee	<p>Any person employed for wages or salary by the University, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, medical residents, graduate assistants, and student employees. Employee includes temporary, probationary and regular employees.</p>
Formal Complaint	<p>A document filed by a complainant or signed by the AVP EO/Title IX alleging a policy violation against a respondent and requesting that the University investigate the allegation.</p>
Gender Identity	<p>One's concept of self as male, female, a blend of both or neither. A person's gender identity may be different from their sex as assigned at birth.</p>
Harassment	<p>Unwelcome verbal, written, or physical conduct by an employee or third-party directed to an individual or a specified group because of the individual or group's actual or perceived membership in a protected class and creates a hostile environment, as defined by this policy.</p> <p>This does not include conduct defined as student-on-student discriminatory harassment and student-on-student harassment, as defined elsewhere in this policy.</p> <p>UND may respond to conduct or speech that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment.</p> <p>UND's Title IX Sexual Misconduct Policy addresses sexual harassment as defined by Title IX (see Related Information).</p> <p>UND's Sexual Misconduct Policy addresses sexual harassment</p>

	occurring outside the scope of Title IX (see Related Information).
Student-on-Student Discriminatory Harassment	<p>Pursuant to N.D.C.C. §15-10.4-02, speech or expression by a student directed to another student or specified group of students that:</p> <ol style="list-style-type: none"> 1. 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 equal access to educational opportunities or benefits provided by the university; or 2. explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances or requests for sexual favors. <p>UND may respond to student-on-student speech or expression that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment. UND's Title IX Sexual Misconduct Policy addresses sexual harassment as defined by Title IX (see Related Information). UND's Sexual Misconduct Policy addresses sexual harassment occurring outside the scope of Title IX (see Related Information).</p>
Student-on-Student Harassment	<p>Unwelcome physical conduct by a student directed to another student or a specified group of students because of the student or group's actual or perceived membership in a protected class and creates a hostile environment, as defined by this policy. UND may respond to student-on-student conduct that does not meet this definition by taking non-punitive action designed to promote a welcoming, inclusive environment. UND's Title IX Sexual Misconduct Policy addresses sexual harassment as defined by Title IX (see Related Information). UND's Sexual Misconduct Policy addresses sexual harassment occurring outside the scope of Title IX (see Related Information).</p>
Hostile Environment	<p>Unwelcome conduct determined by a reasonable person to be objectively offensive and sufficiently severe or pervasive to alter the conditions of participation in a University-sponsored program or activity, including employment and academic pursuits, and create an abusive environment. A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:</p>

	<ul style="list-style-type: none"> • The degree to which the conduct affected one or more individuals' education or employment; • The type, frequency and duration of the conduct; • Whether the conduct was physically threatening; • The identity of and relationship between the respondent and the complainant; • The number of individuals involved; • Whether the conduct arose in the context of other discriminatory conduct; and • Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or university programs or activities.
Pregnancy	Includes, but is not limited to, pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions, in accordance with federal law.
Protected Activity	<p>Protected activity consists of, but is not limited to:</p> <ul style="list-style-type: none"> • Opposing in good faith and consistent with University policy an action reasonably believed to constitute a violation of this policy; or • Filing an internal or external complaint about such practice; or • Testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination or other complaint; or • Any other activity protected by federal or state civil rights laws.
Protected Class	A group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. Protected classes under this policy include race, color, national origin, religion, sex, age, physical or mental disability, sexual orientation, gender identity, genetic information, pregnancy, marital or parental status, veteran's status, and political belief or affiliation, and any other status protected by federal or state law or North Dakota University System/State Board of Higher Education policy.
Religion	Religion is defined broadly and includes spiritual beliefs; traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism; and religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people.

Respondent	An individual who has been reported to be the perpetrator of conduct that is prohibited by this policy.
Retaliation	Retaliation occurs when an adverse action is taken against an individual for engaging in protected activity. Intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy is prohibited. Such conduct will be cause for disciplinary action, up to and including termination and/or suspension.
Sex	For purposes of this policy, the sex designated or recorded on an individual's birth certificate.
Sexual Orientation	An emotional, romantic or sexual attraction to other people.
Student	All persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, full-time or part time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the <i>Code</i> , who are not enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities designated for students regardless of their current enrollment status. The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.
Supportive Measures	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
Third Party	An individual who is not a student or employee of the University but has contact with the University such as an affiliate, volunteer, vendor, participant in a university-sponsored event, or campus visitor.

