

Recognizing Discrimination and Sexual Harassment for Supervisors

Start of Block: Introduction and Objectives



Creating an Inclusive Workplace: Discrimination and Harassment Prevention Training for Supervisors



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Course Description and Objectives

Description: This session will incorporate case vignettes/studies and exercises designed to enhance supervisors/managers' skills in four areas - 1) identifying threshold behaviors and reporting unwelcome, inappropriate behaviors, 2) communicating behavioral expectations to employees, 3) understanding their possible roles in administrative reviews and 4) modeling appropriate behaviors.

Objectives: As a result of this training participants will: understand stereotypes, perceptions, biases, and inequities, recognize behavior and activity in the workplace that may be a form of discrimination, understand the supervisor's role and responsibility to prevent, report, and stop discrimination, understand the Kansas State University policy prohibiting discrimination,



harassment, sexual harassment, and the procedure for reviewing complaints, [PPM 3010](#), including how to report conduct believed to be a violation of the Policy.

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[K-State's Office of Institutional Equity Team](#)

We work with various campus partners, including, but not limited to C.A.R.E, Office of Student Life, Employee Relations and Engagement, et cetera.

If you need to contact OIE, please call 785-532-6220 or email equity@ksu.edu.

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OIE Vision, Values, and Functions

The Office of Institutional Equity (OIE) envisions a university community in which every individual has equal opportunity to learn, work, and contribute, and where full inclusion and respect for all people fosters an environment free from discrimination, harassment and retaliation. OIE values the Kansas State University Principles of Community, equity, diversity, and inclusiveness, for all members of Kansas State University. The result of providing equal access will be students, faculty, and staff collaborating to fulfill our mission as a land grant university.

What does diversity mean to you?

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Diversity:

Includes social/group differences related to race, ethnicity, color, class, gender, gender identity, sexual orientation, country of origin, ancestry, physical and mental ability, age, veteran status, and generational compositions. Also, includes cultural, political, religious affiliation, and individual differences (such as personality, learning style, and life experiences).

Source: [K-State 2025](#)

What diversity means to you:

#{Q4/ChoiceTextEntryValue}

How does the above definition differ from, or match with, what diversity means to you?

What is diversity? Diversity is defined as being distinct in-kind, a variety in form. It is the differences.

When we were kids no one wanted to be picked on or singled out. So many of us tried to blend in. Tried to not stand out from the crowd. But whether it was a teacher or parent, we were taught to appreciate and value what made us different. What made us stand apart and helped us to be unique and special.

Those differences that made us unique and special is our diversity.

If you asked 50 people, you may get 50 different perspectives on what diversity means to them. Even the meaning of a word “diversity” can vary based on our personal experiences. Who we are, our culture, our family background, our educational achievement, all of that shapes and molds who we are.

Diversity is what sets us apart and allows us each to bring something unique and special to our jobs, our communities, and in our interactions with each other.

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Video - <https://www.youtube.com/watch?v=D9Ihs241zeg&t=179s>

Bias is prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

In the above video clip, Chimamanda Ngozi Adichie describes her experiences with a "single story." How do her experiences demonstrate the way biases affect our lives?

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Example: Affinity Bias

- An unconscious preference for something or someone to which we have a resemblance, likeness, or similarity.
- Think of the old adage: "If you always do what you have always done you will always get what you have always got."

For more examples of how a supervisor may be unconsciously biased in the workplace, download the document below:

[Common biases](#)

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Steps to Identify and Address Unconscious Bias

1. Recognize that you have biases.
2. Identify what those biases are.
3. Dissect/Question your biases.
4. Decide which of your biases you will address first.
5. Focus on commonalities.
6. Learn to keep your biases out of your supervisory or general workplace decisions.

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Understanding our World View

Understanding our own world views, stereotypes, and biases helps minimize the effect of these biases in the workplace.

- Stereotypes are general beliefs about characteristics of specific social groups or individuals.
- Generated or fostered by:
 - Experiences...
 - Prior assumptions or preconceived notions...
 - General comments...
 - The brains way of organizing...

End of Block: Introduction and Objectives

Start of Block: Table of Contents

This training consists of five modules total.

Each module must be completed to receive credit for the training.

