UNDERSTANDING AND PREVENTING SEXUAL HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

OFFICE OF EQUAL OPPORTUNITY PROGRAMS
DECEMBER 2012
SCHOOL OF MEDICINE

AGENDA

What We Do
Law and Policy
Actions You Can Take
Questions
WHAT WE DO

Investigate: all reports of discrimination and harassment prohibited by Emory policy and federal law.

Educate: provide resources and education on diversity matters, Emory policy, and federal laws related to employee & student protection.

LAW AND POLICY

Harassment and discrimination are prohibited by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972

- Equal Employment Opportunity Commission (EEOC)
- Department of Education’s Office of Civil Rights (OCR)

Harassment and discrimination are also prohibited by Emory University’s Equal Opportunity and Discriminatory Harassment Policy

- Emory’s Office of Equal Opportunity Programs (EOP) serves students, faculty and staff of Emory University and Emory Healthcare

http://policies.emory.edu/1.3
EMORY’S EQUAL OPPORTUNITY POLICY

Emory is dedicated to providing equal opportunities to all individuals regardless of:

- race
- religion
- gender
- color
- gender identity
- age
- disability
- ethnic or national origin
- gender expression
- sexual orientation
- veteran’s status

…or any factor that is a prohibited consideration under applicable law

DISCUSSION SCENARIO 1

Sara, a female post-doc in the Chen lab, approaches her supervisor and asks if she can go with the team from the lab to attend a conference at Ga Tech next month. Her male supervisor, Grant, says smiling, “That depends, are you saying you’re ready to have that drink with me?”

- What do you know?
- What do you still need to know?
- Is there a policy violation?
- Should you or someone else contact EOP?
WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a form of sex discrimination. There are two types:

1. **Quid Pro Quo**: where employment decisions or expectations are based on an employee’s willingness to grant or deny sexual favors.

2. **Hostile Work Environment**: where verbal or non-verbal behavior in the workplace:
   - focuses on the sexuality of another person or occurs because of the person’s gender;
   - is unwanted or unwelcome; and
   - is severe or pervasive enough to affect the person’s work environment.

HARASSING BEHAVIORS MAY INCLUDE:

- Jokes or teasing about sex or gender
- Sexual innuendos or comments
- Obscene language
- Suggestive pictures (print or electronic)
- Rape/Assault
- Repeated Date Requests
- Excessive Attention
- Touching
HARASSED PERSONS...

Who is the harassed?

Woman or man, any person
Not necessarily the opposite sex
Not necessarily the person harassed: third party
  - Anyone affected by the offensive conduct

HARASSERS...

Who is the harasser?

Any Person
Not necessarily the opposite sex
A supervisor
Supervisor in another area
Co-worker
Non-employee
  - Vendor
  - Patient or Customer
DISPARITY OF POWER

Sexual harassment generally occurs when there is a disparity of power within the working or teaching/learning relationship.

Historically, harassed persons have been hesitant to report.

Sexual harassment:
- does not have to be intentional or planned
- does not have to be directed at a particular individual

BUT I’M JUST KIDDING...

- Role of Humor
- Cultural Diversity
- Privilege
- Challenge – moving beyond welcoming to an inclusive environment
DISCUSSION SCENARIO 2

John, a 25-year-old program admin who works in a suite of cubicles. During his lunch break, he often eats at his desk and is on the internet (incl Facebook, YouTube, Twitter). John uses headphones and a privacy screen like everyone else in his area.

One of his suitemates Ann complains to their supervisor La Shanda that John can’t be doing his work because he is always online surfing political, dating, and racist humor sites.

- What is the responsibility of La Shanda to Ann? To John?
- What should the supervisor do?
- What questions should/could La Shanda ask of Ann? John?
- Is there an Emory Policy violation? Why or why not?

DISCRIMINATORY HARASSMENT OF A NON-SEXUAL NATURE

Emory’s policy prohibits discriminatory harassment of a non-sexual nature toward an individual or group on any factor that is protected by law and Emory’s policy.

Prohibitions against verbal, physical, or graphic conduct that creates a hostile workplace or interferes with people’s abilities to perform

Respectful behavior in the workplace, hospital/clinic, classroom, and research lab is a reasonable expectation.
EOP’S CENTRAL QUESTION: IS THE STORY I’M HEARING TELL ME THAT THERE MAY BE A POLICY VIOLATION?

• NO
  Next steps...
  Referral:
  • HR
  • FSAP
  • Other partner
  Recommendations as appropriate

• MAYBE
  – Becomes a Yes or No once we get more info.
  – Requires action if...
    • Sexual Harassment
    • Title IX
      – Sexual Violence
      – Sexual Harassment

• YES
  • Proceed with investigation

WHAT CAN I DO?

• What can I do if this happens to me or to someone I know?
• Remember, you have the right to say “no”
• Tell someone
• Keep a journal or record of instances of harassment
• Ask a third party to intercede for you
• Contact the Office of Equal Opportunity Programs (EOP)
• Additional resources at Emory
  • Center for Women
  • Human Resources
  • Office of General Counsel
  • Faculty Staff Assistance Program
  • Coordinator of Sexual Assault Prevention Education and Response

  • Office of LGBT Life
  • School, Division, or Department Dean or Director
RETAIATION

Retaliation against an individual who, in good faith, complains or participates in an investigation of an allegation of discrimination or harassment is PROHIBITED by Emory policy and may result in disciplinary action, up to and including termination.

Any individual who feels he or she has been retaliated against, or has been threatened with retaliation, should report that allegation immediately to the Office of Equal Opportunity Programs (EOP).

A WORD ABOUT CONFIDENTIALITY

Confidentiality: Confidentiality must be maintained during the investigation to the extent possible without jeopardizing the thoroughness of the investigation.

Your Responsibility: to keep things confidential

Conversations with EOP are NOT privileged as are conversations you may have with your physician or attorney.
CONTACT INFORMATION

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