RELATED INFORMATION

42 USC §§ 1201 et seq. - Americans with Disabilities Act of 1990 (ADA)	https://www.ada.gov/pubs/adastatute08.htm
42 USC § 2000e – Title VII of the Civil Rights Act of 1964 (Title VII)	https://www.eeoc.gov/laws/statutes/titlevii.cfm
NDCC 14-02.4 et seq. - North Dakota Human Rights Act	https://www.legis.nd.gov/cencode/t14c02-4.pdf?20150821135716

29 USC §§ 621 et seq. - Age Discrimination in Employment Act of 1967 (ADEA)	https://www.eeoc.gov/laws/statutes/adea.cfm
42 USC §§ 2000ff et seq. - Genetic Nondiscrimination Act of 2008 (GINA)	https://www.eeoc.gov/laws/statutes/gina.cfm
29 USC § 206(d) - Equal Pay Act of 1963	https://www.eeoc.gov/laws/statutes/epa.cfm
North Dakota University System (NDUS) Human Resource Policy Manual	https://www.ndus.edu/makers/procedures/hr/
State Board of Higher Education (SBHE) Employee Policies and Procedures	https://www.ndus.edu/makers/procedures/sbhe/
UND Code of Student Life	https://UND.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&next=/policy/6458913/latest/
UND Equal Opportunity & Title IX	https://campus.UND.edu/equal-opportunity/
UND Faculty Handbook	https://UND.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&next=/policy/5300705/latest/
UND Staff Handbook	https://campus.UND.edu/human-resources/_files/docs/hr/und-staff-handbook.pdf
UND Policy – Title IX Sexual Misconduct	https://UND.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&next=/policy/5147073/latest/
UND Policy - Sexual Misconduct	https://und.policystat.com/policy/10378754/latest/
UND Procedure - Resolving Reports of Employee Discrimination and Harassment	https://UND.policystat.com/?lt=nEb9f5IPhIT42yu4MIKV8w&next=/policy/5547159/latest/

CONTACTS

Specific questions should be directed to the following:

Subject	Contact	Telephone/ Fax	Office or Department E-Mail /
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			Web Address
Policy Clarification	Equal Opportunity & Title IX Office	701.777.4171	UND.eo.titleix@UND.edu https://campus.UND.edu/equal-opportunity/
Policy Clarification Related to Students/Reporting Student Concerns	Office of Student Rights & Responsibilities	701.777.2664	UND.osrr@UND.edu https://UND.edu/student-life/student-rights-responsibilities/
Employee Assistance Program (confidential)	The Village	800.627.8220	http://VillageEAP.com
Counseling Services for Students (confidential)	University Counseling Center	701.777.2127	https://UND.edu/student-life/counseling-center/
Report Possible Policy Violations	Equal Opportunity & Title IX Office	701.777.4171	UND.eo.titleix@UND.edu https://campus.UND.edu/equal-opportunity/
Make a Report to Department of Education	Office for Civil Rights, U.S. Department of Education	312.730.1560	https://www2.ed.gov/about/offices/list/ocr/index.html
Report Possible Crime to Campus Police	University of North Dakota Police	701.777.3491 Call 911 for emergency	UND.safety@UND.edu https://campus.UND.edu/safety/police.html

PRINCIPLES

UND will not tolerate discrimination or harassment. UND utilizes procedures that provide prompt, fair, and impartial investigation and resolution of cases of discrimination or harassment. Individuals found to have violated University policy may be subject to appropriate campus adjudication processes and disciplinary action.

UND reserves the right to address inappropriate behavior through education or other non-punitive means before the behavior becomes a policy violation.

Privacy and Confidentiality

The EO/Title IX office is not under an obligation to ensure confidentiality of complaints and cannot promise to do so. However, certain parts of a complaint file may be protected by the Family Educational Rights and Privacy Act (FERPA), or state or federal law protecting personally identifiable information.

The EO/Title IX office does attempt to maintain the privacy of complaints to the extent possible consistent with its obligation to enforce the discrimination and harassment policy. Information related to a report of discrimination or harassment will be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. During an investigation, information may be disclosed to participants as necessary to facilitate the investigation.

