

# Lodi Public Schools

## Building a Civil Workplace: Avoiding Harassment and Discrimination

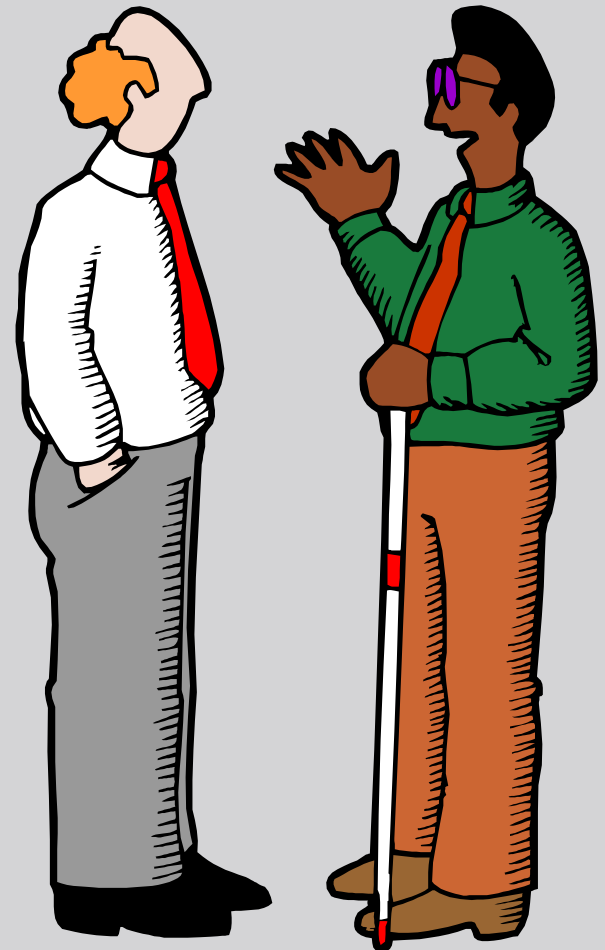


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# WHAT IS THIS REALLY ALL ABOUT?

## RESPECT AND CIVILITY IN THE WORKPLACE!

- Accepting each others' differences
- Appreciating diversity
- Communicating with others in an appropriate manner



# The Consequences of Inappropriate Conduct

- Inappropriate conduct creates a barrier to communication and to working effectively



# Equal Employment Opportunity



It is Lodi's policy to ensure equal employment opportunity without discrimination or harassment.

# Protected Classes

Protected characteristics  
under state and federal  
law:

-  race
-  color
-  national origin
-  religion
-  sex
-  age
-  disability
-  sexual orientation
-  gender identity
-  marital status



# **Workplace Harassment**

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# Elements Of Hostile Environment Harassment

- Unwelcome
  - Physical
  - Verbal
  - Visual
- Targeted in Content or Delivery
- Severe or Pervasive

# One minor remark or off-color joke...

- will not violate the law,  
but will violate Lodi's policy.





# Individuals Covered

- All individuals associated with the County:
  - Employees
  - Applicants
  - Students
  - Parents
  - Visitors
  - Vendors



# Where Does Harassment Occur?

- At the workplace
- School trips
- Off premises at employer-sponsored events
- Off premises at non-sponsored events



# A Word About Welcomeness

- What is welcome to one, may NOT be welcome to all
- Conduct which is welcome today, may NOT be welcome tomorrow
- What is welcome in one setting, may NOT be welcome everywhere

# Determining Whether Conduct is Unwelcome

- ✓ To determine whether conduct is unwelcome, ask yourself these questions
- If someone acted this way toward my spouse, girlfriend/boyfriend, child or parent, how would I feel?
- Would I be embarrassed to see these remarks or conduct reported in the newspaper, on the evening news or to my family?
- Would I engage in this conduct if someone I care about (e.g., spouse, child, parent) was standing next to me?
- Did the complaining employee initiate or participate in the conduct or language with the alleged harasser?

# Who Do You Turn To?

Tell the offender that his or her conduct is unwelcome and ask the person to stop.



