


**MODULE 8 – HARASSMENT, DISCRIMINATION & RETALIATION PREVENTION**

NM JUDICIAL BRANCH SUPERVISORY MENTORSHIP PROGRAM



Laying the groundwork for building your own solid foundation for career success.

REVISED: 9/17/2024

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**COURSE OUTLINE**



**MODULES**

- 1 – Career Building
- 2 – Supervision, Coaching & Management
- 3 – Communications
- 4 – Staffing, Selection & Interviewing
- 5 – Performance Planning, Development & Evaluation
- 6 – Employee Discipline
- 7 – Personnel Rules Overview
- 8 – Harassment, Including Sexual Harassment, Discrimination & Retaliation Prevention**
- 9 – Drug & Alcohol Prevention & Testing
- 10 – Workers' Compensation, Safety and Loss Control

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**MODULE 8 – HANDOUTS**

- Ethics Quiz
- NMJB Personnel Policy & Procedure: Harassment, Including Sexual Harassment, Discrimination & Retaliation Policy
- Harassment Policy Flowchart
- Email – Prompt Response to Employee Complaints Mitigates Potential Claims
- EEOC Charge Receipts FY2008 – FY2023 (National)
- EEOC Charge Receipts FY2009 – FY2022 (NM)
- EEOC Press Releases – 3 months of EEOC lawsuits
- EEOC Releases Annual Performance Report for FY2023
- SmartTalent to Pay \$875,000 to Settle EEOC Sex Discrimination Lawsuit
- Hatzel & Buehler to Pay \$500,000 to Settle EEOC Age Discrimination Suit
- EEOC News – Alb Sports Bar Ojos Locos Sports Cantina to pay

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**MODULE 8 – HANDOUTS**

- Meow Wolf Gender Discrimination Lawsuit Resolved in Silence, Santa Fe, NM
- EEOC More lawsuits filed in FY 2023
- EEOC Previews FY2023 Litigation Trends
- "A New Survey Finds 81 Percent of Women Have Experienced Sexual Harassment"
- "5 Disturbing Sexual Harassment Statistics We Can't Afford to Ignore"
- EEOC Data Highlight – April 2022

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**MODULE 8 – HANDOUTS**

- Key Findings and Statistics on Workplace Harassment & Misconduct
- Genetic Information Nondiscrimination Act of 2008
- What You Should Know About the Pregnant Workers Fairness Act
- Facts About Pregnancy Discrimination
- Disparate Impact
- 5 Things to do after the investigation
- Department of Justice – 14 Principles of Ethical Conduct
- 10 Tips to Promote Workplace Diversity

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**MODULE 8 – HANDOUTS**

- 16 Sexual Harassment in the Workplace Statistics You Need to Know.
- "These are the industries with the most reported sexual harassment claims – most just don't make the headlines"
- US Sexual Harassment Statistics
- Harvard's Project Implicit – Social Attitudes ~ testing for hidden bias
- Teaching Tolerance – Test Yourself for Hidden Bias
- "8 High School Mascots You Won't Believe Still Exist"
- "15 Racist Brand Mascots & Logos that make the..." that Were Considered Just Another Part of American Life
- See How Many Confederate Monuments Still Exist in NM
- Activists Have Long Said Santa Fe Monument Celebrated...Crowds Toppled It this Week
- Plaza Obelisk Would be Moved to Santa Fe National Cemetery Under New Proposal
- "John Oliver Delivers Passionate Transgender Rights Segment..." & "John Oliver Shows Just How Far We have to go..."
- Examples of Microaggressions in the Classroom

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### MODULE 8 – HANDOUTS

- Baltimore County Police Antisemitic flyers have been circulating in the Parkville Area – CBS News
- Antisemitic propaganda distributed to business owners
- Antisemitic fliers found on cars near Bozeman Elementary School
- New Mexico – Advocacy Group Receives Mail With Anti-Semitic Symbols, Unknown Substance – KRQE
- U.S. Transgender Survey
- FBI Releases Supplemental 2021 Hate Crime Statistics
- 2015 U.S. Transgender Survey – Executive Summary
- New Mexico Hate Crimes Incidents in 2021

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### What to Expect

#### ► The Training Goals for this Module are:

- Reinforcing a Diverse, Respectful & Inclusive Workforce
- Ensuring Equal Opportunity Compliance in the workforce
- Ability to identify discriminatory, harassing or retaliatory workplace behaviors.
- Recognizing biases and the harm they have on the workplace
- Understand an overview of the investigative process.

*What do you want to get out of this training module?*

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### ETHICS QUIZ

RANK THE FOLLOWING 14-ACTIONS IN ORDER OF LEAST ETHICAL TO MOST ETHICAL, 14 BEING THE LEAST ETHICAL ACTION

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**MODULE 8**

HARASSMENT INCLUDING SEXUAL HARASSMENT TRAINING ALL NEW EMPLOYEES MUST VIEW THE APPROVED TRAINING VIDEOS.

- ❖ Acknowledgement form for video training and receipt of policy.
- ❖ Within thirty (30) days of hire, all new employees MUST watch the video and sign the acknowledgment form.



