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## Human Rights Laws

North Dakota citizens are protected from unlawful discrimination under state and federal law. Under state law, protection is provided by the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Protection is also provided under several federal laws, including: Title I of the Americans with Disabilities Act (ADA) of 1990, Title VII of the Civil Rights Act of 1964 (Title VII), as amended, the Civil Rights Act of 1991, the Age Discrimination in Employment Act (ADEA) of 1967, as amended, the Equal Pay Act (EPA), and the Federal Fair Housing Act.

The Human Rights Division of the North Dakota Department of Labor and Human Rights is responsible for enforcing the provisions of these laws. This responsibility includes receiving and investigating complaints alleging discriminatory practices, mediating or conciliating settlements, and enforcing remedies when discrimination is determined to have occurred. In addition, the Division is responsible for educating the public about rights and responsibilities under human rights laws and for studying the nature and extent of discrimination in North Dakota.

In order to preserve complainants' rights under federal law, the Human Rights Division "dual" files eligible employment charges with the federal Equal Employment Opportunity Commission (EEOC) and conducts the investigation for the EEOC under the terms of a Worksharing Agreement. Similarly, eligible housing cases are "dual" filed with the U.S. Department of Housing and Urban Development (HUD) under a Cooperative Agreement.

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## Protected Categories

You are only protected from discrimination or retaliation if you are a member of a protected class or were participating in protected activity. Under North Dakota human rights laws, it is unlawful for any person to be discriminated against because of his or her:

- Race
- Color
- National Origin
- Religion
- Sex
- Age (40 years old and older)

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*The Human Rights Division of the North Dakota Department of Labor and Human Rights investigates charges of unlawful discrimination in employment, housing, public services, public accommodations, and credit transactions. This brochure provides information on human rights laws and types of remedies available.*

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- Mental or Physical Disability
- Marital Status
- Receipt of Public Assistance (either state or federal assistance)
- Familial Status (the presence of children under the age of 18, being pregnant, or in the process of obtaining legal custody of a minor child) (housing only)
- Status as a victim of domestic violence in certain circumstances (housing only)
- Participation in Lawful Activity (off the employer's premises during non-working hours which is not in direct conflict with the essential business-related interests of the employer (employment only).

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## Types of Unlawful Discrimination

Discrimination is prohibited under North Dakota law in employment, housing, public services, public accommodations and credit transactions. In these areas, protections from discrimination based on your status in a protected category include:

- Employment-regarding terms and conditions of employment such as hiring, selection, promotion, transfer, pay, discharge and discipline.
- Housing - including sale or rental of real estate, application of realtor or brokerage services, and mortgage lending. A few examples of possible types of discrimination in housing are: 1) altering the terms, conditions or privileges of a transaction, 2) refusing to show or rent a rental unit, 3) refusing to receive or transmit a bona fide offer, 4) misrepresenting that a property is not available for rent or sale, and 5) eviction.
- Public Accommodations - by failing to provide a person access to the use of any benefit from the services and facilities offered by privately owned businesses. Places of public accommodation include a wide range of entities, such as restaurants,

hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. If a place of public accommodation has an architectural or communication barrier, such barrier must be removed if removal is readily achievable. If removal of the barrier is not readily achievable, accessibility to the goods, services, privileges, advantages or accommodation must be made available through alternative methods.

- Public Services - by failing to provide a person access to the use of and benefit of services and facilities provided by public entities.
- Credit Transactions - including denying credit, increasing the charges or fees, increasing the amount of collateral required to secure credit, restricting the amount of credit extended or imposing different terms or conditions with respect to credit.

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## Reasonable Accommodations

Employers, housing providers, public accommodation providers, and public service providers are required to make "reasonable" accommodations to allow persons with disabilities equal access to employment, housing, services, and facilities. Examples of reasonable accommodation may include: making existing facilities readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs.

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## Filing a Complaint

If you believe you have been discriminated or retaliated against in any of the areas listed above because you are a person in a protected class or were participating in a protected or lawful activity, you may file a complaint with the

Division of Human Rights or you may file a civil action in state court. For more information on this process, please refer to our brochure on How to File a Discrimination Complaint in North Dakota, which is available in hard copy or on our website noted below.

## Investigation

If a formal complaint is filed, the Division will conduct a thorough investigation into the allegations contained in the complaint. After gathering and reviewing all available evidence, Division staff will determine whether there is "reasonable cause" to believe that unlawful discrimination occurred. If the allegations are not supported by available evidence, the complaint will be dismissed. If a reasonable cause finding is issued, the Division will provide for an administrative hearing on the complaint to determine what remedy is necessary to correct the effects of the discriminatory practice.

The Division will emphasize conciliation to resolve complaints. The parties to a complaint may agree to settle the complaint at any time.

## Possible Remedies

Remedies may include: hiring, reinstatement, promotion, restored benefits, reasonable accommodation, providing assistive devices to make services available, back pay, equitable relief (non-monetary), and injunctions to stop discrimination from recurring. Equitable relief may include attendance of the offending party at educational classes pertaining to discrimination.



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Urban Development. The substance and findings of the work are dedicated to the public. The North Dakota Department of Labor and Human Rights is solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the U.S. Government.

## Summary

The following chart summarizes the protected categories that apply to each type of discrimination.

Protected Categories by Type of Discrimination	Employment	Housing	Public Accommodations	Public Services	Credit Transactions
	Race	•	•	•	•
Color	•	•	•	•	•
National Origin	•	•	•	•	•
Religion	•	•	•	•	•
Sex	•	•	•	•	•
Age	•	•	•	•	•
Disability*	•	•	•	•	•
Marital Status	•	•	•	•	•
Public Assistance	•	•	•	•	•
Familial Status		•			
Domestic Violence		•			
Lawful Activity	•				

\*Including prohibited medical inquiries and the release of confidential medical information.

# Human Rights Protections in North Dakota

## An Overview of Discrimination Laws and Remedies

Have Additional Questions?  
Need assistance with this information?  
Contact us at:

**North Dakota Department of Labor and Human Rights**  
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