

Welcome

- Thank you for taking this time to participate in our training on Harassment and Discrimination. This training is mandatory and will be documented to ensure that you have completed the training.

Some Interesting Historical Facts on Harassment and Discrimination

- In 1976, it was noted that 9/10 women in the work force reported feeling some type of harassment or discrimination
- In 1980, it was noted that 42% women and 15% men in the workforce reported feeling some type of harassment or discrimination
- In an Internet article titled “Sexual Harassment Statistics - Sexual Harassment Statistics in the Workplace” written by Nikki Katz, a telephone poll conducted by Louis Harris and Associates on 782 workers revealed:
 - 31% of the female workers claimed to have been harassed at work
 - 7% of the male workers claimed to have been harassed at work
 - 62% of targets took no action
 - 100% of women claimed the harasser was a man
 - 59% of men claimed the harasser was a woman
 - 41% of men claimed the harasser was another man

What Statutes and Regulations Prohibit Harassment and Discrimination

- Numerous Federal Statutes and Regulations prohibit discrimination
- The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution protects against government action that discriminates on the basis of race, national origin and sex. This constitutional amendment provided the first protection against discrimination for a specific class of people. Although the amendment does not specifically mention race, the intent when it was passed at the end of the Civil War was clear-the states were required to treat all citizens, especially African Americans, equally
- South Dakota Human Relations Act, prohibits discrimination based on race, color, creed, religion, sex, ancestry, disability or national origin with respect to employment, union membership, housing, property rights, education, public accommodations, and public service
- Court System
 - US Supreme Court
 - Civil Court
 - Criminal Courts

A Message about Discrimination and Harassment

- Stable, effective and prosperous organizations observe norms of conduct under which all individuals are expected to treat one another civilly and to carry out their respective tasks in a constructive and informed manner. By virtue of their special role in preparing future generations of leaders, educational institutions have a particular concern with conduct that subjects members of the institutional community to harassment on the basis of sex, race or any other grounds. Harassment and discrimination is a violation of the expectation that every individual, student or staff member, deserves to be treated fairly and with respect for his or her dignity as a person.
- For these reasons, it is our policy that no form of harassment or discrimination of employees, students, and others associated with our institutions be permitted. All reported incidents will be investigated promptly and acts of prohibited behavior will result in corrective action, including disciplinary action pursuant to the South Dakota Board of Regents Human Rights Complaint Procedures.
- [SDBOR Policy Manual, EQUAL OPPORTUNITY, NON-DISCRIMINATION, AFFIRMATIVE ACTION 1:19](#)

SDBOR Equal Employment, Non-discrimination Policy

- South Dakota Board of Regents Equal Employment, Non-discrimination Policy
- [SDBOR Policy Manual, EQUAL OPPORTUNITY, NON-DISCRIMINATION, AFFIRMATIVE ACTION 1:19](#)
- I have read and understand the EEO Policy and Nondiscrimination Policy as outlined above and will abide by the said policies.

SDBOR Sexual Harassment Policy

- [SDBOR Sexual Harassment Policy](#)
- I have read and understand the Sexual Harassment Policy as outlined above and will abide by the said policies.

What Is Harassment?

- Harassment is conduct toward another person that has the purpose or effect of creating an intimidating, hostile, or demeaning environment and that interferes with his or her ability to participate in or realize the intended benefits of an institutional activity, employment or resource. Where the individual who is the target of the conduct does not perceive as intimidating, hostile or demeaning, there is no harassment.
- Our policies prohibit any form of harassment or discrimination on the basis of race, color, creed, religion, national origin, ancestry, citizenship, gender, sexual orientation, age or disability or harassment/discrimination on any grounds.

Harassment Continued...

- Harassment consists in most cases of more than casual or isolated incidents. Consideration should be given to the context, nature, scope, frequency, duration and location of the incidents, whether they are physically threatening or humiliating as opposed to merely offensive utterances, as well as to the identity, number and relationships of the persons involved.
- Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive or persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

What is Discrimination

- Discrimination is defined as disparate treatment toward a protected class. A protected class is defined by the Equal Employment Opportunities Commission as having the following characteristics:
 - Age
 - Religion
 - Race
 - Sex
 - Disability
 - Color,
 - Gender,
 - National Origin,
 - Creed,
 - Military,
 - Pregnancy,
 - Marital Status.