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**MODULE 8**

Transgender Cultural Fluency Training  
with your trainer  
Adrien Lawver (he/him)  
<https://tgrcnm.org/training>

ADDITIONAL TRAINING ~ THE SUPREME COURT'S COMMISSION ON EQUITY AND JUSTICE PROVIDES AND SPONSORS TRANSGENDER CULTURAL FLUENCY TRAINING VIDEO

Video Link: <https://youtu.be/Nmpxho0ia5E>  
Acknowledgment Form Link: <https://forms.gle/YeJRwMXz1B9sDSrK8>



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**TRANSGENDER CULTURAL FLUENCY TRAINING**  
**WHY THIS TRAINING AND AWARENESS IMPORTANT**

- ▶ In 2003, sexual orientation and gender identity became protected status's under New Mexico state law.
- ▶ Since then, it is reported nationally that 2/3 of transgender youth self-harm themselves, and that up to 43% of transgender individuals will attempt suicide in their lifetime.
- ▶ In the Judiciary, it is essential that all people feel represented by their court system, and that judicial employees and judicial officers understand, respect, and professionally interact with the people who enter into or who work in the Courts.

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WHAT SHOULD SUPERVISORS DO?



\*\*\*\*\*  
Know the Policy.  
Please take the time to read and familiarize yourself with the policy.  
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Do you think sexual harassment is an issue in the workforce nationwide or in New Mexico?

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SEXUAL HARASSMENT PREVENTION



2 Kinds of Sexual Harassment  
Do you know what they are?

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SEXUAL HARASSMENT PREVENTION



2 Kinds of Sexual Harassment

- ❖ Quid Pro Quo – This for That
- ❖ Hostile Work Environment

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**AWARENESS**




What percentage of people do you think experience workplace harassment?




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**AWARENESS**




It is estimated that 50% of women and 20% of men will face some form of sexual harassment during their career.  
What do you think of this?




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**AWARENESS**



**Who can tell me how the EEOC complaint / investigation process works (generally)?**

- ▶ Employee files a complaint with the EEOC related to discrimination or retaliation.
- ▶ If the complaint leads to an investigation – the EEOC makes a determination as to the merits of the charge. If no findings the complainant receives a "dismissal and notice of rights" stating they can file a lawsuit.
- ▶ If the EEOC determines there is reasonable cause both parties are issued a "letter of determination" telling them there is reason to believe there is discrimination. It invites parties to engage in conciliation (like mediation). If conciliation fails the EEOC must decide whether to sue the employer in court. The EEOC achieves favorable resolution on 90% of all cases that go to court.

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**Top Four Most Frequently Filed Charges with EEOC in FY2023 are:**

1. 57% = RETALIATION [NM = 58%]
2. 36% = DISABILITY [NM = 54%]
3. 34% = RACE [NM = 36%]
4. 31% = SEX [NM = 59%]

**NM EEOC CHARGES**  
 FY2022 & FY2023 = .6% of US Total  
 Nationwide EEOC Charges  
 FY2022 = 73,485 & FY2023 = 81,055

<https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>

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**HARASSMENT INVESTIGATIONS**  
 2023 EEOC CHARGES SHOW INCREASE IN DEMAND FOR SERVICES

- Barriers in Recruitment and Hiring
- Protecting Vulnerable Workers/Persons from Underserved Communities
- Qualification Standards
- Inflexible Policies that Discriminate Against Persons with Disabilities
- Long-Term COVID-19 Effects
- Advancing Equal Pay
- Combating Unlawful Harassment
- Preserving Access to the Legal System

**Why do you think this is?**

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**EEOC RELEASES ANNUAL PERFORMANCE REPORT FOR FY 2023**

In FY 2023, the EEOC secured more than \$665 million for victims of discrimination, a 29.5% increase over FY 2022, including approximately \$440.5 million for 15,143 victims of employment discrimination in the private sector and state and local government workplaces through mediation, conciliation, and settlements.

Employers can better position themselves to avoid the anticipated increase of EEOC charges by staying current on federal anti-discrimination laws, particularly the Pregnant Workers Fairness Act, and maintaining vigilance in their response to requests for accommodation in the workplace.

<https://www.eeoc.gov/enforcement/eeoc-annual-performance-report/fiscal-year-2023>

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**HARASSMENT INVESTIGATIONS**

**SYSTEMIC DISCRIMINATION**

**IN FY2023 THE EEOC PRIORITIZED TACKLING SYSTEMIC DISCRIMINATION IN ALL FORMS ~ WHAT IS SYSTEMIC DISCRIMINATION?**

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**NEW MEXICO SEES INCREASE IN ANTISEMITIC INCIDENTS**

At the national level, antisemitic incidents surged in 2023

- ❖ Cases of antisemitism rose 140% nationally
- ❖ NM cases increased from 8 cases to 31 cases in 2023

**In 2023 there were 31 reports in New Mexico**

- ❖ 26 reports of Antisemitic Harassment Incidents

Cases in which one or more Jewish people, or people perceived to be Jewish, were harassed verbally or in writing with antisemitic slurs, stereotypes, or conspiracy theories.

- ❖ 5 reports of Antisemitic Vandalism Incidents

Cases where property was damaged in a manner that incorporated evidence of antisemitic intent or which had an antisemitic impact on Jews.

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**HARASSMENT INVESTIGATIONS**

**SYSTEMIC DISCRIMINATION**

**The EEOC also prioritized outreach and education programs to reach vulnerable workers and underserved communities, including immigrant and farmworker communities as well as other communities where individuals are reluctant to come forward to complain about employment discrimination, hosting over 1,000 events for these groups and reaching nearly 80,000 individuals.**

**Increased awareness: As more people learn, they recognize when a boss or coworker behaves illegally.**

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**HARASSMENT INVESTIGATIONS**  
**SEXUAL HARASSMENT AWARENESS**



**When asked "out of every 100 women in the US how many do you think have experienced sexual harassment?"**

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**HARASSMENT INVESTIGATIONS**  
**SEXUAL HARASSMENT AWARENESS**



**Average answer from men = 44%**  
**Average answer from women = 58%**  
**Actual answer = 81% of women have been sexually harassed**

Newsweek: American men think 44% of women have been sexually harassed - underestimate level of sexual harassment against women - survey  
 Sexual harassment can be same sex or man/woman, woman/man  
 Disclosure - not just workplace harassment

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**Sexual Harassment Statistics:**

**Prevalence**

**81%** believe that sexual harassment goes on in most American workplaces today.

But, **90%** believe it's not a problem in their own office.



