

2-12 HARASSMENT, NONDISCRIMINATION AND NONRETALIATION POLICY

A. Purpose of Policy

1. National American University employees and students should be able to work and learn in an environment free from discrimination and harassment. The mission of the university is best accomplished in an atmosphere of professionalism, which, in turn, is supported by mutual respect and trust. NAU expects all employees and students to work toward this goal.
2. Discrimination and harassment based on a person's race, color, creed, religion, national origin, sex, sexual orientation, disability, age, genetic information, gender identity, or any other protected class status is strictly prohibited by National American University.

B. Scope of Policy

This policy prohibits any form of harassment by any individual, including university managers and supervisors, employees, co-workers and third parties such as students, consultants, contractors or vendors who deal with university employees or students.

C. Definitions of Sexual and Other Forms of Harassment and Discrimination

1. Discrimination consists of unequal treatment in the workplace or academic setting or in the terms and conditions of a person's employment or academic standing, when the treatment is based on a person's race, color, creed, religion, national origin, sex, sexual orientation, disability, age, genetic information, gender identity, or other protected class status.
2. Harassment consists of unwelcome conduct based on a person's race, color, creed, religion, national origin, sex, sexual orientation, disability, age, genetic information, gender identity, or other protected class status when submission to such conduct:
 - a. is a condition of employment, continued employment, admission to the university, continued enrollment, or academic achievement; or
 - b. is a basis for an employment decision affecting an employee's job or a student's ability to obtain an education; or
 - c. interferes with an employee's job or a student's academic performance; or
 - d. creates an intimidating, hostile or offensive work or academic environment.

3. National American University prohibits such harassment in any form, including verbal, physical and visual harassment.
4. Some examples of conduct that could be considered harassment include the following types of action when they are taken based on protected class status:
 - a. abusive, intimidating, insulting or degrading remarks;
 - b. displaying in the workplace or academic setting objects, cartoons, pictures or stories which may be perceived as offensive or demeaning;
or
 - c. threats, demands or suggestions that an employee's work status or a student's academic status, advancement or other terms and conditions of employment or academic achievement are contingent upon the individual's toleration of or acquiescence to unwelcome harassment.
5. One form of prohibited harassment is sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when submission to such conduct:
 - a. is a condition of employment, continued employment, admission to the university, continued enrollment, or academic achievement; or
 - b. is a basis for an employment decision affecting an employee's job or a student's ability to obtain an education; or
 - c. interferes with an employee's job or a student's academic performance; or
 - d. creates an intimidating, hostile or offensive work or academic environment.
6. National American University prohibits sexual harassment in any form, including verbal, physical and visual harassment. For more information, please refer to the university's Sexual Misconduct policy.

D. Reporting Discrimination or Harassment

1. If at any time a student feels that he/she has experienced sexual or other forms of harassment, discrimination, or violence the student should immediately contact:

Title IX Coordinator
5301 Mt. Rushmore Road
Rapid City, SD 57701
605-394-4947
TitleIX@national.edu

If at any time an employee feels that he/she has experienced sexual and other forms of harassment, discrimination, or violence the employee should immediately contact:

Title IX Coordinator
5301 Mt. Rushmore Road
Rapid City, SD 57701
605-394-4805
TitleIX@national.edu

2. National American University wants to resolve any such problems, but it can do so only if it is aware of those problems. The university encourages any individual who believes he/she is being discriminated against or harassed to report any and all incidents of perceived discrimination or harassment.
3. The university will investigate discrimination and harassment complaints and take appropriate action. Every effort will be made to ensure the confidentiality of complaints, and the results of investigation, to the extent possible. Any person who is found to have committed prohibited discrimination or harassment will be subject to appropriate corrective action, which may include discipline up to and including termination, or in the case of a student, permanent suspension.

E. Confidentiality

Every effort will be made to ensure the confidentiality of complaints, and the results of investigation, to the extent possible.

F. No Retaliation

1. Retaliation against any individual for making a complaint under this policy, for opposing harassment or discrimination, or for participating in an investigation of any claim regarding harassment, or discrimination or inappropriate behavior is strictly prohibited.
2. Any person who engages in retaliatory conduct or reprisals in response to a claim of harassment or discrimination will be subject to the appropriate corrective action, which may include discipline up to and including termination of employment or permanent suspension of a student. If an employee or student feels that he/she has

experienced such retaliation, the individual should immediately report any such retaliation to the system director of human resources or campus executive officer.

3. A person who files a false or malicious complaint of discrimination or harassment may be the subject of appropriate disciplinary action.

G. Employee and Student Responsibilities

1. Everyone is responsible for maintaining a working and learning environment free of harassment and discrimination.
2. All employees are required to complete the interactive educational training program for preventing unlawful harassment, discrimination, and retaliation located at the human resources department of MyNAU. All students and employees will also be provided with Title IX/VAWA training.
3. It is the responsibility of ALL employees and students to:
 - a. Read and abide by this policy. Employees with questions may contact the system director for human resources. Students with questions may contact the campus director or the Title IX coordinator.
 - b. Refrain from engaging in acts of harassment or discrimination or acts that can be construed as harassment or discrimination.
 - c. Immediately report any acts of discrimination or harassment or acts that can be construed as such.
 - d. Cooperate with any investigation regarding discrimination, harassment, or inappropriate conduct.
 - e. Maintain the confidentiality of any complaint or information received or provided in the course of an investigation, only disclosing information to those university personnel or representatives with a need to know about the complaint or information. Refrain from speculation and from drawing conclusions or “gossiping” about the subject matter or individuals involved in claims of harassment or discrimination, or involved in the investigation of such claims.
 - f. Refrain from taking any adverse or retaliatory action against any individual who has made a claim of harassment, opposed harassment, or participated in the investigation of any claim regarding harassment or inappropriate behavior.