# Who Do You Turn To?

- Building Principal
- Immediate Supervisor
- Affirmative Action Officer



# The Investigation

- Promptly, thoroughly and impartially
- Interviews



# A Word About Confidentiality

- We have an obligation to follow up on all complaints of harassment and/or discrimination
- We cannot guarantee absolute confidentiality
- Individuals who raise a complaint under the complaint procedure must also maintain confidentiality





# A Word About Retaliation

# Lodi Public School Sexual Harassment Policy

- The Board of Education recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment
- The sexual harassment of any employee of this district is strictly forbidden.

- Any Employee or agent of this Board who is found to have sexually harassed an employee of this district will be subject to discipline which may include termination of employment
- Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor.

- The Superintendent shall instruct all employees and agents of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.
- It is the policy of the Lodi School District not to discriminate on the basis of race, color, creed, religion, sex, sexual orientation, ancestry, national origin, social/economic status or disability in its educational programs or activities and employment policies.

# Your Responsibilities

- Commitment to the policy
- Take steps necessary to attain compliance



# Employment Law



Jackson Lewis LLP

# QUESTION

Is it unlawful to discriminate against white male employees?





# ANSWER

Yes

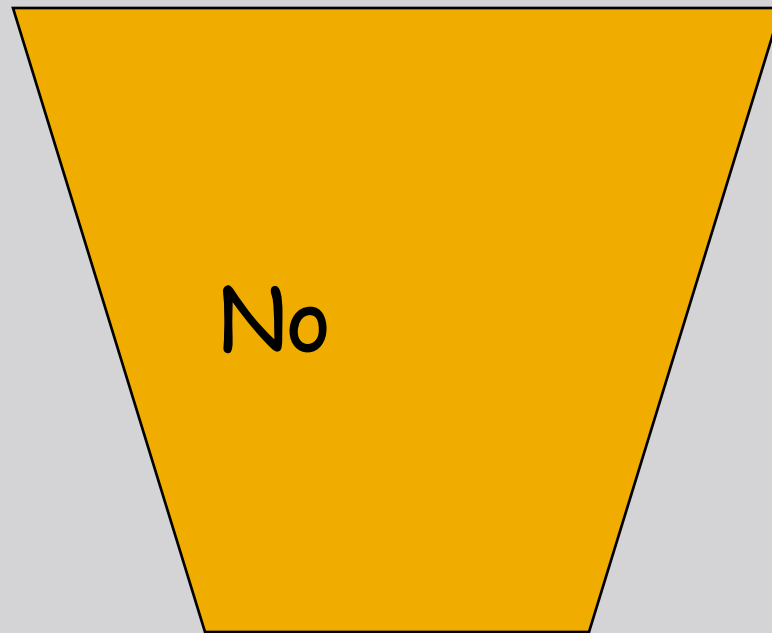


# QUESTION

**Is it unlawful to discriminate against ugly people?**



# ANSWER

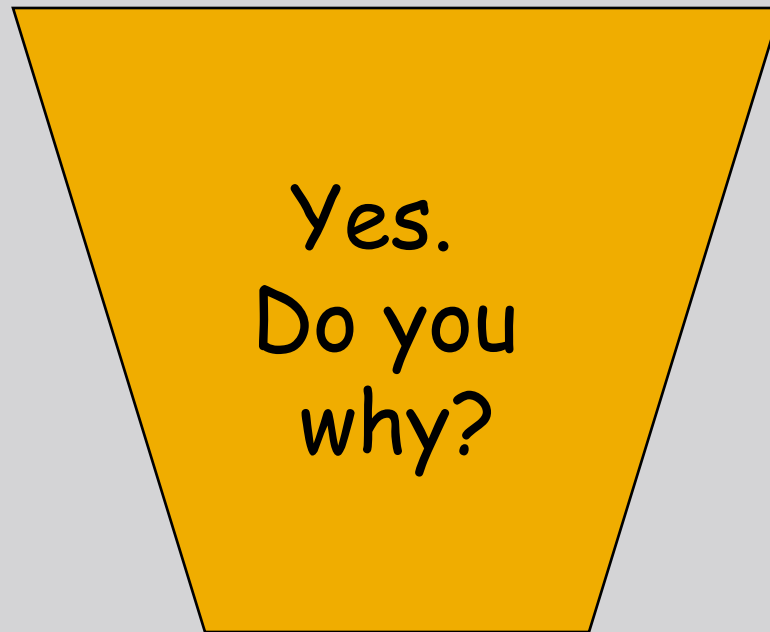