HTTP://AIGHT.COM/RESOURCES/QUICK-TO-WORKPLACE-SEXUAL-HARASSMENT-INFOGRAPHIC  
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**AWARENESS**

What industries do you think have the highest sexual harassment?

1. Hospitality & Food
2. & 3. Retail & Manufacturing
4. Health Care & Social Assistance
5. Administrative & Support & Waste Management & Remediation
6. Civil Service – Public Administration
7. Professional, Scientific & Technical Services
8. Transportation and Warehousing
9. Finance & Insurance
10. Educational Services

What do you think about this?



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**PERSPECTIVES**



I want you to think about the different ways people see things, hear things, and different perspectives. The next time you tell a joke that you "THINK" might be funny I want you to think about this elephant.

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Here is another reminder ~ that we all see things differently...



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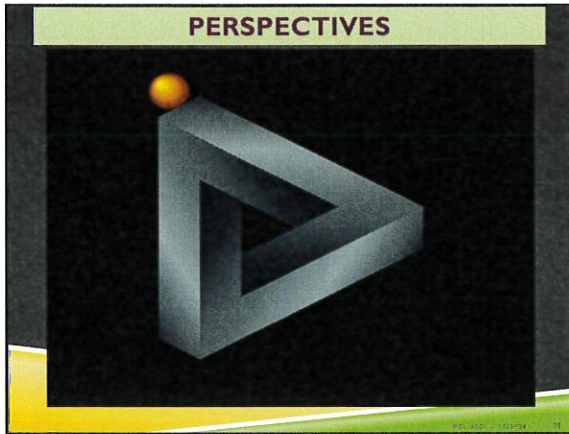
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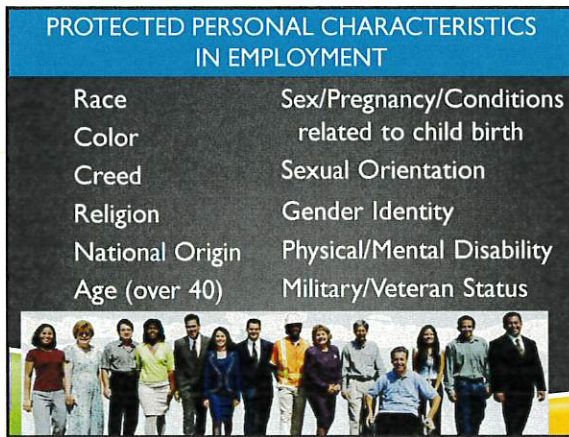
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**JUDICIAL BRANCH DEFINITIONS**

Harassment, Discrimination & Retaliation are defined by the NMJB Personnel Policies & are **STRICTLY PROHIBITED**.

- **Harassment:** "unwelcome behavior or conduct that substantially interferes with an individual's employment," and "detrimentally affects" the individual or would a reasonable person under the same circumstances.
- If someone intentionally files a false complaint they shall be subject to discipline.




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**JUDICIAL BRANCH DEFINITIONS**

What is Harassment:  
 "Harassment may include, but is not limited to, verbal or physical attacks, graphic or written statements (text messages, emoji's, GIF, etc.) , threats, or slurs.  
 Whether the alleged conduct constitutes prohibited Harassment depends on the **totality** of the particular circumstances, including the nature, frequency and duration of the conduct in question."




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**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

Has anyone ever heard of Title VII of the Civil Rights Act of 1964?  
 What does it do?

- ❖ Prohibits discrimination on the basis of **race, ancestry, color, religion, sex or national origin.**
- ❖ Prohibits discrimination in hiring, firing, promotions, wages, job assignments, fringe benefits and other terms and conditions of employment.




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**OTHER TYPES OF ILLEGAL EMPLOYEE DISCRIMINATION**

AGE DISCRIMINATION IN EMPLOYMENT ACT

➤ The ADEA prohibits employment discrimination against persons 40 years of age or older.



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**EMPLOYEE DISCRIMINATION**

PREGNANCY DISCRIMINATION ACT

Cannot discriminate in any aspect of employment due to pregnancy, childbirth, or a medical condition related to pregnancy or child birth.

FY 2023, 2,966 total claims Nationwide were pregnancy based.

New Mexico - 0



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**EQUAL PAY ACT OF 1963**

Prohibits different wages for equal work. The EPA permits differences in wages if the payment is based on seniority, merit, and quantity and quality of production, or a differential due to any factor other than sex.

Equal Skill	Equal Effort	Equal Responsibility	Performed Under Similar Working Conditions
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**BEHAVIORS THAT CAN BE UNWELCOME AND/OR SEXUAL IN NATURE**

There are more subtle forms of harassment, and they are on the rise. Any of the following can be sexual harassment if they happen often enough, or are severe enough to make an employee uncomfortable, intimidated or they interfere with work.

- ▶ repeated compliments of an employee's appearance
- ▶ commenting on the attractiveness of others in front of an employee
- ▶ discussing one's sex life in front of an employee
- ▶ asking an employee about his or her sex life
- ▶ circulating nude photos or photos of women in bikinis or shirtless men in the workplace
- ▶ making sexual jokes
- ▶ sending sexually suggestive text messages or emails
- ▶ leaving unwanted gifts of a sexual or romantic nature
- ▶ spreading sexual rumors about an employee, or
- ▶ repeated hugs or other unwanted touching (such as a hand on an employee's back).