- Reporting and PPM 3010
- Harassment
- Discrimination
- Resources
- Retaliation

End of Block: Table of Contents

Start of Block: Resources



Office of Institutional Equity

To obtain the policy, visit:

<http://www.k-state.edu/policies/ppm/3010.html>

OR visit

<http://www.ksu.edu/oie>

Office of Institutional Equity

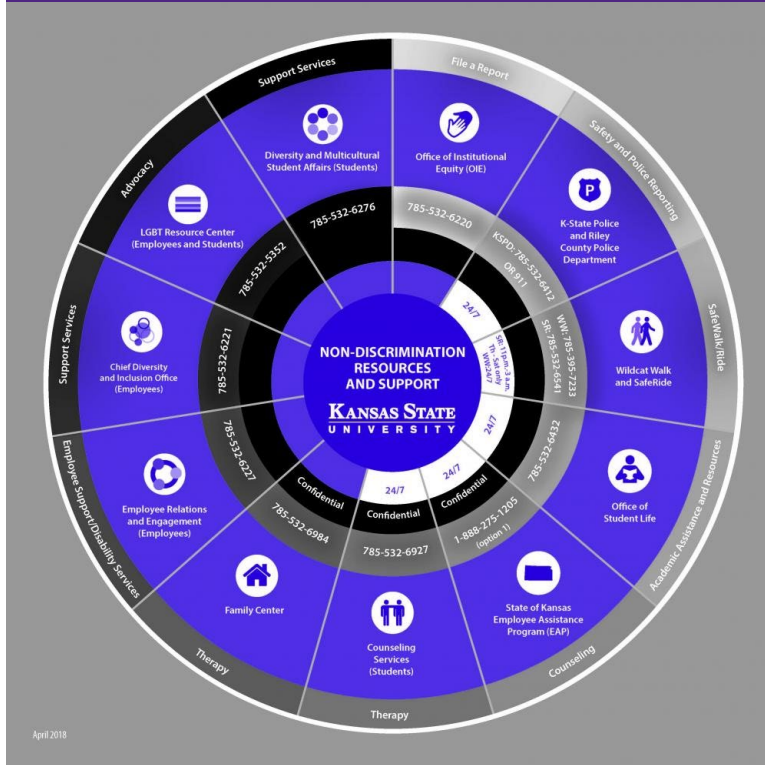
Interim Director & Title IX Coordinator, Justin Frederick

220A Kedzie Hall

785-532-6220 TTY711

[Resource Wheels](#)

KANSAS STATE UNIVERSITY



Counseling Services

Confidential assistance *for students

232 English/Counseling Services Building, 785-532-6927,

www.k-state.edu/counseling

Employee Assistance Program

Dykstra Hall

785-532-6277

www.k-state.edu/hcs

Lafene Health Center

Confidential assistance *for students

Provides a women's clinic that is staffed by skilled nurses, a nurse practitioner, and a board certified gynecologist 1105 Sunset Ave., 785-532-6544,

www.k-state.edu/lafene

Family Center

Provides confidential high-quality, affordable therapy services

139 Campus Creek Complex, 785-532-6984,

www.he.k-state.edu/familycenter

K-State Police Department

108 Edwards Hall, 785-532-6412 www.k-state.edu/police

Salina Regional Health Center 785-452-7000

Salina Police Department 785-826-7210

The Domestic Violence Assoc. of Central Kansas 785-827-5862

Student Support & Accountability, 201 Holton Hall 785-532-6432

End of Block: Resources

Start of Block: Harassment



Kansas State University is committed to providing a work environment in which all individuals are treated with dignity and respect.

- Such an environment cannot be created or sustained if employees are subjected to personal harassment at work.

What is your definition of harassment?

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What is workplace harassment?

In the work, on-campus housing, or other non-academic environment, harassment is conduct toward a person or persons based on a protected characteristic that:

(a) has the purpose or effect of:

(1) creating an intimidating, hostile, or offensive work environment or on-campus housing environment for the person(s); or

(2) unreasonably interfering with the work, or on-campus housing, of the person(s); and

(b) is sufficiently severe or pervasive that it alters the terms, conditions, or privileges of a person's employment, use of on-campus housing, academic opportunities or participation in university-sponsored activities.

How does your definition compare to the above definition?

Your definition:

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Harassment in the Academic Environment

–In the academic environment, harassment is conduct toward a person or persons based on a protected characteristic that:

(a) has the purpose and effect of:

(1) creating an intimidating, hostile, or offensive educational environment for the person(s); or

(2) unreasonably interfering with the academic performance or participation in any university-sponsored activity of the person(s); or

(3) threatening the academic opportunities of the person; and

(b) is sufficiently severe or pervasive that it alters the terms, conditions, or privileges of the person's academic opportunities or participation in university-sponsored activities.

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What conduct or behavior may be harassment under PPM 3010?

- Harassing conduct or behavior may include:
 - Offensive jokes
 - Innuendoes
 - Harassing statements or writing
 - Derogatory comments
 - The display of degrading objects or pictures
 - Others?
- Conduct or behavior may qualify as harassment, even if no one expressly objects to it!

