

Eliminating Discrimination and Harassment at BYU

Sue DeMartini
Equal Opportunity Manager
Brigham Young University

Congratulations on your appointment as a teaching assistant in the College of Family, Home, and Social Sciences. This opportunity is a manifestation of the confidence your college places in your preparation, ability, and good judgment. I wish you success in this endeavor.

The purpose of this training is to inform you of your specific responsibility as an employee of the University and your college to refrain from and prevent unlawful discrimination and harassment in the discharge of your duties. This important responsibility applies both to your personal conduct and the conduct of students within the classroom.

A More Respectful Campus



BYU's Goal

To provide a university education
in an environment that is respectful
and free from unlawful
discrimination

Introduction • Discrimination • Inappropriate Behavior • Complaints • Conclusion

The University's goal is to provide an education in an environment that is respectful and free from unlawful discrimination.

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Toward that end, BYU:

- Promotes the CES Honor Code
- Complies with federal and state law (Title VII of the Civil Rights Act and Title IX of the Education Amendments)

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Toward that end, appropriate conduct at BYU is influenced by the Church Education System Honor Code and federal law, particularly the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. We'll discuss our obligations under the law in some detail.

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It is unlawful to discriminate against seven protected classes:

- RACE OR COLOR
- NATIONAL ORIGIN OR ETHNICITY

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Federal law prohibits discrimination against seven protected classes. The first two are race and national origin. Race is still the most prevalent form of discrimination and occurs in subtle ways on our campus. A female student of a race other than Caucasian told me recently of the racial bias she has experienced at BYU. At a recent basketball game, she sat in front of a group of students who were having a lengthy discussion about the reasons they did not like people of her race. From the back, she would look like any other Caucasian student, and they most likely did not realize they were talking about her. On another occasion, a friend of her roommate told the student bluntly, "I just have to be honest. I have a real problem with. . ." (Then she named this student's race along with her negative observations.)

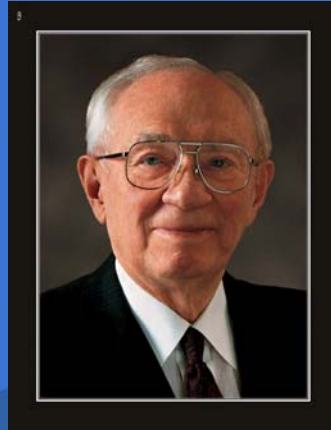
National origin discrimination has been increasing in the past six years. Given the complex issues surrounding immigration, terrorism, and violence in our society, you might feel justified in feeling some bias against people from other nations. No matter the reason, discrimination based solely on where a person originates is unlawful.

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Regardless of the color of our skin, of the shape of our eyes, of the language we speak, we all are sons and daughters of God and must reach out to one another with love and concern.

- President Gordon B. Hinckley, "Closing Remarks," *Ensign*, May 2005, 102



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President Hinckley has said, "Regardless of the color of our skin, of the shape of our eyes, of the language we speak, we all are sons and daughters of God and must reach out to one another with love and concern."

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It is unlawful to discriminate against seven protected classes:

- RACE OR COLOR
- NATIONAL ORIGIN OR ETHNICITY
- AGE

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The following scenario depicts discrimination against a third protected class – age.

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Age Discrimination Video

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It is unlawful to discriminate against individuals who are age 40 or older.

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It is unlawful to discriminate against individuals who are age 40 and older. An older BYU student from another country wondered whether she was experiencing discrimination as she participated in an internship required for her major. The young man evaluating her performance consistently gave her poor grades. Because he provided no clear feedback on her deficiencies or the course expectations, she thought that perhaps he held a bias against her age or nationality. When dealing with any student outside the norm, ask yourself, “Would I treat my favorite student in the class the same way that I am treating the individual standing before me?” If you can answer ‘yes’, you will be assured that you are treating all individuals fairly.

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It is unlawful to discriminate against seven protected classes:

- RACE OR COLOR
- NATIONAL ORIGIN OR ETHNICITY
- AGE
- RELIGION

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The fourth protected category is religion. Given the religious foundation of our institution, it would be easy to assume that everyone at BYU is a member of the LDS Church and holds similar values and beliefs. That is not the case. One or more students in your class may be members of another faith. Your conversations and class discussions should consistently demonstrate respect for and appreciation of religious diversity.

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It is unlawful to discriminate against seven protected classes:

- RACE OR COLOR
- NATIONAL ORIGIN OR ETHNICITY
- AGE
- RELIGION
- VETERANS
- DISABILITY

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It is unlawful to discriminate against veterans and individuals who are disabled. If a student has recently returned from active military duty and has unusual need, work with your faculty instructor to meet the need where appropriate and possible.

