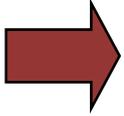


Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: **163.2 ANTI-BULLYING POLICY**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

- Is this a federal or state mandate? Yes No
- Describe change:

New policy regarding anti-bullying. The U.S. Department of Education released a letter October 26, 2010 addressing the reduction of bullying in educational settings.

Bullying occurs on university campuses, including NDSU. It is important to recognize bullying as unacceptable behavior and to provide a consistent process to address bullying on campus.

2. This policy change was originated by (individual, office or committee/organization):

- Office/Department/Name and the date submitted: Commission on the Status of Women Faculty (CSWF) / Daniel Friesner / 3/7/17
- Email address of the person who should be contacted with revisions: daniel.friesner@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee: 3/20/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

North Dakota State University

Policy Manual

SECTION 163.2 ANTI-BULLYING POLICY

SOURCE: NDSU President

1. North Dakota State University is committed to providing a climate that fosters respect for students, staff, and faculty, as well as others who participate in programs and activities at the University. We are committed to valuing diversity and treating all with fairness, dignity, and respect. As part of that commitment, NDSU prohibits bullying in all forms, and works to prevent bullying in the workplace, the classroom, and in programs and activities, both on and off campus. A victim of bullying does not have to be a member of a protected class listed in NDSU Policy 100.
 - 1.1 For purposes of this policy, bullying is defined as repeated and persistent offensive or intimidating verbal (written or oral) acts or conduct directed toward another or others that has the effect of one or more of the following:
 - 1.1.1 Placing an individual in reasonable fear of harm to the individual's person or property;
 - 1.1.2 Causing a detrimental effect on an individual's mental or physical health;
 - 1.1.3 Substantially interfering with an individual's academic and/or work performance;
 - 1.1.4 Substantially interfering with an individual's ability to participate in or benefit from the services, activities, or privileges provided by the institution; or
 - 1.1.5 Interfering with the targeted individual's right to dignity at work, including retaliation for reporting bullying behavior.
 - Note: Bullying by electronic means is prohibited under NDSU Policy 158 and N.D.C.C. § 12.1-17-07.
 - 1.2 It is not bullying when a supervisor notes unsatisfactory performance or misconduct; institutes proceedings for workplace sanctions, nonrenewal, or dismissal for cause; or provides feedback regarding work behavior or performance.
2. The University recognizes that in most cases the best and most desirable resolution for all involved is through early, informal action before substantial bullying occurs. Supervisors must take steps to ensure that the environment for which they are responsible is free from bullying behaviors. Anyone who feels he/she has been the subject of bullying is encouraged to report the situation to a supervisor before it becomes severe or pervasive. If the immediate supervisor is the accused bully, the individual should go to the next supervisor in the leadership structure.
3. Anyone who makes a report in good faith shall be protected against retaliation of any kind. If there is retaliation in response to a good faith report, the retaliator shall be subject to discipline or

dismissal. See policies 156 (Discrimination, Harassment, Retaliation, and Complaint Procedures), 162 (Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy), 163 (Anti-Harassment), and 603 (Sexual Misconduct and Title IX Compliance).

- 3.1 To the extent possible, the University will maintain the confidentiality of anyone who reports an alleged violation of this policy, as well as those accused.
- 3.2 If an individual is found to have knowingly and purposefully made a false allegation of bullying, that individual will be held accountable, and appropriate remedial action shall be taken as determined by the individual's supervisor, in consultation with the appropriate Provost and/or Human Resources.

PROCEDURES

Informal

NDSU Staff & Faculty

Where possible, an attempt should be made to address conflict or disrespectful behavior directly with the accused person, either in writing or in person, before the behavior escalates (through repeated, targeted conflict or disrespectful behavior) to bullying or the alleged victim of bullying can bring the concern to a supervisor, whose responsibility is to maintain a safe workplace.

- A. An individual who has experienced disrespectful behavior should explain clearly in detail to the accused person(s) that the behavior(s) in question are offensive and unacceptable so the accused person(s) can understand why the individual is upset or offended. This communication may be oral or written.
- B. In circumstances where an individual finds it difficult to approach the alleged bully directly, he or she may seek help, advice, and services from the campus Ombudsperson or a supervisor. In addition, the individual may request assistance from the Ombudsperson in raising the issue with the alleged bully. The individual may also contact the office of Human Resources if the situation involves NDSU staff members. If the situation involves NDSU students, an individual may seek assistance with the Dean of Students. If the issue involves discrimination based on gender or other protected classes, members of the faculty and staff should also contact the Equity Office and the Title IX Coordinator. If those options have been exhausted or if the individual feels unsafe in using those options, then the individual may use the formal reporting procedure below.
- C. Witnesses of bullying are encouraged to speak with the person bullied, the person who is bullying, their supervisor, or with the Ombudsperson. If those options have been exhausted or if the witness feels unsafe in using those options, then the witness may use the formal reporting procedure below.

Formal

If the informal process is insufficient or inappropriate, the individual or witness may proceed to the formal process. At this point, the individual is called the complainant, and the accused is called the respondent.

- A. Staff member complainants should submit their complaints to the Office of Human Resources and Payroll, which will follow the grievance procedures listed in NDSU Policy 230. Faculty complainants should submit their complaints to the Office of the Provost, which will follow the grievance procedures listed in NDSU Policy 353.

- B. The office receiving the complaint (HR or the Office of the Provost) shall review the complaint and may refer the matter to the appropriate Vice President or supervisor. Review and initial action will occur within 10 working days of receipt, at which time the respondent shall be notified in writing of the allegations. The respondent will be given a copy of the complainant's statement and have the opportunity to respond to the allegation in writing within 10 days of receipt of the complaint.
- C. After receiving the response from the respondent, the Director of Human Resources and Payroll or the Vice Provost for Faculty and Equity, as applicable, will determine whether an investigation is necessary or whether the situation can be resolved in another manner. Response to an alleged violation of this policy will be handled within the time frames delineated by campus grievance procedures.
- D. If, after an investigation, it is determined that a violation of this policy has occurred, immediate and corrective action will be taken. Discipline and remedial measures will be appropriate to the offense and circumstances surrounding it, and may include a letter of reprimand, apology to the complainant, mandatory remedial education or counseling; ineligibility for merit pay; suspension, or dismissal. Considerations in determining disciplinary and remedial measures may include academic or work history, previous proven breaches of this policy, relationship of the parties, the number and seriousness of incident(s), their impact on the complainant, and the respondent's intent.
- E. The complainant may withdraw the complaint at any time. The process of investigation, decision, and penalty may continue after the complaint is withdrawn, at the discretion of the President, the Provost, or the appropriate Vice President.
- F. The Office of Human Resources and Payroll and the Office of the Provost will track all bullying complaints filed to ensure trends are captured in the reporting of bullying on campus without identifying information of complainants, witnesses or accused individuals.

HISTORY:

New _____