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Evaluation of Harassment Claims by OIE/the Administrative Review Team (ART)

OIE/the ART evaluates harassment claims under the totality of the circumstances

- Factors:
 - Frequency of the conduct
 - Its severity
 - Whether it is physically threatening or humiliating, or merely an offensive utterance
- The conduct must subjectively and objectively meet the definition of harassment to be a violation of PPM 3010.
 - Subjective – The effect the conduct actually had on the person.
 - Objective – The impact it would likely have had on a reasonable person in the same situation.
- An important aspect is whether the conduct was **unwelcome**, even if the harasser did not so intend or might not view it as such.

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Harassment v. Bullying

- For purposes of PPM 3010, “harassment” refers to the illegal form of discrimination.
- Parties involved may include:
 - Employee(s) v. employee(s)
 - Supervisor(s) v. employee(s), vice versa
 - Supervisor(s) v. supervisor(s)
 - The victim can be anyone affected by the conduct, not just the individual to whom the offensive conduct is directed
- **Harassment v. Bullying**
 - Harassment is based on a protected characteristic.
 - *(The difference will be discussed during the in-person component of training)*

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Case Study

Kurt and Peter

Kurt Brown, who manages the accounting department, sends nasty e-mail messages to his employee, Peter Marks. Kurt blames Peter for the backlog in the department and threatens to demote or fire him if the department does not meet its goals. Kurt glares at Peter and makes fun of questions Peter asks in staff meetings.

- Is this workplace bullying or illegal discrimination and harassment?

Bullying

Illegal Discrimination

This is not illegal discrimination or harassment because the hypothetical does not indicate that Kurt’s treatment of Peter is based on a protected group status under PPM 3010 (such as race, ethnicity, national origin, gender etc.). As a result, this behavior appears to be workplace bullying. Workplace bullying includes offensive, intimidating, malicious or insulting behavior that is not based on a protected group status. While bullying is not illegal discrimination and harassment, it should never be tolerated in the workplace. The supervisor could consult with Employee Relations and Engagement regarding strategies of how to intervene.

What if Kurt's e-mail to Peter was racially charged with racial epithets and other derogatory terms directed at Peter?

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Yes, report this behavior to OIE as it now appears to be illegal harassment. The report should include the names of the parties involved, date of the incident(s), what occurred, and whether the supervisor observed the conduct personally or the information is based upon a third party report.

- ***Prohibited Harassment Includes:***
- ***Offensive jokes, innuendoes, sexually-oriented statements or writing, derogatory comments, and other inappropriate comments,***
 - ***which relate to one's disability, race, gender, national origin, sexual orientation, or other protected group status under PPM 3010,***
 - ***especially where such conduct includes verbal abuse and/or degrading words used to describe an individual and/or the display of degrading objects or pictures.***

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Sexual Harassment

What is sexual harassment?

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Sexual Harassment Definitions

Under PPM 3010, the term "sexual harassment" has two definitions.

The first definition reflects requirements from August 2020 Title IX regulations and will follow the investigation process for Title IX grievances as described in PPM 3010.

The second definition reflects requirements from other anti-discrimination laws (such as Title VII) and will follow the investigation and administrative review process described in PPM 3010.

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Title IX Regulations

In accordance with the August 14, 2020 Title IX Regulation:

In cases of alleged conduct based on sex, sexual orientation, or gender identity, for purposes of the Title IX process, "sexual harassment" is any conduct that occurs in the United States and that satisfies one or more of the following:

- A. A University employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

This definition is referred to throughout the Policy as "Title IX Sexual Harassment." All allegations of conduct based on sex, sexual orientation, or gender identity, are first evaluated and processed under this definition. There is a presumption that a respondent is not responsible for alleged Title IX Sexual Harassment unless and until a determination regarding responsibility is final.

If the alleged conduct does not meet this definition, it also will be evaluated and processed under the definition immediately below.

Title IX Regulations

The General Anti-Discrimination Definition of "Sexual Harassment" is "a type of harassment based on sex, sexual orientation, or gender identity that involves unwelcome sexual advances, requests for sexual favors, disparagement of members of one sex, or other conduct of a sexual nature when:

1. a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, Education, on-campus housing, or participation in a university-sponsored activity or program; or
- b. Submission to or rejection of such conduct is used as the basis for or as a factor in decisions affecting that individual's employment, Education, on-campus housing, or participation in a university-sponsored activity or program; or
- c. Such conduct meets either "harassment" definition, in B. above; and
2. The conduct is sufficiently severe and pervasive that it effectively alters the terms, conditions, or privileges of the person's employment, use of on-campus housing, academic opportunities, or participation in university-sponsored activities or programs.