# QUESTION

**Is it unlawful to discriminate against overweight people?**

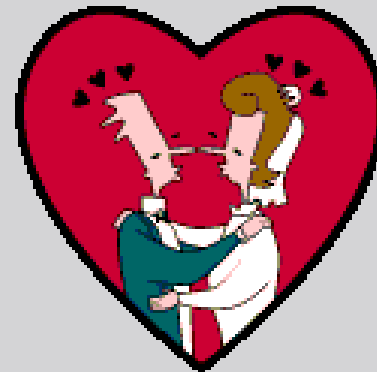


# ANSWER

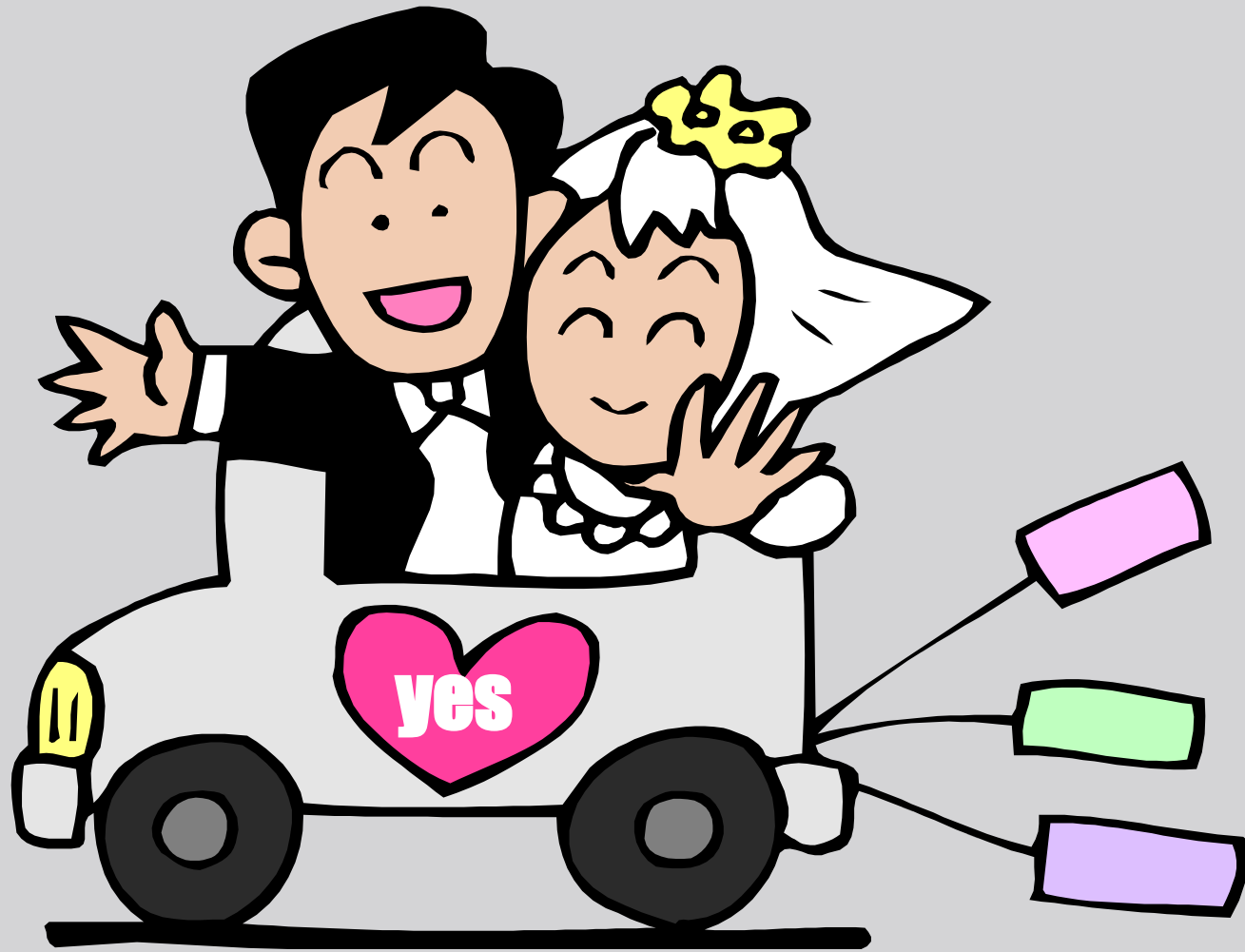


# QUESTION

**In New Jersey, is it unlawful to discriminate against somebody based on their marital status?**

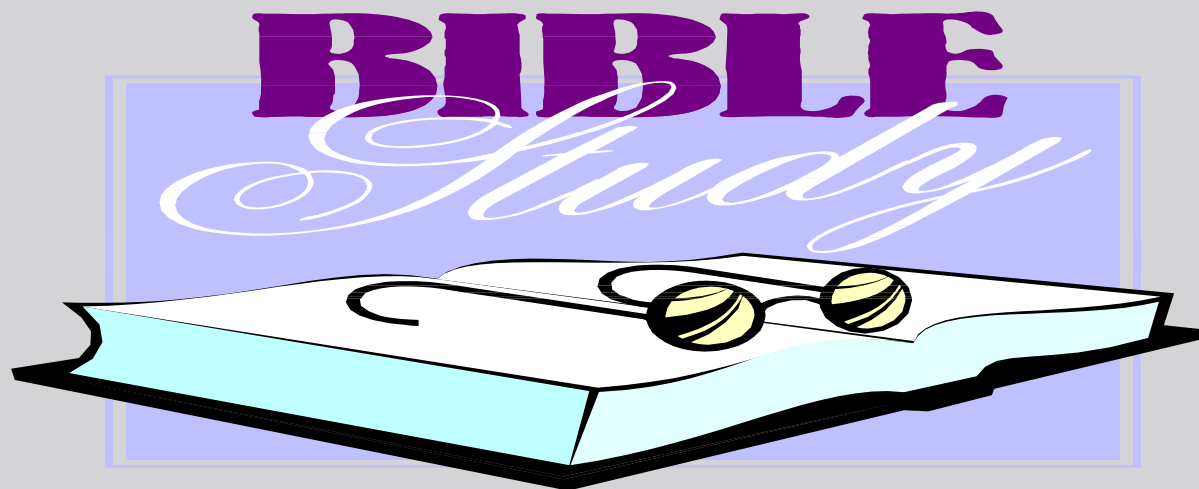


# ANSWER



# QUESTION

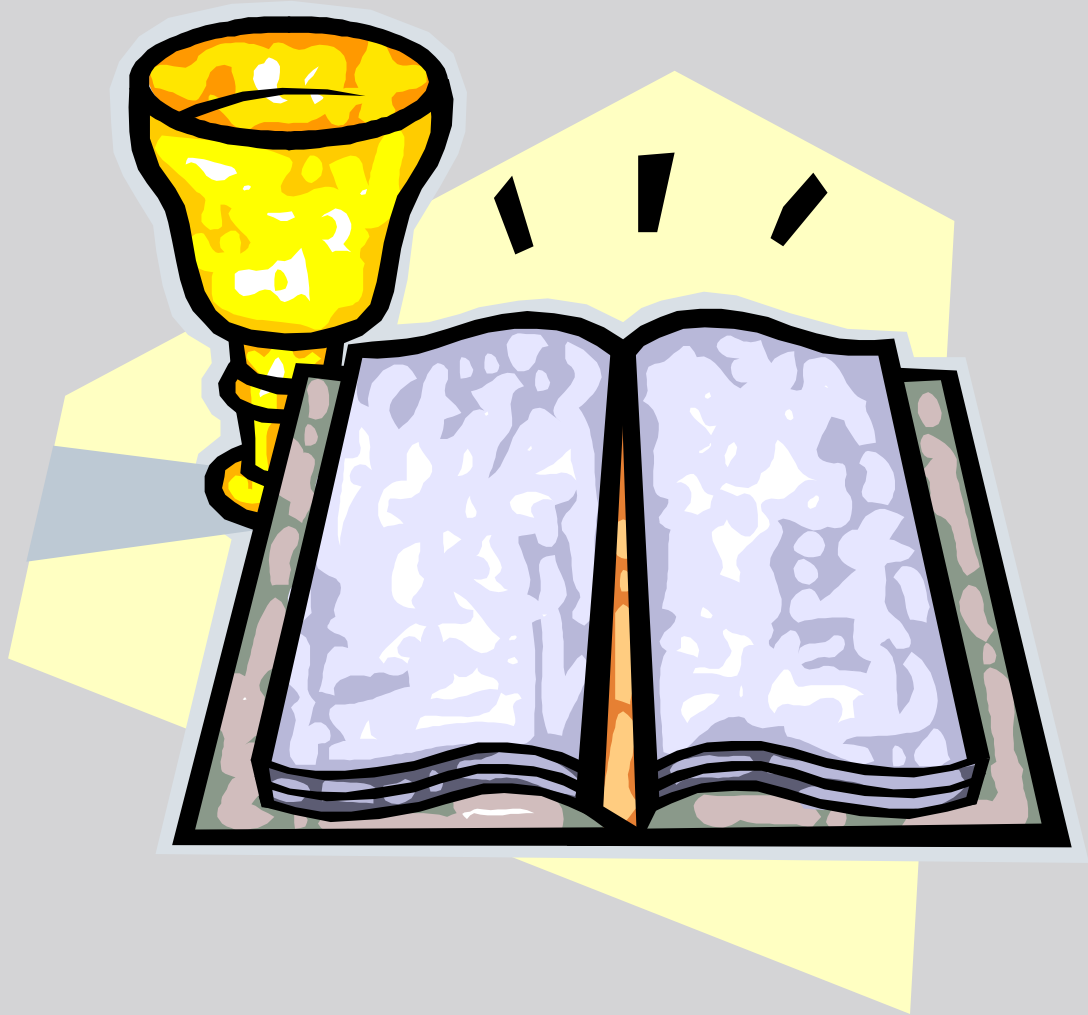
Does an employer have to allow religious employees to distribute religious literature to co-employees?





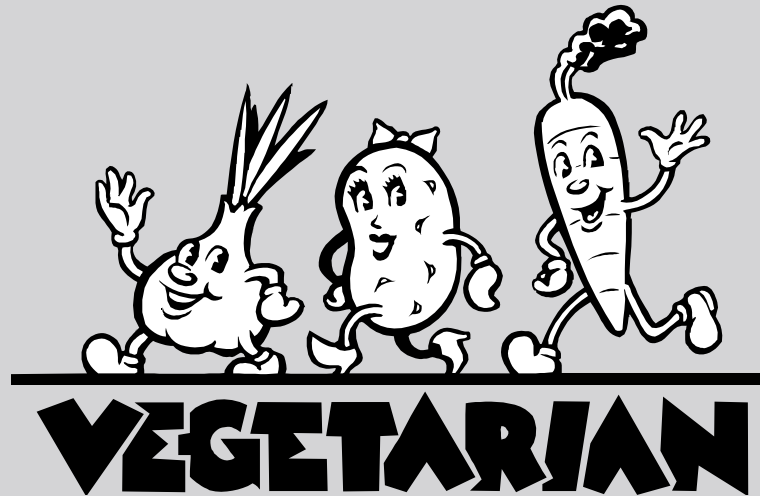
# ANSWER

No



# QUESTION

Are vegetarians a protected category under any discrimination laws?