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Disability Video

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It is unlawful to discriminate against seven protected classes:

- RACE OR COLOR
- NATIONAL ORIGIN OR ETHNICITY
- AGE
- RELIGION
- VETERANS
- DISABILITY

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If a disabled student asks for an accommodation to help him or her succeed in the course, again work with your faculty instructor and the University Accessibility Center first to verify that the student qualifies for an accommodation and then to identify the correct accommodation

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It is unlawful to discriminate against seven protected classes:

- RACE OR COLOR
- NATIONAL ORIGIN OR ETHNICITY
- AGE
- RELIGION
- VETERANS
- DISABILITY
- GENDER

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Gender is the seventh protected category. The remainder of our discussion will focus on issues pertaining to gender discrimination and will identify attitudes and behaviors that could put you and the students in your class at risk.

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Gender Discrimination

Hostile and degrading behavior
toward women or men

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Gender discrimination is defined as hostile or degrading behavior toward women or men (because of their gender) and includes unlawful sexual harassment.

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Unlawful Sexual Harassment: Deliberate or repeated behavior of a sexual nature that is unwelcome.

Quid Pro Quo

A person threatens or promises consequences that he/she can enforce to secure compliance to unwelcome sexual behavior.

Hostile Environment

Unwelcome and repeated sexual behavior that interferes with school or work performance or access to BYU opportunities.

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Unlawful sexual harassment is specifically defined as “deliberate or repeated behavior of a sexual nature, which is unwelcome.” Harassment must satisfy all three elements to be considered unlawful. It must be deliberate or repeated, sexual in nature, and unwelcome. The less common form is known as Quid Pro Quo harassment. *Quid Pro Quo*, in essence, means this for that and occurs when an individual with power or authority over another demands or requests sexual favors either in exchange for some benefit or to avoid some penalty. An example would be a teaching assistant who says to a student in his or her classroom, “Make out with me tonight and I’ll make sure you get an A for this course.” Fortunately, this form of harassment rarely occurs on our campus.

The more common form of unlawful sexual harassment is known as hostile environment harassment. In this instance, the victim is subjected to unwelcome sexual comments, innuendoes, touching, requests for dates, etc. that occur so frequently as to interfere with the victim’s work or academic performance or opportunities.

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EXAMPLES OF SEXUAL HARASSMENT:

- Verbal – “Babe, stud”; sexual jokes; lewd comments; whistling and cat calling
- Non-verbal – Staring; sexual gestures; giving unwelcome gifts; unwanted letters or emails
- Physical – Massages; touching clothing or hair; hugging; invading personal space; sexual assault

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Here are some examples:

Verbal harassment includes lewd or suggestive comments, such as whistling, or calling someone babe, honey, or stud.

Non-verbal harassment includes staring, checking out someone’s body visually, suggestive text messages or emails, persistent pursuit of a personal relationship.

Physical harassment includes unwelcome massages; touching clothing, hair, or other parts of the body; invading an individual’s personal space; and sexual assault.

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HOSTILE GENDER BEHAVIOR:

- Sexist or derogatory comments
- Sex-stereotyped tasks
- Demeaning jokes
- Comments that question competence
- Discrimination based on pregnancy or potential to become pregnant

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Gender discrimination, on the other hand, occurs far more frequently both on our campus and in our society. It can be very subtle. Hostile behavior includes:

Sexist or derogatory remarks such as “Women are weak.” “Men are animals.”

Sex-stereotyped tasks. “Women belong in the kitchen.” “Cleaning bathrooms is women’s work.” “Taking out the garbage is men’s work.”

Demeaning jokes. A familiar category is ‘dumb blond’ jokes; however, any joke that elicits a laugh at the expense of any individual’s self-esteem is inappropriate and insensitive (example: Individuals who suffer from OCD, obesity, learning disability, etc.)

Comments that question competence. Examples: Female TA in Physical and Math Sciences, “What are you doing in this major? This major is for males.” Male Resident Assistant “What are you doing in this major? This major is for females.”

Discrimination based on pregnancy or the potential to become pregnant.

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INAPPROPRIATE GENDER-BASED BEHAVIOR:

- Violates the Honor Code, or
- Violates an individual's dignity, *but*
- Does not rise to level of unlawful harassment

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Long before an individual's bad behavior becomes unlawful, it will likely violate the University's Inappropriate Gender-based Behavior Policy and the Honor Code. The University defines as 'inappropriate' behavior directed at another person that violates the Honor Code or the individual's dignity but does not rise to the level of unlawful sexual harassment. All of the previous examples pertaining to unlawful discrimination and gender harassment apply to inappropriate gender-based behavior, just to a lesser degree.