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under North Dakota law. The University has designated individuals who have the ability to have privileged communications as "confidential employees." When information is shared by an individual with a confidential employee or a community professional with the same legal protections, the confidential employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law, professional standard or a court order requires or permits disclosure of such information.

Confidential Resources

Consistent with the definition of confidential employees and licensed community professionals, there are a number of resources within the University and Grand Forks communities where students and employees can obtain confidential support. These resources include:

University Counseling Center (for students)

McCannel Hall Room 200

701.777.2127

<https://UND.edu/student-life/counseling-center/>

Student Health Services (for students)

McCannel Hall Room 100

701.777.4500

<https://UND.edu/student-life/student-health/>

CVIC at UND (for all)

McCannel Hall, Room 200

Campus Confidential Advisor: 701.777.6550

Main Office: 701.746.0405

24/7 Crisis Line: 701.746.8900 or 866.746.8900

<https://UND.edu/student-life/violence/cvic.html> or <http://cviconline.org>

Employee Assistance Program (for employees)

800.627.8220

<http://VillageEAP.com>

Conflict Management Services (for all)

701.261.6805

<https://UND.edu/academics/provost/conflict-management.html>

The above resources may assist in providing referrals to local confidential resources for UND students and employees who reside in other location

Supportive Measures

Supportive measures may be offered to the complainant or the respondent regardless of whether a

complainant files a formal complaint under this policy. If a formal complaint is filed, supportive measures will continue to be available to the complainant and respondent after the conclusion of the grievance process, as appropriate, whether there was a finding of responsibility or non-responsibility. The assistant vice president for equal opportunity and title IX (AVP EO/Title IX) or designee will coordinate the effective implementation of supportive measures.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures to the complainant or respondent will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures.

Individuals are encouraged to report to the AVP EO/Title IX any concerns about the failure of another to abide by any restrictions imposed through supportive measure(s) such as mutual no-contact orders. In the event of an immediate health or safety concern, individuals should contact 911 immediately. Disciplinary action may be taken for failing to abide by certain supportive measure(s).

Religious Accommodations

UND is committed to providing equal access to academic pursuits and employment opportunities regardless of religious beliefs. To this end, UND offers religious accommodations. Such accommodations are reasonable changes in the work or academic environment that enable a student or employee to practice or observe a sincerely held religious belief without undue hardship on the University. A religious accommodation may include, but is not limited to, time for prayer during a workday or the ability to attend religious events or observe a religious holiday.

Students may work directly with their faculty member to request minor academic accommodations. If students need assistance making the request, if the student and faculty member are unable to agree upon a reasonable accommodation, or if the accommodation would require substantive changes to the academic environment or the expenditure of funds, the student or faculty member may contact the EO/Title IX office for assistance by completing the Student Religious Accommodation Request form (See Forms).

Employees may work directly with their supervisor to request minor accommodations. If employees need assistance making the request, if the employee and supervisor are unable to agree upon a reasonable accommodation, or if the accommodation would require more than minimal changes to work duties or the expenditure of funds, the employee or supervisor may contact the EO/Title IX office for assistance by completing the Employee Religious Accommodation Request form (See Forms).

Employee Reporting Obligations

Sharing all disclosures, reports or other known information about alleged discrimination or harassment with the EO/Title IX office allows the University to meet its state and federal obligations and to appropriately address any harassment or discrimination. Sharing such information with the EO/Title IX office also provides the University with the best opportunity to offer appropriate supportive measures to

assist a complainant, assess any health or safety risk posed by the alleged discrimination or harassment, take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to end any misconduct, remedy its effects, and prevent its recurrence.

Employees shall not dissuade an individual from reporting possible discriminatory or harassing situation. Employees also are obligated to inform the individual of their required reporting obligations.

Confidential Employees

A confidential employee will not disclose information about discrimination or harassment in a way that identifies the involved individuals without the individuals' permission (subject to the exceptions set forth in the Privacy and Confidentiality section of this policy).

Discrimination or Harassment in the Workplace

All supervisors and/or managers are required to report immediately to the EO/Title IX office all information they know about suspected or potential violations of this policy occurring in the workplace. Failure to do so may subject the supervisor or manager to appropriate discipline, up to and including termination of employment.

Employees who are not supervisors or managers of any level are strongly encouraged to report to the EO/Title IX office any information they know about suspected or potential violations of this policy occurring in the workplace.

