



# Employment Policies for the State of North Dakota

## WORKPLACE ANTI-HARASSMENT

Effective Date: 10/1/2018

The State of North Dakota, as the employer, will not tolerate, condone, or allow any type of harassment to occur within state workplaces or in any other work-related settings. This prohibition applies to every person at a state workplace or present during state-related business activities, including but not limited to state employees, customers, vendors, contractors, or any other person. All employees are empowered with the responsibility to prevent harassment in all state work areas and during all state-related business activities.

Harassment: Any offensive conduct that interferes with an individual's work performance or creates an intimidating or hostile work environment. Unlawful harassment can be verbal, non-verbal, or physical conduct or communication that shows hostility or aversion towards an individual because of a person's race, color, religion, sex, age, genetics, national origin, disability or other legally protected status in the State of North Dakota. Examples may include epithets, slurs, jokes, negative stereotyping, written or graphic materials, posters, calendars, or pictures.

Harassment becomes unlawful when:

- 1) Enduring the offensive conduct becomes a condition of continued employment, or
- 2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual harassment: Unwelcome sexual advances, sexual favor requests, or any other conduct or communication of a sexual nature when:

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

Sexual harassment may include a range of behaviors, and may involve individuals of the same or different gender.

Examples are:

- a. Unwanted sexual advances or requests for sexual favors.
- b. Sexual jokes and innuendos or verbal abuse of a sexual nature.
- c. Leering, massaging, or touching or sexual related comments about another's body.
- d. Displaying inappropriate sexually suggestive or offensive pictures or objects anywhere in the workplace.

If an employee observes or experiences harassing conduct in the workplace, the employee should either directly inform the offender that the conduct is offensive and must stop or notify agency leadership about the occurrence. If an employee does not feel comfortable reporting the situation within the employing agency, he/she should contact HRMS to report the situation.

All employees shall report harassing behavior they observe or is reported to them.

Managers are required to report any harassing conduct they observe, experience, or that is reported to them, to a member of the employing agency's senior leadership. Agency leadership will work with HR / legal counsel to investigate and resolve all reports of workplace harassment appropriately in a timely, thorough, and discreet manner.

Any person who violates this policy will be subject to disciplinary action, up to and including termination of employment, or be removed from the state work area.

References: Title VII of the Civil Rights Act of 1964, ADEA, ADA