# ANSWER



# No

# QUESTION

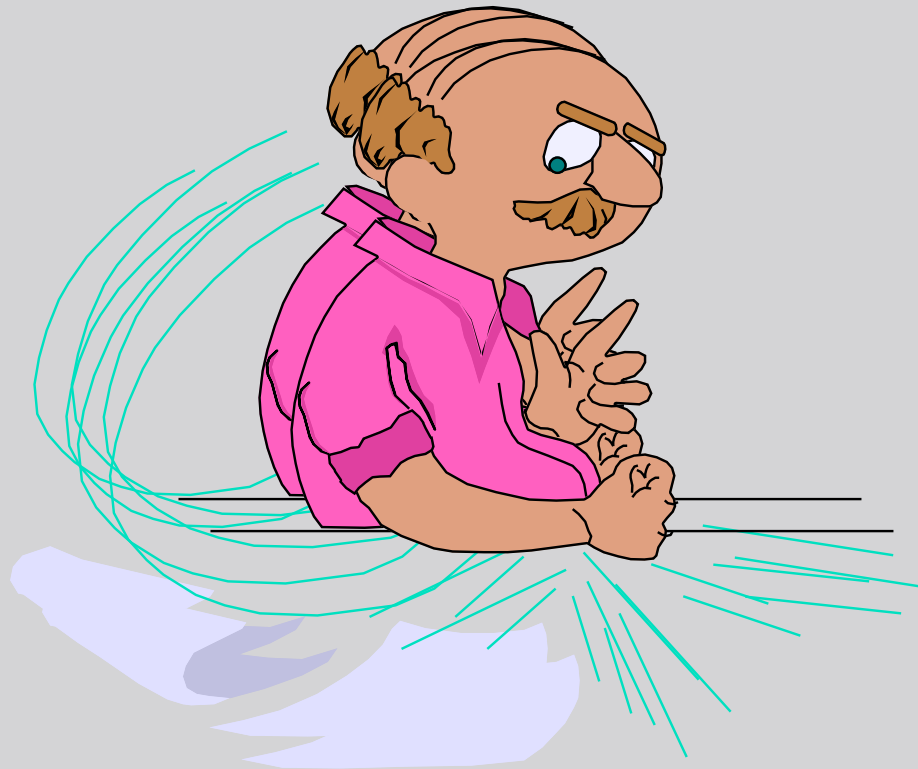
**Under New Jersey State law, is it unlawful to discriminate against somebody based on their sexual orientation?**

# ANSWER



# QUESTION

George, a supervisor, frequently loses his temper and yells at his staff (both males and females).  
Is George liable for sexual harassment?