Discrimination or Harassment Involving Students

All employees, except those listed below, are required to report immediately to the EO/Title IX office all information they know about suspected or potential harassment or discrimination against students. Failure to do so may subject the employee to appropriate discipline, up to and including termination of employment.

The following employees are encouraged, but not required, to report suspected or potential harassment or discrimination against students:

- Student employees (except resident assistants, resident managers, hall directors, and undergraduate instructors)
- Temporary employees

Clery Act Reporting

Individuals designated as campus security authorities under the Clery Act have separate and additional reporting requirements under the act.

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes

that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information as appropriate when issuing timely warnings to the University community.

Non-Retaliation for Filing or Participating in a Discrimination or Harassment Complaint

No member of the University shall intimidate, threaten, coerce, or discriminate against any individual because they participated in protected activity. Any complaint of retaliation shall be investigated as provided in this Policy.

If an investigation results in a finding that the complainant knowingly accused another falsely of discrimination, harassment or retaliation, then the complainant will be subject to appropriate disciplinary actions, up to and including separation from the University.

Prohibition against False Statements

UND prohibits knowingly making false statements or knowingly submitting false information during the Discrimination and Harassment grievance process. Doing so will subject the party making the knowingly false statement to disciplinary action.

PROCEDURES

Complainant Reporting Options

The University encourages anyone who experiences discrimination or harassment to immediately report the incident to the University through the reporting options below. It is the University's policy to handle complaints at the earliest possible level to ensure a quick and effective response.

- Using the on-line EO/Title IX report (see Related Information and Forms)
- By contacting any of the following offices, as appropriate, in person, by phone, or in writing:
 - EO/Title IX Office – any report of harassment or discrimination
 - Office of Student Rights & Responsibilities - any report against a student
 - University Police Department – all reports of criminal activity

If the harassment or discrimination includes an allegation of criminal activity, a complainant may choose to make a report to the University to pursue resolution under these procedures and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. In addition, conduct prohibited by this policy may also be prohibited by UND's Title IX and Sexual Violence Policy. A complainant may choose to make a complaint under both policies.

If the respondent is no longer an employee or student or otherwise affiliated with the University at the time of the complaint or report, the University may not be able to take disciplinary action against the respondent. In such circumstances, the University may seek to meet its obligations by providing support for the complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address

its effects.

If Complainant Declines to File Formal Complaint

If a complainant requests that their name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken, the AVP EO/Title IX will discuss those concerns with the complainant and let the complainant know that without their cooperation, the University's ability to investigate and address concerns may be limited.

Where AVP EO/Title IX determines that a complainant's request(s) can be honored, the University may take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the University community. Those steps may include offering appropriate supportive measures to the complainant, and/or providing targeted training and prevention programs.

In order to enforce the discrimination and harassment policy and the University's legal obligations, and/or protect the safety of the campus community, the AVP EO/Title IX retains discretion to determine whether an investigation is appropriate even if the complainant does not file a formal complaint. The AVP EO/Title IX will take into consideration all factors including:

1. The nature and severity of the allegations;
2. Whether the allegations are amenable to resolution through other channels;
3. Any history of prior complaints regarding the same individuals, department and/or area; and
4. The expressed wishes, if known, of the affected individual(s).

If it is appropriate to open an investigation without a formal complaint by the complainant, the AVP EO/Title IX will file a formal complaint. In those cases, AVP EO/Title IX will attempt to protect the identity of the complainant, but that information may become known.

Standard of Evidence to Determine Responsibility

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Investigating and Resolving Complaints

The specific procedures for reporting, investigating, and resolving complaints of discrimination or harassment are based upon the nature of the respondent's relationship to the University (student, employee or third party). Each set of procedures referenced below is guided by the same principles of fairness and respect for complainants and respondents. The procedures referenced below provide for prompt and equitable response to reports of discrimination and harassment. The procedures provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the "preponderance of the evidence" standard when determining whether a policy has been violated. "Preponderance of the evidence" means that it is more

likely than not that a policy violation occurred.

Where the Respondent is a Student

The procedures for responding to reports of discrimination and harassment against students are provided in the *Code of Student Life* (see Related Information).

Where the Respondent is an Employee

The procedures for responding to reports of discrimination and harassment against employees are provided in procedure for resolving reports of employee discrimination and harassment (see Related Information).

