

Recognizing and Preventing Discrimination and Harassment

*ASU Student Employment Office
September 2011*

Prohibited Harassment

ACD 401: Anti-Harassment and Non-Retaliation

SSM 304-04: Anti-Sexual Harassment

Harassment is “unwelcome behavior, based on a protected classification, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in Board or university sponsored programs or activities.”

Sexual harassment includes “unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual’s education, employment, or participation in Board or university sponsored programs or activities, or the submission to or rejection of such conduct is a factor in decisions affecting that individual’s education, employment, or participation in Board or university sponsored programs or activities.”

Prohibited Discrimination

ACD 401: Non-Discrimination and Non-Retaliation

SSM 304-04: Non-Discrimination

Discrimination is defined under applicable federal and state law. In general, unlawful discrimination means failing to treat people equally based, at least in part, on status that is protected under applicable law or policy.

ASU is committed to providing the university community, including students, faculty, staff, guests, with an environment that is free of harassment, discrimination, or retaliation. ASU expressly prohibits harassment, discrimination, and retaliation by employees, students, contractors, or agents of the university based on protected status, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, and gender identity.

ASU Policy

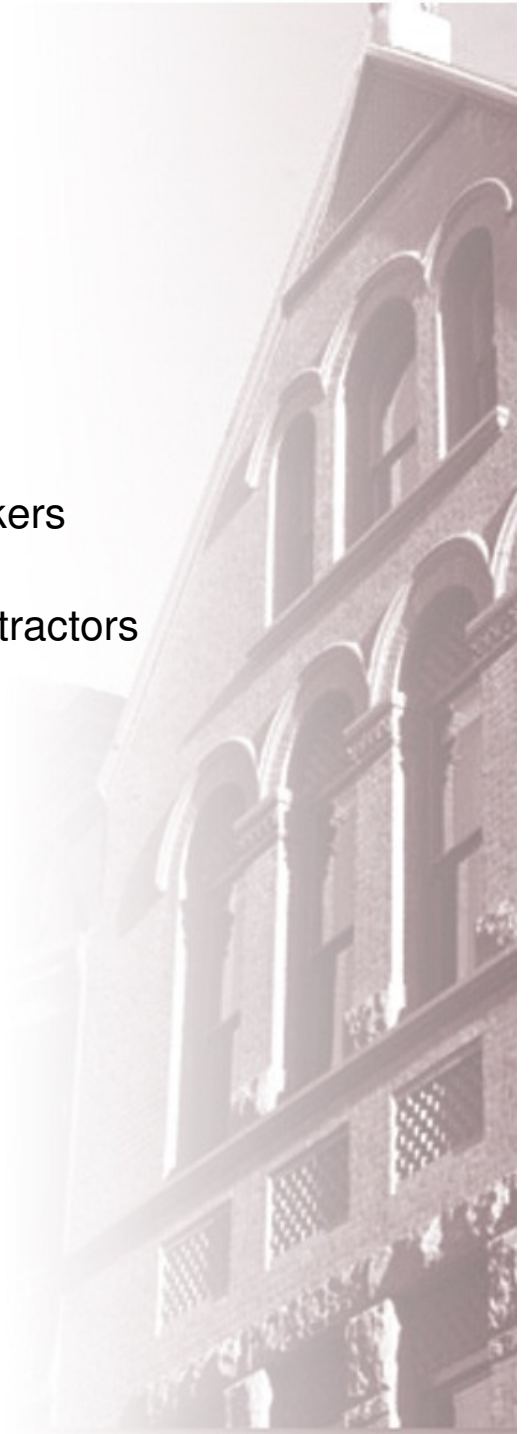
All claims of discrimination or harassment must be reported

- Office of Equity and Inclusion -- Faculty and staff
- Student Rights and Responsibilities Office-- Student Workers
- An administrator with responsibility over individual whose behavior is at issue -- Faculty, staff, student workers, contractors

Must investigate – Office of Equity and Inclusion

Must take appropriate action

- Faculty: Provost Office
- Staff / Student Workers: Department or Unit
- Students: Student Rights and Responsibilities



ASU Policy

ACD 402: Amorous Relationships

- Applies to all ASU employees and students

A relationship in which two individuals mutually and consensually understand their relationship to be romantic and/or sexual in nature

No ASU employee may participate in any key decisions or recommendations involving anyone with whom he/she is in a current amorous relationship. Includes but not limited to:

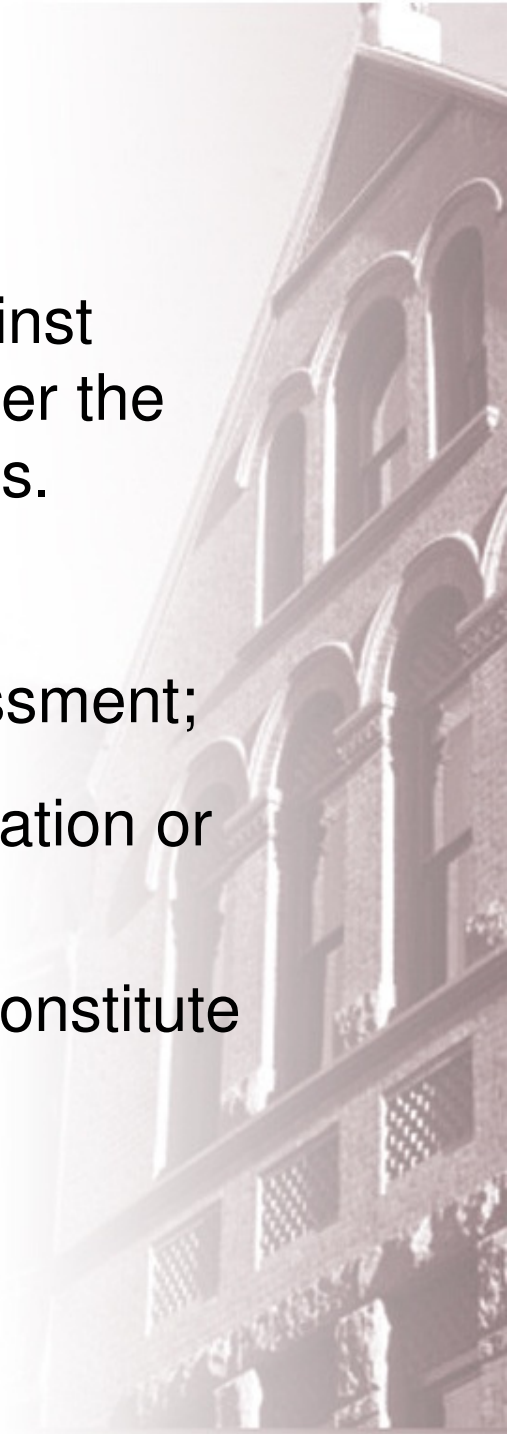
- Employment-related decisions such as hiring, evaluation, discipline
- Academic-related decisions such as grading, transfer, evaluation

Retaliation is Prohibited

ABOR and ASU Policy prohibit retaliation against anyone who engages in protected activity under the nondiscrimination and anti-harassment policies.

Protected activity includes:

- Filing a complaint of discrimination or harassment;
- Participating in an investigation of discrimination or harassment;
- Opposing conduct reasonably believed to constitute discrimination or harassment.



Policy Implications: Not Just Discrimination

SPP 801: *Employee Conduct and Work Rules*

- Discourtesy towards others
- Conduct unbecoming to a university employee

ACD 204-01: *Faculty Code of Ethics (many provisions)*

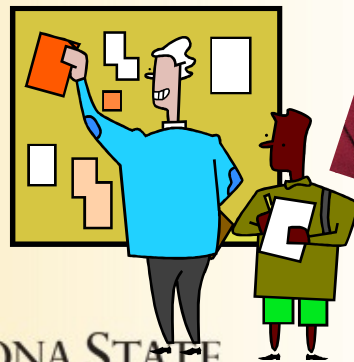
- To show professional courtesy and respect for others

ABOR 5-308: *Student Code of Conduct*

- Engaging in harassment or repeated contact that a reasonable person would understand to be unwanted

Potentially Risky Behaviors

- Words
- Actions
- Physical Contact
- Humor
- Posters & Pictures
- Off-Campus Events



Scenario #1

As a supervisor, you develop a consensual relationship with your student worker. You both have agreed to keep this relationship a secret and remain professional in the office. After a year of dating, you (the supervisor) decide to break up however your student worker will not stop pursuing.

As a supervisor, is your conduct appropriate since this was a consensual relationship?

Should you just terminate the student worker to end the problem?

Any potential policy violations?



Scenario #2

As a supervisor, one of your student worker informs you “in confidence” that she has a crush on a student worker (another one of your direct reports). She explains that she’s asked Fred out several times, but he continues to say “no thank you”.

Since you and this female student worker have a friendship external to ASU, you listen, but don’t take action.

As a supervisor, are you required to report or document this information?

Has the student worker done anything wrong?

Should you terminate this student worker?



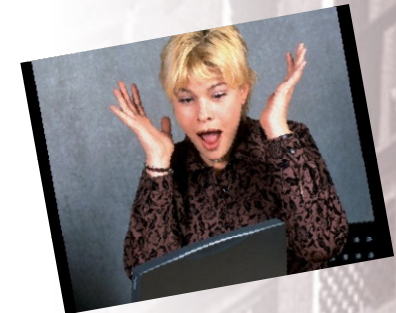
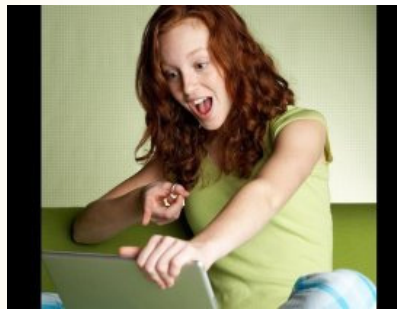
Scenario #3

As a manager, you work in an office with four direct reports (all student workers) and in close proximity to two other operational departments. When one of your student workers turns on their computer, pictures of nude men and women are instantly displayed. To your knowledge, no one in the office has made a complaint.

Is there a problem?

What is the role of the manager, if any?

Should the student worker be terminated?



Campus Resources

- ASU Student Employment Office (5-6305)
- Office of Equity and Inclusion (5-5057)
- Employee Assistance (5-2271)
- General Counsel (5-4550)
- Dean of Students/Student Advocacy (5-5302)
- Student Rights and Responsibilities (5-6547)
- Student Counseling Services (5-6146)
- ASU Police Department (5-3456)
- BRT/SACC (<http://emergency.asu.edu/>)



Q & A