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**BEHAVIORS THAT CAN BE UNWELCOME AND/OR SEXUAL IN NATURE**

**Here are some other facts to keep in mind about sexual harassment:**

- ▶ **Sexist comments and actions can also be harassment.** A common misconception is that harassment must be of a sexual nature in order to be illegal. However, under Title VII, offensive conduct that is based on an employee's gender and severe or pervasive enough to create an abusive work environment is also illegal. For example, a workplace might be hostile if women are told to be more "feminine" or live up to other gender stereotypes, are left out of important meetings, and have their work sabotaged by their male coworkers.

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**BEHAVIORS THAT CAN BE UNWELCOME AND/OR SEXUAL IN NATURE**

**Here are some other facts to keep in mind about sexual harassment:**

- ▶ **Sexual harassment by customers or clients.** Most people are aware that sexual harassment by a manager or coworker is illegal. However, under Title VII, an employer has a responsibility to protect its employees from sexual harassment by outsiders as well. This includes customers, clients, vendors, business partners, and more. As long as the employer knows or should know that the harassment is occurring, it must take action to put a stop to it.

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**BEHAVIORS THAT CAN BE UNWELCOME AND/OR SEXUAL IN NATURE**

Here are some other facts to keep in mind about sexual harassment:

- ▶ **Sexual harassment knows no gender.** Traditionally when people think of sexual harassment, they think of a male harassing a female. While this is still the most common scenario, there have been plenty of incidents of females harassing males.
- ▶ **SAME SEX HARASSMENT** by a male against a male or a female against a female—is also illegal.
- ▶ **The harassment does not need to be motivated by sexual desire either. It just needs to be based on the victim's gender.**

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**SAME-SEX SEXUAL HARASSMENT**



The U.S. Supreme Court ruled that same-sex sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964.

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**JUDICIAL BRANCH DEFINITIONS**

What is Harassment:  
“Harassment includes creating a **hostile work environment** by creating a workplace situation where an employee cannot reasonably perform work.”

This may be due to conduct or behavior by management, coworkers, “justices or judges that are clearly contrary to appropriate management or professional behavior.”

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### JUDICIAL BRANCH DEFINITIONS

➤ **Discrimination:**  
“A practice or behavior, whether intentional or not, which has a negative impact on an individual or group because of characteristics or circumstances unrelated to the person’s abilities or the employment issue in question.”



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### ~ EXAMPLES ~

Can you think of some examples of behavior that could occur in the workplace that might be considered harassment or discrimination?



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### RIGHTS?

➤ **Do you have a right to complain about behavior you believe is harassing, discriminatory or retaliatory?**



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**HOSTILE WORK ENVIRONMENT**

**Frequency & Severity** of the harassment are the most important factors. They add together to make how bad the environment is. If it is bad enough it is "abusive."

As the severity goes up -

- the frequency needed goes down.

\*Intention doesn't matter - impact is what counts.



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**BE: AN UPSTANDER NOT A BYSTANDER  
BUILD A CULTURE OF RESPECT**

- ❖ Encourage them to be upstanders and hold each other accountable. Make it okay for staff to speak up.
- ❖ Why do employees stay on the sidelines? Surveys show they don't want to get "involved" or don't want the "drama".
- ❖ A respectful workplace is everyone's responsibility.

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**BE: AN UPSTANDER NOT A BYSTANDER  
BUILD A CULTURE OF RESPECT**

Can you ask a coworker out on a date?

Can I compliment my coworker on his/her outfit?

DO NOT think the conduct was welcomed because the employee did not:

- ❖ Complain to others about it at work, or
- ❖ engage in similar behavior or conduct outside the workplace on his/her own time.



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**Is it Harassment?**

When in doubt about the appropriateness of particular behavior consider the following:

- ❖ Would I behave this same way if my mother or child were standing next to me?
- ❖ Would I want my behavior to be the subject of a report on the evening news?
- ❖ Would I want to describe my behavior in court in front of a judge or jury?



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**JUDICIAL BRANCH DEFINITIONS**

**Retaliation is STRICTLY PROHIBITED**

“An adverse action taken against an individual because of an individual’s participation in a protected activity, such as reporting concerns, filing a complaint or participating in an investigation regarding harassment, sexual harassment, discrimination, or retaliation.”



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**JUDICIAL BRANCH DEFINITIONS**

**Retaliation is STRICTLY PROHIBITED**

“Generally is the act of attacking in return, as in:

- ❖ taking revenge,
- ❖ reciprocating,
- ❖ settling a score or getting even.
- ❖ materially affecting the terms, conditions or privileges of employment.



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**AWARENESS**



- ▶ In June 2016, the EEOC released a report on the Study of Harassment in the Workplace which noted workplace harassment often goes unreported. The study cited, in part, "**75% of harassment victims experienced retaliation when they reported it;**" and 90% of employees who do experience some form of harassment **do not file a complaint.**
- ▶ **EEOC highlights Strategic Enforcement Plan**  
"Harassment, both in-person and online, remains a serious issue in America's workplaces. The EEOC's updated guidance on harassment is a comprehensive resource that brings together best practices for preventing and remedying harassment and clarifies recent developments in the law." "The guidance incorporates public input from stakeholders across the country, is aligned with our Strategic Enforcement Plan, and will help ensure that individuals understand their workplace rights and responsibilities."