Where the Respondent is Both a Student and an Employee

If there is a question as to the predominant role of the respondent, the AVP EO/Title IX or designee, in consultation with others as appropriate, will determine which of the procedures applies based on the facts and circumstances, such as which role predominates in the context of the discrimination or harassment report. Where a respondent is both a student and an employee, the respondent may be subject to any of the sanctions applicable to students and employees.

Where the Respondent is a Third Party

The University's ability to take appropriate corrective action against a third party will be determined by the nature of the relationship of the third party to the University. The AVP EO/Title IX or designee, in consultation with others as appropriate, will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with state and federal law, University and other applicable policies.

Time Frame for Completion of Investigation

The investigator(s) and the AVP EO/Title IX will complete the investigation and resolution in a reasonable and timely manner and aim to resolve the complaint within 120 calendar days of receiving a formal complaint. The length of time necessary to complete a fair and thorough investigation will vary depending upon the complexity of the facts, including the number of witnesses and volume of information provided by the parties; a request by law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses; to account for University breaks or vacations; or for other legitimate reasons. The investigator(s) or AVP EO/Title IX will notify the parties in writing of any delays.

Complaints of Discrimination or Harassment Made in Conjunction with another Grievance or Complaint

Grievances or complaints filed through other University, State Board of Higher Education (SBHE) or North Dakota University System (NDUS) policies may have as a component to the grievance an allegation of

discrimination or harassment prohibited by this policy. If the AVP EO/Title IX determines that the policies and procedures applicable to all grievances/complaints can be followed, the grievances/complaints shall be administered as one process. If the policies and procedures applicable to the grievances/complaints conflict with each other and the conflict cannot be resolved, separate processes may be required. The AVP EO/Title IX or designee and the office(s) under which any concurrent grievances or complaints have been filed will collaborate, as appropriate, in the investigation of the complaints.

Some conduct may be prohibited by more than one policy. While a complaint may allege that conduct violates multiple policies, a respondent will not receive multiple disciplinary actions for the same conduct. For example, a respondent may be charged with violations of the Discrimination and Harassment Policy and the Title IX Sexual Misconduct Policy for one incident. If found responsible, the respondent will not receive duplicate disciplinary actions for conduct that violates both policies.

RESPONSIBILITIES

<p>Assistant Vice President, Equal Opportunity & Title IX</p>	<ul style="list-style-type: none"> • Coordinate the University's compliance with state and federal anti-discrimination laws, including the University's grievance procedures for resolving complaints of discrimination and harassment • Provide oversight of all discrimination and harassment complaints, identifying and addressing any patterns or systemic problems that arise during the review of such complaints. • Assist students and employees in understanding their rights, responsibilities and options for reporting and support • Receive reports of discrimination and harassment against employees • Investigate or oversee investigation of complaints of discrimination and harassment against employees
<p>Office of Student Rights & Responsibilities</p>	<ul style="list-style-type: none"> • Assist students in understanding their rights, responsibilities and options for reporting and support • Receive reports of discrimination and harassment involving students • Investigate and resolve complaints of discrimination and harassment against students • Provide support to students • Work with other departments to implement interim remedial or protective measures • Implement student conduct process

University Police Department	<ul style="list-style-type: none"> • Review and modify, if necessary, physical surroundings to enhance security and safety on campus • Provide input and personnel for education programs • Perform criminal investigations
Managers and Supervisors	<ul style="list-style-type: none"> • Share information about incidents of discrimination or harassment with the EO/Title IX Office
Students, Employees and Other Campus Community Members	<ul style="list-style-type: none"> • Practice bystander intervention • Use words and actions to show our commitment to maintaining a safe campus

FORMS

Anonymous Crime Report Form	http://UND.edu/public-safety/report-a-crime.cfm
Report Bias, Discrimination or Harassment	https://campus.UND.edu/equal-opportunity/incident-report.html
Student Religious Accommodation Request Form	https://cm.maxient.com/reportingform.php?UnivofND&layout_id=4
Employee Religious Accommodation Request Form	https://cm.maxient.com/reportingform.php?UnivofND&layout_id=5

Appendices

There are no appendices associated with this document.

Approval Signatures

Step Description	Approver	Date
Policy Office	Jennifer Rogers: Policy Office	05/2022
Policy Owner	Donna Smith: Assistant VP for Equal Opportunity/Title IX	05/2022