# ANSWER



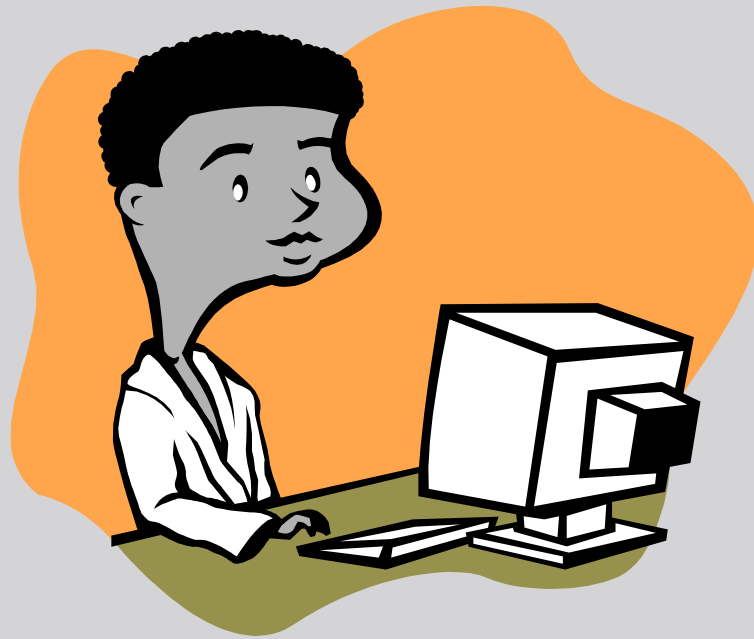
# QUESTION

**In New Jersey, is it unlawful to discriminate against a 20-year old on the basis of his age?**



# ANSWER

Yes



# QUESTION

**Under federal law, is it unlawful to discriminate against a 20-year old on the basis of his age?**

# ANSWER

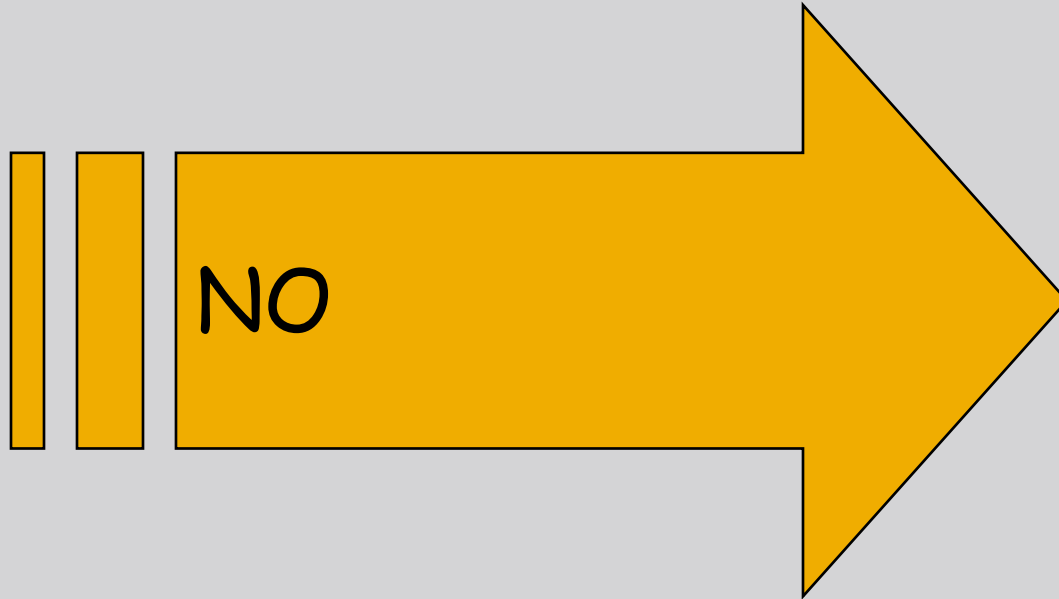


No. Federal law protects individuals who are 40 and over.