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**AWARENESS**



**Statistics vary but here are some interesting ones:**

- ❖ 66.6% of victims said they were not aware of the workplace policies regarding sexual harassment.
- ❖ 50.4% were not aware of what department or who to contact.

*Remember to lead by example, and you have an obligation to protect your staff.*

Source: <http://brandonjgille.com/23-statistics-on-sexual-harassment-in-the-workplace/>

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**AWARENESS**



**Statistics vary but here are some interesting ones:**

- ❖ Nearly 3 in 4 sexual harassment claims in the workplace go unreported and 79% of men kept issues to themselves.
- ❖ 55% of victims experience retaliation after speaking up or making a claim.
- ❖ 32% of employees weren't aware that jokes could be considered sexual harassment

Source: <https://inspirelearning.com/blog/sexual-harassment-in-the-workplace-statistics/>

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**JUDICIAL BRANCH DEFINITIONS**

What might be an example of a protected activity?

Can you think of some examples of behavior that could occur in the workplace that might be considered retaliatory?



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**JUDICIAL BRANCH DEFINITIONS**

Protected activities:

- ▶ Filing a complaint or charge of discrimination, harassment or retaliation
- ▶ Participating in a discrimination, harassment or retaliation investigation,
- ▶ Or otherwise opposing discrimination.



Treat Everyone consistently, fairly, and respectfully.

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**JUDICIAL BRANCH DEFINITIONS**

Retaliation includes intimidation, threats & interference with the employee's rights to complain.

- ▶ Adverse employment actions – termination, refusal to hire, denial of promotion.
- ▶ Other actions affecting employment - unjustified employment references, or increased surveillance.
- ▶ Remember the reasonable person standard – would the behavior deter another person from feeling they could freely exercise their right to complain.
- ▶ Denial or withdrawal of previously approved alternative work schedules, or plum job assignments.

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**JUDICIAL BRANCH DEFINITIONS**

What should management do if they believe it is necessary to change the terms and conditions of an employee after the employee has engaged in a protected activity?

- ❖ Ensure there is a bona fide legitimate business reason for the action being taken,
- ❖ Document the basis for the action,

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**JUDICIAL BRANCH DEFINITIONS**

- ❖ Carefully consider the timing in proximity to the protected activity,
- ❖ Consider how it could look to a jury, **AND**
- ❖ TALK TO HR



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**JUDICIAL BRANCH DEFINITIONS**

- ❖ There are two additional requirements commonly sought when establishing a retaliation claim
  - ❖ Causal Connection
  - ❖ Temporal Proximity

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**HOW TO REPORT HARASSMENT**

- ❖ Employees can inform their supervisor, manager, or HR verbally or in writing.
- ❖ If the harasser is the employee's supervisor then they need to report to whomever they feel comfortable with & they may report directly to the AOC HR Director or AOC HR Deputy Director.
- ❖ If the harasser is a judge, justice, judge's staff, CEO, DCEO or HR – report to the AOC HR Director.

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**HOW TO REPORT HARASSMENT**

- ❖ Management may not ignore a verbal or written complaint and all complaints need to be immediately disclosed to the Administrative Authority and Human Resources. A failure to disclose a complaint of harassment, discrimination, and retaliation may be subject to disciplinary action.
- ❖ In a District Court, Magistrate Court, or the Metropolitan Court a complaint against an employee or an outside person shall be submitted to the Court Executive Officer of the Court.

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**HOW TO REPORT HARASSMENT**

- ❖ In the Supreme Court to the Chief Appellate Court Clerk and in the AOC, or COA to the AOC HR Director.
- ❖ If a local investigator has not been appointed, the judicial entity shall submit the complaint to the AOC HR Director within five (5) working days.
- ❖ Employees should submit a written complaint detailing witnesses and events and may use the notice form and we cannot ignore a verbal complaint.

REVISED: 9/17/2024

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**HOW TO REPORT HARASSMENT**

Complaints should be submitted within a reasonable time frame - not to exceed 120 calendar days from the most recent alleged related incident.

If an employee complains to a supervisor or manager then immediate action must occur.



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**HOW TO REPORT HARASSMENT**

**RESPONSIBILITY TO REPORT:**

An employee who observes or becomes aware of any possible harassment, discrimination, or retaliation shall immediately report as outlined within the NMJB policy.



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**INVESTIGATION PROCEDURES**

So what happens?

Within 10 business days of receipt of a complaint the Local Investigator or the AOC HR Director determines whether the complaint states facts that fairly describe improper harassment, discrimination or retaliation as defined in the policy.



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**CURRENT INVESTIGATION PROCEDURES**

- ❖ If the determination is the complaint does **not** allege improper harassment, discrimination or retaliation, the complainant is informed of this decision in writing.
- ❖ Issues or concerns can still be addressed with the Administrative Authority if appropriate. For example, if the complaint states facts related to mismanagement or misconduct.

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**CURRENT INVESTIGATION PROCEDURES**

- ❖ If the initial determination is that the complaint does state a cause of improper harassment, discrimination or retaliation then the Local Investigator or AOC HR Director provides the accused with a full copy of the complaint within 10 business days.
- ❖ The Respondent may provide a written response within 10 business days of receipt of the complaint against them.



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**CURRENT INVESTIGATION PROCEDURES**

- ❖ A confidential investigation begins within 20 business days after providing the complaint to the accused.
- ❖ The Complainant, Respondent and their Witnesses are interviewed.
- ❖ All interviews and discussions with parties associated with the complaint are conducted privately and all parties sign a confidentiality agreement.