Examples of Behavior Relevant to Discrimination/Harassment Claims

- Jokes involving race, gender, religion, disability
- Failure to provide accommodations to individuals with disabilities
- Demeaning, intimidating, or aggressive behavior particularly if it targets an individual from a protected group
- Treating women and men differently
- Treating individuals from the US different from individuals from outside the US
- Inappropriate touch or comments

What Constitutes Sexual Harassment

- While there are many forms of harassment, one form which receives significant media attention is sexual harassment. Sexual harassment is a specific form of harassment.
- It can be established by showing that an individual has been subjected to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- Sexual harassment may also be established by showing participation in the creation of an intimidating, hostile or demeaning environment.

Definition of Harassment

- **Quid pro quo harassment** – Quid Pro Quo involves an employee being pressured to submit to unwelcome sexual advances in exchange for retaining or gaining certain terms or conditions of employment.
- **Hostile Work Environment** — Hostile environment harassment occurs when an employee is subjected to unwelcome conduct based on protected classes that is sufficiently pervasive or severe to alter the terms or conditions of the victim's employment and create an abusive or hostile work environment.

Specific Examples Of Behavior Which May Be Sexual Harassment

- Often students and employees are unsure about whether they have experienced harassment. If you are facing unwanted sexual behavior and it is affecting your education or job, you are probably experiencing sexual harassment. The following examples, while not all inclusive, could constitute sexual harassment:
- Sexual comments, teasing, or jokes;
- Suggestive gestures, sounds, or whistles;
- Inquiries or discussions about sexual activities;
- Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- Sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- Graphic or sexually suggestive comments about an individual's attire or body;
- Unwanted or unnecessary physical contact, sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- Suggestive, obscene or harassing messages sent via computer or left on an answering machine or voice mail;
- Requesting or demanding sexual favors in exchange for employment or academic opportunities (such as promotions, keeping a job, grades, or recommendations).

What is your RESPONSIBILITY as an Employee

- Don't wait until the situation is so bad that you feel uncomfortable in that environment. Talk to the person with whom you have a concern. If you're not comfortable talking to that person, seek assistance from your HR/EEO Officer.
- Remember there are a variety of measures to address concerns, either through informal or formal means. To view the formal complaint procedures click the link below.
- Employees and Management who are aware of complaints are required to report them (formal or informal, resolved or not) to the Equal Opportunity Officer. Confidentiality will be maintained to the maximum extent possible in resolving the problem. If a complainant chooses to exercise his or her right to file a formal complaint, the South Dakota Board of Regents Human Rights Complaint Procedure will be used in the investigation and resolution.
- [LINK TO COMPLAINT POLICY \(SDBOR\)](#) Policy 1.18

Non-Retaliation/Non-Coercion

- Are you sure...
- Complainants, witnesses, and other persons who have assisted, testified, or participated in any manner in any phase of an investigation will be protected.
- Institution policy and applicable Board of Regents, State and Federal regulations prohibit retaliation, coercion, interference and/or intimidation, or any other adverse act. Persons committing such adverse actions will be subject to disciplinary action.

Confidentiality

- Confidentiality will be maintained to the maximum extent possible in resolving harassment and discrimination concerns.
- This confidentiality requirement is critical not only for the individual with the complaint, but also for the individual against whom the complaint was filed.
- Witnesses or other involved individuals will also be required to maintain confidentiality.

Conclusion

- Remember that Discrimination and Harassment are important issues that our institution takes seriously.
- If you are ever in doubt about telling a joke or making personal contact, such as a hug or a touch, don't do it.
- If you feel that you have been discriminated against or harassed, please call the HR/EEO Officer or speak to a manager for help.

Quiz

Please read through the following question and circle your answer of True or False.

- True or False? The Institution is not responsible for third party harassment.
 - True
 - False
- True or False? A written form of harassment may be any electronic messages with inappropriate content.
 - True
 - False

Quiz Continued

- True or False? If an employee does not complain about harassing behaviors then the behavior is welcomed and not harassment.
 - True
 - False
- True or False? Employees are required to report incidents of harassment in accordance with the policies and procedures.
 - True
 - False

Verification

This acknowledges _____ participation in the South Dakota Board of Regents Harassment/Discrimination Preventative Training program. Policies 1.17, 1.18 and 1.19 – regarding Sexual Harassment, Human Rights Complaints Procedures, Equal Opportunity, Non-Discrimination, Affirmative Action have been read and understood.

Employee Signature

Date