For purposes of this definition, the conduct may occur in any University program or activity, regardless of whether that program or activity occurs inside or outside the United States. Conduct that would rise to the level of Title IX Sexual Harassment but for the fact that it occurred outside the United States will be evaluated under this definition.

Examples of Sexual Harassment

Can include the following **unwelcome** conduct:

- **Verbal:**
 - Sexual propositions or repeatedly asking someone on a date
 - Lewd comments, sexual insults or jokes
 - Questions about a person's sex life or spousal relationship
 - Excessive compliments
- **Visual:**
 - Leering
 - Displays of offensive materials such as calendars or pictures
 - Sexually explicit e-mail communications
- **Physical:**
 - Touching, pinching, hugging or brushing up against an individual
 - Invading personal space

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Same Sex Sexual Harassment

Same sex harassment is actionable under Title VII because both men and women are protected under the statute.

Sexual attraction between the parties is not required.

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[A Colleague Who Doesn't Respect Boundaries Scenario](#) from [Institutional Equity](#) on [Vimeo](#).

Is this situation sexual harassment in the workplace?

- Yes
- No
-

Yes, the behavior may constitute sexual harassment in that it is unwelcome conduct of a sexual nature. The complainant has told the respondent repeatedly that his conduct is unwelcome. Sexual harassment can include conduct of a physical nature such as invading one's personal space, touching, and hugging.

What should you (as the supervisor) do next?

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Immediately report the conduct to OIE via the online reporting form process at www.ksu.edu/report or www.ksu.edu/oie. The supervisor should include the names of the parties involved, date of the incident(s), what occurred, and whether the supervisor observed the conduct personally or whether the information is based upon a third party report.

The supervisor should model workplace conduct.

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How do I know what I can say?

Rule of Thumb is the "Newspaper Rule" – If you wouldn't want to see a certain comment or conduct attributed to you on the front page of the newspaper...don't say or do it!

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What are my obligations as a supervisor for preventing harassment?

- Know and follow KSU's anti-discrimination policy (PPM 3010).
- Lead by example with your own conduct.
- When you see or hear about any harassing conduct, immediately inform OIE, and put a stop to harassment you observe happening in the moment.
- If requested, serve on an investigation to address and remedy the discrimination.

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Final Thoughts

Harassment is in the eye of the beholder, so remember that something that is not offensive to you may be offensive to someone else.

- Always act with respect for others.
- If you witness any acts that you believe may qualify as unlawful harassment, discrimination, or retaliation, report the incident to OIE immediately.
- If you believe you are a victim of harassment, discrimination, and/or retaliation, report such conduct to your supervisor and/or OIE.
- Cooperate with requests to participate in any internal investigations.

End of Block: Harassment

Start of Block: Discrimination



What is discrimination?

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What is discrimination?

Your Response:

OIE Definition: Discrimination is treating an individual adversely in employment, housing, or academic decisions based on a protected group without a legitimate, nondiscriminatory reason for the treatment.

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When can discrimination occur?

Discrimination can occur at any point during the Employee Life Cycle.



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[A Fair Hiring Scenario](#) from [Institutional Equity](#) on [Vimeo](#).

Is this something that should be reported to OIE?

Yes

No

Yes, one of the members of the search committee is potentially discriminating against the candidate(s) based upon race.

What would you have done if you were serving on this search committee?

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Document the incident by immediately submitting an online report form to the Office of Institutional Equity (OIE). The report should include the names of the parties involved, date of the incident(s), what occurred, and whether the supervisor observed the conduct personally or the information is based upon a third party report.

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Kansas State University Policy **PPM 3010**

Kansas State University endeavors to maintain academic, housing, and work environments that are free of discrimination, harassment (including sexual harassment and sexual violence), retaliation, domestic and dating violence, and stalking.

* Policy applies to everyone, visitors and contractors included.

KSU PPM 3010 **Protected Groups**

1. Race
2. Color
3. Ethnicity
4. National Origin
5. Sex
6. Sexual Orientation
7. Gender Identity
8. Religion
9. Age (40 and over)
10. Ancestry
11. Disability
12. Genetic Information
13. Military or Veteran Status

Do you see yourself as being a member of one or more of these protected groups?

Yes

No

These categories are inclusive and each of us has aspects of identity represented within any of these categories.