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**FINDINGS OF FACT AND RESPONSE**

Upon completing the investigation, the investigators:

- ❖ Evaluates the witness statements of all interviewed, and the complainant's and respondent's accounts of the events for internal consistency and plausibility.
- ❖ Evaluates all other facts, documents and statements gathered during the investigation.



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**FINDINGS OF FACT AND RESPONSE**

- ❖ Upon completing the investigation a Finding of Fact Report is prepared for the AOC Director.
- ❖ Once the report is approved the complainant and respondent are informed of the results of the investigation in writing.
- ❖ The AOC Director is the final authority for required actions such as training or discipline for the NMJB.



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**CONFIDENTIALITY**

- ❖ It is very important that confidentiality be maintained by all individuals involved in an investigation.
- ❖ BUT remember ~ **do not promise confidentiality to employees.**
- ❖ You may agree to keep things as confidential as possible HOWEVER you may have to talk to HR and your Manager.
- ❖ All information is on a "need to know" basis.



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**MANAGEMENT AFFIRMATIVE DEFENSE**

- ❖ Management must show that they exercised reasonable care to prevent and promptly correct harassing behavior,
- or
- ❖ Management must demonstrate that the employee unreasonably failed to take advantage of preventative or corrective opportunities or otherwise avoid harm.



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**MANAGEMENT DON'TS**

- ❖ Don't make any changes to the terms and conditions of employment of anyone involved in an AOC/HR investigation **without discussing such change with the AOC HRD.**
- ❖ **May be considered retaliatory.**



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**REMEMBER**



- ❖ Remarks or actions may not be intended to hurt anyone, but someone else may feel differently.
- ❖ Those remarks/actions could be considered harassment.
- ❖ If you are offended, don't hesitate to make that clear to the harasser and your supervisor or the AOC HR Division.
- ❖ Always think about how others may feel before you speak or act.

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### Supervisor & Employee Do's and Don'ts

<b>Supervisors:</b> <ul style="list-style-type: none"><li>• Don't enable bad behavior.</li><li>• Don't encourage bad behavior.</li><li>• Take the situation seriously.</li><li>• Report to HR.</li><li>• Act immediately to <u>stop</u> behavior.</li><li>• Maintain confidentiality - need to know basis [HR, mgmt.]</li><li>• Remain neutral.</li><li>• Be watchful – monitor the workplace.</li></ul>	<b>Employees:</b> <ul style="list-style-type: none"><li>• Resolve at lowest possible level - whenever possible.</li><li>• Report it to your supervisor.</li><li>• Contact Human Resources.</li><li>• Document incidents and relevant information.</li></ul> <p style="text-align: center;">All employees need to treat one another with respect</p>
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### HOW TO PREVENT HARASSMENT, SEXUAL HARASSMENT & DISCRIMINATION ISSUES

- ❖ Set a positive and professional image at all times. Be an example.
- ❖ Think about your words and actions.
- ❖ Treat all people with COURTESY, DIGNITY and RESPECT!
- ❖ Immediately REPORT to your supervisor and HR



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Workplace culture has the most significant impact on harassment - **whether that's letting it flourish or preventing it.**

\* EEOC - 1991

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**WHAT ARE ETHICS?**  
A GROUP OF MORAL PRINCIPLES,  
STANDARDS OF BEHAVIORS, OR SET OF  
VALUES REGARDING PROPER CONDUCT.

Ethical decisions often do not have one right  
or wrong answer.  
Most answers have pros and cons to weigh.

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"Your Honor, I object!  
This line of questioning is making my client look really bad."

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**WHAT ARE MORALS?**  
PERSONAL PHILOSOPHIES ABOUT WHAT IS RIGHT OR  
WRONG.

**WHAT ARE PRINCIPLES?**  
SPECIFIC BOUNDARIES FOR BEHAVIOR, SUCH AS  
HUMAN RIGHTS AND JUSTICE.

**WHAT ARE VALUES?**  
BELIEFS AND IDEALS THAT ARE SOCIALLY ENFORCED,  
SUCH AS TEAMWORK, TRUST AND INTEGRITY.



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**ARE THE FOLLOWING WORKPLACE ETHICS ABUSE?**

Illegal Acts  
Unethical Act –  
Irresponsible Act done against the Employer  
Misuse of employer resources



The slide features a scale of justice on the left with 'Right' and 'Wrong' on the pans, and the word 'Ethics' below it. On the right, a cartoon shows a man in a suit talking to a woman in a lab coat.

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**ARE THE FOLLOWING WORKPLACE ETHICS ABUSE?**

Stealing – money, office supplies, time  
Conflict of Interest  
Falsify Records  
Break Confidentiality  
Ignoring Safety Rules  
*Abusive or Harassing Behavior*



Those who *stand* for **nothing** fall for **anything**.  
Alexander Hamilton

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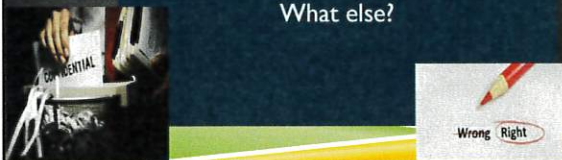
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**ARE THE FOLLOWING WORKPLACE ETHICS ABUSE?**

Behavior that harms the workplace, including causing poor work morale:  
Gossip  
Negatively interfering with work productivity  
What else?



The slide includes an image of a hand holding a document labeled 'CONFIDENTIAL' and a pencil pointing to a 'Wrong' and 'Right' choice box.

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### HAVE YOU EVER HEARD OF THE 10-40-40-10 PRINCIPLE?