Consider this scenario.

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TA Makes Suggestive
Comment or Touches
Inappropriately
Video

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AREAS OF RISK:

- Profane, vulgar, and sexually-explicit language
- Any conversation that is sexual in nature
- Sexually-oriented comments, jokes, or flirting
- Inappropriate use of electronics (computers, emails, text messages)
- Unwelcome touching
- School or work-related off-premises conduct

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Risky behaviors include:

- * Profane, vulgar, and sexually-explicit language;
- * Any conversation that is sexual in nature;
- * Sexually-oriented comments, jokes, or flirting;
- * Inappropriate use of electronics (computers, emails, text messages)
- * Unwelcome touching
- * Work-related off-premises conduct. Your responsibility to refrain from and prevent student harassment extends to class-related activities in which you participate that occur off campus.

A final and serious risky behavior is demonstrated in this scenario.

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TA Pursuing Student Video

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Avoid romantic relationships!

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As a TA, you represent the professor and serve as an intellectual guide, mentor, and advisor. A romantic relationship between a teacher and a student is inconsistent with the proper role of the teacher and should be avoided. The same policy and guidelines are in effect for teaching assistants.

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Professionalism - Meeting individually with a student

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Although the students in your classes are your peers, your role as a teaching assistant requires a high standard of professionalism. The following scenario depicts a professional approach to one of your forthcoming responsibilities – meeting individually with a student.

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Meeting with a Student Video

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How to Recognize Inappropriate Behavior - Trust Your Feelings!

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As mentioned earlier in this presentation, you have a specific responsibility to prevent sexual harassment and inappropriate behavior in the classroom. How do you recognize harassment or inappropriate behavior?

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Does the behavior
make you or someone
else uncomfortable?

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A good rule of thumb is to ask whether the behavior causes you or someone else discomfort. The behavior does not need to be directed at you or another student for it to adversely affect either of you. For example, before class begins, two male students could be discussing loudly the attractive body of a woman they know in terms that are very explicit. No one else is included in their conversation but those around them may be very uncomfortable with the topic of conversation which they can overhear. It would be appropriate for you to ask them to stop.

What should you do if you face the following scenario?

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As a TA, if you experience, witness, or receive a report of inappropriate behavior:

- Ask the harasser to stop
- Notify your professor or the EEO manager
- Record the event. Think of who, what, where, when, and how.

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Don't worry about judging whether the behavior is illegal. If you receive a complaint or you experience or witness something that makes you uncomfortable, address the situation in a sensitive and respectful manner. You may –

- * Ask the harasser to stop either directly or in writing, if appropriate and feasible, or
- * Refer the matter to your professor or department chair

In any case,

- * Report the incident to your professor or department chair, or
- * Report the incident directly to the Equal Opportunity Manager, AND
- * Record the event – Think of who, what, where, when, and how

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If the professor is allegedly behaving inappropriately:

Refer the student to the Department Chair, Dean, or Equal Opportunity Manager

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In the situation where the professor may be behaving inappropriately,

* Refer the student to the department chair, dean, or Equal Opportunity Manager, or

* Contact the department chair, dean, or Equal Opportunity Manager yourself

BOTTOM LINE! Whenever you face a situation involving inappropriate behavior or potential unlawful sexual harassment, **DON'T IGNORE THE PROBLEM.** Contact a trusted individual who has authority to address and resolve the concerns.

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Use your good judgment
and common sense.

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This training has addressed numerous issues pertaining to appropriate behavior in the classroom and has given you a glimpse of situations you may face in your work as a TA. It is neither comprehensive nor extensive. In the time allotted, we can only briefly touch upon some of the more important concepts. You now have the responsibility to use your good judgment and common sense to create and maintain a respectful classroom environment. Some counsel taken from King Benjamin's address in Mosiah 4 of the Book of Mormon is applicable. He said,

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“. . .watch yourselves, and your thoughts, and your words and your deeds. . .”
(Mosiah 4:30) to create a more respectful campus.

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“And finally, I cannot tell you all the things whereby ye may commit sin; for there are diverse ways and means, even so many that I cannot number them. But this much I can tell you, that if ye do not watch yourselves, and your thoughts, and your words, and your deeds . . . ye must perish. . . And now remember and perish not.”
(Mosiah 4:29-30)

This counsel seems particularly applicable in guiding appropriate TA and employee conduct. As we control our thoughts, words, and actions and help others to do the same, we will have done our part to create a more respectful campus.