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Title IX

Title IX Applies to All Aspects of Education (not only athletics)

Kansas State University and its employees shall:

- treat students equally on the basis of sex including in academic, extracurricular, financial aid, facilities, and housing;
 - ensure gender equity in access to courses and career training;
 - protect students from and adequately respond to sexual violence; and
 - enforce policies against discrimination and harassment based on gender and sex stereotypes or nonconformity therewith.
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Mandatory Reporters/Responsible Employees

These employees should (in many cases must) report any allegation of discrimination, harassment (including sexual harassment and sexual violence), retaliation, domestic and dating violence, and stalking immediately upon notification!

[Click here to see who is considered a mandatory reporter](#)

Who are mandatory reporters/responsible employees?

- **Supervisory** – Any employee with authority over other employees or students (such as day-to-day management of employee tasks, or hiring and firing responsibility) or with authority over a particular university environment (such as responsibility for a classroom or floor of a residence hall).
 - Only required to make reports to OIE within their area of supervisory responsibility, but they are strongly encouraged to report all potential prohibited conduct of which they might be aware.
 - Ex.: Professor, Resident Life Coordinators, Supervisors, etc.
- **Administrative** – Management-level personnel.
 - Must report all prohibited conduct in any university employment, program or activity, regardless of their lack of personal supervisory responsibilities over the complainant or respondent.
 - Ex.: Vice Presidents (including Assistant or Associate), Provosts, Deans, Department Chairs and Unit Heads, Directors, and equal or higher ranking administrators.
- **K-State Police Officers and any contracted security personnel.**

Based on your understanding, are you a mandatory reporter?

Yes

No

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As a supervisor, what do you do when you learn of [PPM 3010](#)-prohibited conduct?

If you are a supervisor:

- Report to OIE immediately upon notification! Why?
- KSU has a duty to stop harassment.
- Do not conduct your own investigation.
- Document what happened in report to OIE.
- Other responsibilities?

If you are discriminated against:

- Report the discrimination to your supervisor or OIE immediately.
-

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KANSAS STATE UNIVERSITY

Reporting allegations (OIE website)...

1. Go to the OIE website at www.k-state.edu/oie/

2. Click Here

The screenshot shows the homepage of the Office of Institutional Equity. A pink callout box with the number '1' points to the URL in the browser's address bar. Another pink callout box with the number '2' points to a 'File a complaint' button in the 'Complainants' section of the navigation menu.

3. Click Here

The screenshot shows the 'File a Complaint' page. A pink callout box with the number '3' points to the 'Online Reporting Form' link under the 'Online' section.

4. Follow the instructions to fill out the form

The screenshot shows the 'Online Report Form' page. A pink callout box with the number '4' points to the main body of the page, which contains instructions for filing a complaint.

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What will OIE do with a report under PPM 3010?

- OIE evaluates the report and determines whether to further review an investigation.
- Procedure for reviewing reports and complaints is set forth in [PPM 3010](#).
- Offers support and resources regardless of whether someone reports.

End of Block: Reporting and PPM 3010

Start of Block: Retaliation



Retaliation

What is retaliation?

Any materially adverse action taken against a person because they have:

- 1) openly opposed a policy or practice the individual believed was a violation of this Policy or state or federal anti-discrimination law; or
- 2) engaged in protected activity such as making a request for a reasonable accommodation; or
- 3) participated in the investigation or resolution of a report or complaint under this Policy or under state or federal anti-discrimination law.

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Retaliation

What is retaliation?

- There must be a sufficient causal nexus between the protected activity and the adverse action.

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Case Study

Abby

You are Abby's supervisor. Abby tells you that she is interested in a vacant position. You encourage her by saying, "Abby, you are welcome to apply for any vacancy in our department that you believe you are qualified for. Just remember that you will be considered as we do all other applicants." Abby then responds, "you know that this department is a good place to be, but I'm surprised at the lack of diversity among your staff." You ask her for clarification. She responds, "I'm not prepared to go into details. Thank you for your time." Abby leaves your office. Abby applies for the position, but you are disappointed to discover she lacks the required qualifications. An external applicant is hired. After learning of this, Abby informs you, "I know exactly what you are doing. I didn't get the job because of my race, and you are retaliating against me. I complained to you about discrimination the last time we met in your office three weeks ago."

Is this something that should be reported to OIE?

Yes

No

Yes, Abby has complained to you and specifically identified race discrimination and retaliation as the reason why she is complaining.

What should you (as the supervisor) do next?

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Document the incident by immediately filing an online report form with OIE. The report should include the names of the parties involved, date of the incident(s), what occurred, and whether the supervisor observed the conduct personally or whether the information is based upon a third party report. OIE will review the report along with the relevance of the initial comment concerning diversity.

End of Block: Retaliation

Start of Block: End

What was the most unclear or confusing point within this online training?

End of Block: End