10% will take advantage of a situation when the risk is low  
40% will go along with the work group  
40% will try to determine what the organization wants them to do and comply  
10% feel the organization has not gone far enough and will push for their own personal beliefs

THERE IS NO RIGHT WAY TO DO A WRONG THING.



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### DO EMPLOYEES RATIONALIZE WORKPLACE ETHICS ABUSE?

- ❖ Everybody does it
- ❖ I am not paid enough
- ❖ I pay taxes
- ❖ The state/agency/division/ won't miss it or they don't care

"You will always see what's wrong when you are right. But you will never know which is right when you are happy doing wrong."

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### REASONS WHY EMPLOYEES DO NOT REPORT MISCONDUCT

#### GEN Z LEAST LIKELY TO REPORT ETHICAL MISCONDUCT...

	GEN Z (18 & UNDER)	MILLENNIALS (26 - 41)	GEN X (42 - 57)	BOOMER (58 - 74)
REPORTED:	44%	46%	54%	50%
DID NOT REPORT:	56%	54%	46%	50%

ETHISPHERE.COM | 223 | CULTURE REPORT

DECLINE IN REPORTING RATES  
64% → 58%

Some employees remain reserved when it comes to being a whistleblower and to reporting misconduct.

#### TOP 3 REASONS WHY

- 56% | Don't believe corrective action will be taken
- 47% | Worry about retaliation
- 41% | Don't think they will remain anonymous

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**HOW TO PROMOTE STRONG WORKPLACE ETHICS**

- ▶ Teach employees that their role in implementing and maintaining an ethical workplace is instrumental
- ▶ It cannot all fall on management
- ▶ If an employee sees something they have an obligation to report it
- ▶ Employees may witness ethical dilemmas or breaches that supervisors do not



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**HOW TO PROMOTE STRONG WORKPLACE ETHICS**

- ▶ Supervisors need to walk the walk
- ▶ Employee's must be able to report discrimination and ethics violations without fear of reprisal or retaliation



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**DID THE CIVIL RIGHTS ACT ERADICATE DISCRIMINATION?**

Is there still discrimination in America?

"Hate crimes drive division and fear and we have no room for either. Federal law enforcement will stand up for our community by delivering very real consequences to very real threats, even when they are driven by fantasy."

"Great inequality and discrimination still exist in our school systems, our criminal justice system, and other aspects of our lives." – Alan Jenkins

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**HATE CRIMES ~ CLOSE TO HOME**



**August 2019: Shootings in El Paso, Texas at the Cielo Vista Walmart ~ were they racially motivated? Killed 22 and injured 22 or more.**  
 The FBI called the shooting a hate crimes with the motive: "opposition to immigration" and "white supremacy".




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**HATE CRIMES ~ CLOSE TO HOME**

**Las Cruces Man Sentenced to 1 Year in Prison for Threatening U.S. Congresswoman**

Michael David Fox was sentenced to 1 year and 1 day in prison and ordered to pay a \$4,000 fine.

According to court documents, on May 18, 2023, Fox left a voicemail for the office of a congresswoman for the District of Texas, calling her a "tranny and a pedophile" and threatening to "put a bullet" in her face.

At sentencing, the court found that Fox intentionally selected the congresswoman as a victim because he mistakenly believed she was transgender, and therefore the court applied a hate crime motivation enhancement to his sentence.

"Hate crimes are not only an attack on a victim; these violent acts threaten and intimidate an entire community." "The FBI and our partners will not tolerate crimes motivated by hate, and we will vigorously pursue those that commit them."

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**HATE GROUPS ~ 2023**



**New Mexico (1)**  
 Statewide  
 National Auto Party - New Mexico (100 Members)  
 (1)  
 Bernalillo County  
 (1)  
 American People Vanguard (1)  
 San Juan County  
 (1)

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**INCLUSIVE WORK ENVIRONMENT,  
EQUAL OPPORTUNITY AND A DIVERSE  
WORKFORCE**

What is an inclusive work environment?  
How do we create an inclusive work environment?  
How do we eradicate discrimination in the workplace?



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**REINFORCING YOUR DIVERSE, RESPECTFUL AND  
INCLUSIVE WORKFORCE - AWARENESS**

For example ~  
Do you think someone might find these still used slogans offensive?



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**REINFORCING YOUR DIVERSE, RESPECTFUL AND  
INCLUSIVE WORKFORCE - AWARENESS**

Aunt Jemima, 1889 to 2021

Land O'Lakes butter, 1928-2020



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THE REMOVAL OF THE SOUTH CAROLINA FLAG WAS PROMPTED IN PART BY THE HATE CRIME SHOOTING.

The confederate flag was lowered from the South Carolina capital in July 2017.

Proud moment? Or long overdue?

*New York Times called the flag a "Polarizing symbol of the old south"*

**What about removal from other governmental places?**



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WHAT ABOUT OTHER GOVERNMENTAL BUILDINGS?

October 12, 2020: Santa Fe, NM, the obelisk monument located in the plaza downtown Santa Fe was said to have celebrated the killings of Native Americans. Protestors chained themselves on the obelisk and a crowd toppled the monument that Native Americans community members have long called on to be removed.



