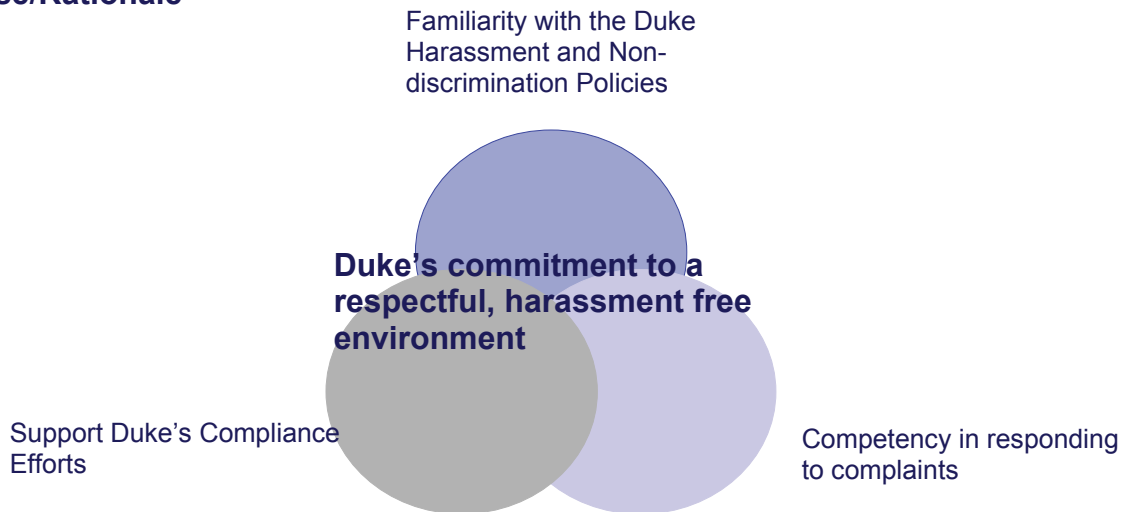


Managing Diversity At Duke: A Toolkit for Managers

Toolkit 4: RESPONDING TO HARASSMENT OR DISCRIMINATION COMPLAINTS

Purpose/Rationale

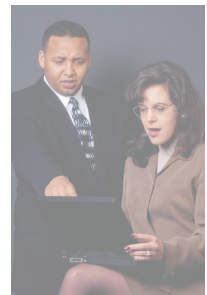


What is Harassment?

Occurs when...

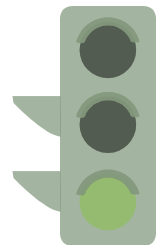
physical or verbal behavior is so severe or persistent that it is likely to interfere with an individual's work or education, or adversely affect an individual's living conditions

When evaluating the alleged behavior, it is examined from the perspective of a reasonable person similarly situated to the individual who is complaining and in consideration of the surrounding circumstances



DO

- Familiarize yourself with the Harassment policy (www.duke.edu/web/equity)
- Be attentive and non-judgmental when listening
- Communicate critical components of policy
 - *Prohibition of retaliation*
 - *Expectation of privacy/discretion*
 - *Multiple resources for assistance*
- Follow-up with due diligence
- Gather relevant facts; avoid redundancy
- Make informed, objective and properly documented determination



DON'T

- Pre-judge credibility of either party
- Guarantee confidentiality
- Guarantee a specific outcome
- Gather redundant information
- Avoid providing sufficient details to the respondent
- Discourage the complainant from contacting other internal or external resources



Q's and A's

- ***What do I say to an employee who comes to me and raises an allegation of harassment or discrimination***

Thank the employee for bringing this matter to your attention.

Assure the employee that her concern will be taken seriously and that there will be follow-up. Communicate the prohibition of retaliation. Provide the employee with other available resources

- ***An employee has complained of sexual harassment, but doesn't want me to do anything about it. Can I guarantee confidentiality?***

No. While it is important to treat issues of harassment with discretion and a high degree of privacy, it would be unwise to guarantee that such a matter can remain confidential.

Scenario

You work as the Chief Administrator in your department. Jennifer, a lab data manager, telephones and says she has to meet with you right now. When she arrives at your office, Jennifer blurts out that she is being harassed by Tom, the head of her lab. Jennifer explains that during a meeting with Tom, he "looked her up and down," obviously not attentive to the clinical trials data results she was presenting. Jennifer goes on to say that when she asked Tom for his feedback, he closely leaned over to her and said, "You sure look great today." When you ask Jennifer what she did next, she responds, "I just said thank you, grabbed my stuff and got out of there."

Jennifer goes on to say that she has always felt uncomfortable around Tom and that he has invited her out before. Jennifer relates that she told Tom she couldn't go out because she had to wash her hair that night. Jennifer begins to cry and says she cannot work with Tom anymore and wants another lab director to oversee her work. She also says she wants you to make sure she and Tom are never alone together anymore.

Scenario or Video Processing Questions

- What would you be certain to communicate to Jennifer?
- Would you require Jennifer to document her concerns about Tom?
- What would be your next steps?
- How would you respond if Jennifer said she did not want anyone to know she had spoken to you and just wanted to be "quietly" transferred to a different lab?

Summary Points

Communicate the existence of Duke's Harassment Policy to all parties; reiterate the prohibition of retaliation

- Take the concern or complaint seriously
- Remain objective

Utilize your resources

Resources

The Office for Institutional Equity (OIE)
Duke Human Resources Staff and Labor Relations
Personal Assistance Service (PAS)
Your Chief, Director, Dean or Chair
Your Human Resources or Business Manager
Duke Police