# QUESTION

**Is it illegal to terminate people over the age of 40 as a part of a reduction in force?**

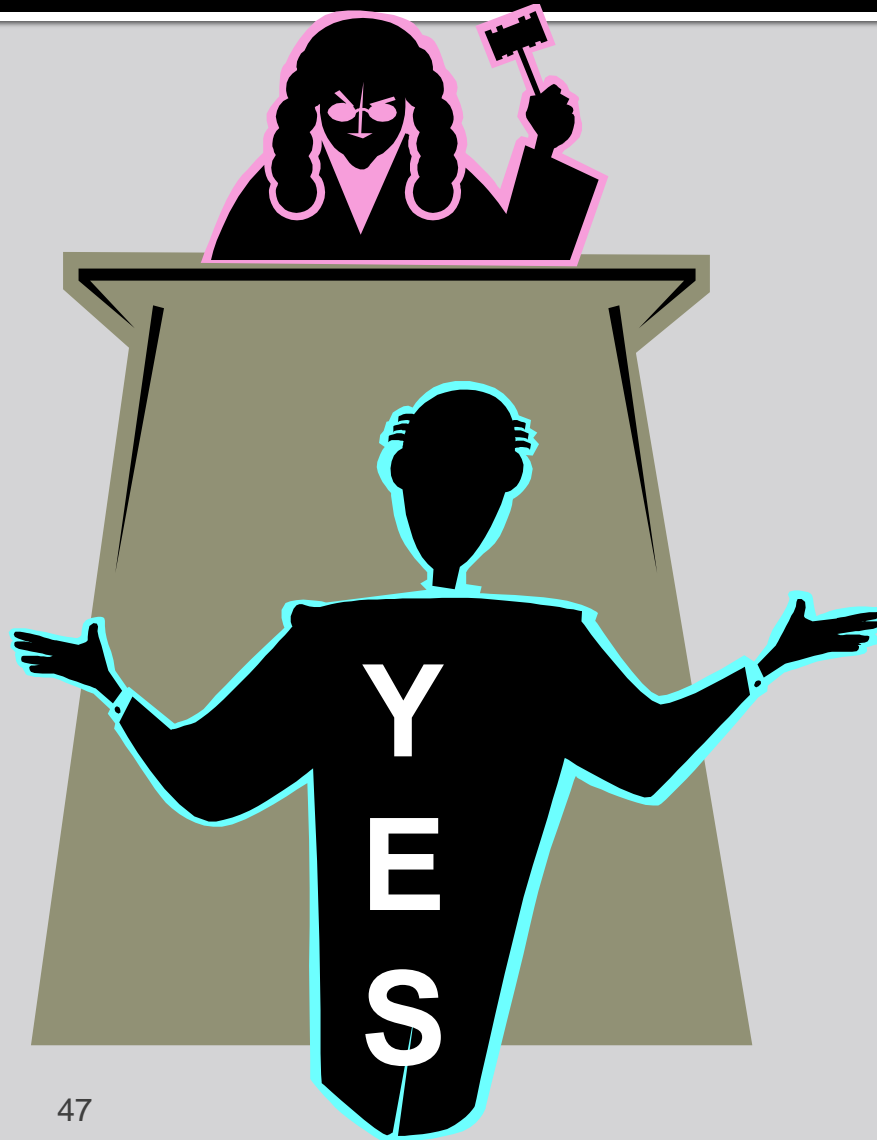
ANSWER



# QUESTION

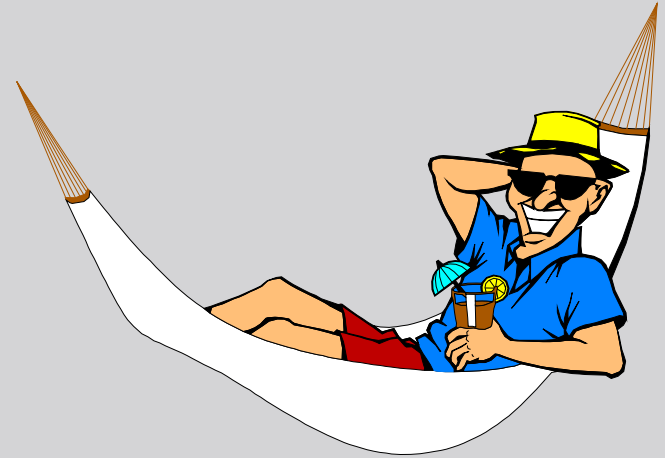
**Under New Jersey law, is it possible for individuals to be held personally liable for employment discrimination?**

# ANSWER



# QUESTION

Is it unlawful to terminate an employee for excessive absenteeism?



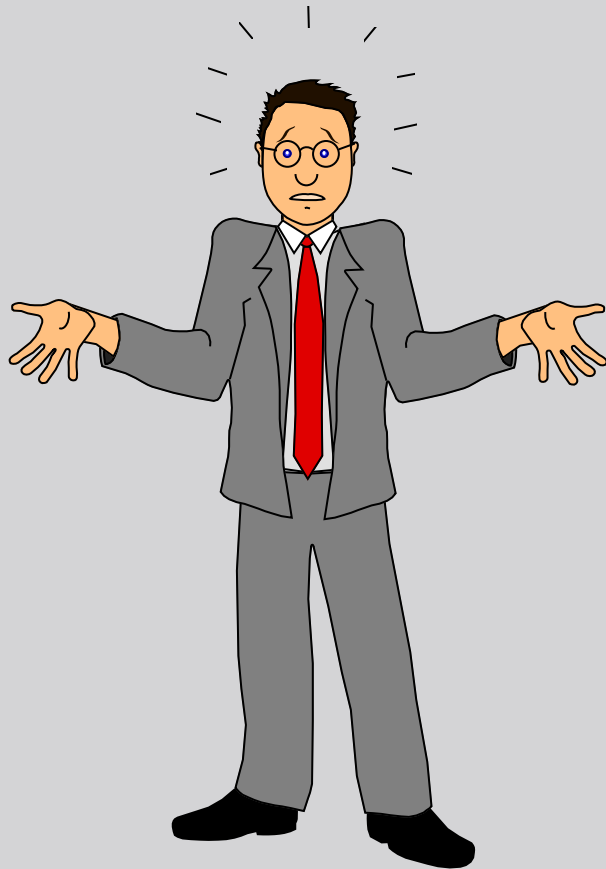


# ANSWER

- No



# QUESTION



Rick uses the terms “honey” and “girl” when referring to his female co-workers. When one of the women complains about this conduct, Rick tells his supervisor that he has used these terms for years and means no harm. Is Rick guilty of sexual harassment?

# ANSWER

- It depends
  - How does he address his male co-workers
  - Now that he knows the conduct is unwelcome, does he continue



# Thank You!



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