POLICY

Every vacant position shall be filled based upon applicants' qualifications and performance requirements of the job. Discrimination against an employee or applicant based upon sex, race, color, religion, age, physical or mental disability, pregnancy, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity off the employer's premises during nonworking hours or on genetic information which is protected by the Genetic Information Nondiscrimination Act ("GINA") in appointment, promotion, salary, benefits or conditions of employment is prohibited.

Discrimination against an employee or applicant for employment, with respect to working conditions, work place assignment, or other privileges of employment, merely because the employee's or applicant's spouse is also an employee is prohibited. This prohibition does not apply to employment of the spouse of a person who has the power to hire or fire, or make evaluations of performance, with respect to the person involved. Employment in a department or institution headed or supervised by the employee's spouse is permitted only if the spouse does not have the power to hire or fire or make evaluations of performance and such employment is consistent with SBHE Policy Section 603.3.

STATUTORY REFERENCE: N.D.C.C. Sections 14-02.4-03, 15-10-17, (4) and 34-11.1-04.1

HISTORY: Replaces Article III, Section 1(C), page III-1.
SBHE Minutes, June 7-8, 1984, page 5256.
Amendment SBHE Minutes, January 20, 1994, page 6429.
Amendment SBHE Minutes, June 18, 2009.
Amendment SBHE Minutes, April 6, 2011.