**Does not removing symbols such as these create a perception or bias? Do they have an effect?**

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**Use of the Confederate Flag**

**Innocent motif?**

**Should schools allow confederate flags and related symbols to be flown at rallies, be school mascots, etc.?**

**What about the use of the "Dixie Fight Song?"**

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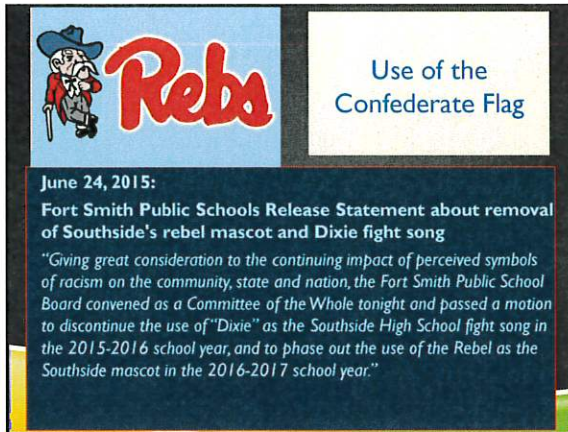
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**Use of the Confederate Flag**

**June 24, 2015:**  
**Fort Smith Public Schools Release Statement about removal of Southside's rebel mascot and Dixie fight song**  
*"Giving great consideration to the continuing impact of perceived symbols of racism on the community, state and nation, the Fort Smith Public School Board convened as a Committee of the Whole tonight and passed a motion to discontinue the use of "Dixie" as the Southside High School fight song in the 2015-2016 school year, and to phase out the use of the Rebel as the Southside mascot in the 2016-2017 school year."*

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**The New York State Board of Regents (BOR) unanimously approved a ban on April 18, 2023, that went into effect on May 3, 2023, and the State Education Department sent notice in November to school districts across New York that they had to commit to abandon "Native American mascots" or face "removal of school officers and the withholding of state aid."**

- ▶ The directive applies to mascots, team names, and logos.
- ▶ Over 100 schools in New York were affected by the ruling.
- ▶ If schools want to keep their mascots, they must have expressed approval from a recognized Native American tribe. Those who do not comply with NYSED's ruling are at risk of having school officers removed and state aid withheld.

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**"8 HIGH SCHOOL MASCOTS YOU WON'T BELIEVE STILL EXIST"**

*You will find an article in your handouts titled "8 High School Mascots you won't believe still exist," "The Most Tasteless Mascots You'll See Outside of A Redskins Game," & "Mad Men" Ads*

**Here are a few:**  
**The Maniacs - The Midgets - The WhiteFaces**  
**The Cotton Pickers - The Arabs - The Savages**

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**ANTI-SEMITIC PROPAGANDA** 

Article: Cincinnati, Ohio ~ Business owners in Northside are trying to find the person responsible for distributing anti-Semitic fliers in their community. It was said the fliers spread misinformation about Jewish people.

VIDEO - <https://www.wlwt.com/article/antisemitic-propaganda-distributed-to-business-owners/43202328#>

Article: Anti-Semitic fliers found on cars near Bozeman Elementary School  
<https://www.kbzk.com/news/local-news/antisemitic-fliers-found-on-cars-near-bozeman-elementary-school>

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**ANTI-SEMITIC PROPAGANDA**

October 2022: Santa Fe, NM ~ A hate-filled message appearing to target NM Representative Nathan Small contained mysterious substance with anti-Semitic symbols and a photo of Representative Small.

*"We have never experienced this kind of vicious act and we have never received a substance that is potentially deadly and could harm us so this was extremely frightening, very terrifying for all of us," said CVNM, Executive Director Demis Foster.*



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**WHAT WE ~ AS MANAGERS ~ DO MATTERS & INFLUENCES OTHERS**

A Kentucky student sued the state when he was forced to use the women's restroom.

He **had not** been bullied in middle school, where his school and classmates had supported his transgender choice.

However, in high school, when the same classmates saw the school administration did not support his choice, he **began** to be bullied.

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**EMPLOYEE DISCRIMINATION  
DISPARATE TREATMENT TITLE VII**

How many of you are familiar with Disparate Impact?

Disproportionate "*adverse impact*" on persons of a protected class may be discriminatory and disparate.

The bottom line is: Was the person treated differently because of his or her race, sex, religion, color or national origin, or any protected status?



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**EMPLOYMENT DISCRIMINATION  
ADVERSE IMPACT  
TITLE VII OF THE CIVIL RIGHTS ACT**

- Adverse impact discrimination can result from neutral employment policies and practices which are applied evenhandedly to all employees and applicants, which have the effect to disproportionately exclude people of a protected class, i.e., women and minorities.
- Once the adverse impact is established, the respondent must justify the continued use of the procedures causing the adverse impact as necessary.



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**EMPLOYMENT DISCRIMINATION  
ADVERSE IMPACT  
TITLE VII OF THE CIVIL RIGHTS ACT**

- In 2021, Governor Michelle Lujan Grisham signed into law measures that prohibit discrimination, discipline or disparate treatment of New Mexico students based on their hair style or cultural or religious headdress.
- The bill preventing school districts and charters from discriminating against any student based on their race or culture with respect to their hairstyle or headdress.
- At least seven other states have passed similar anti-discrimination legislation, sometimes referred to as being inspired by the Crown Act.



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**DIVERSITY & SENSITIVITY TRAINING IN THE WORKPLACE  
GENDER IDENTITY OR TRANSGENDER**

Is the point of your drivers' license to reflect what you look like on a day to day basis?

Under West Virginia law a photo that deviates from the gender listed on the license falls under "an attempt to conceal or alter your identity or appearance."

Do you think this could disparately impact someone?



Two transgender women complain of DMV mistreatment in West Virginia

The DMV manager told Kristen Skinner it was a DMV policy that people listed as male could not wear makeup and required she remove her makeup and wig.

CNN 2014

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IN 2020, THE U.S. SUPREME COURT ISSUED A LANDMARK RULING, SAYING TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 PROTECTS GAY AND TRANSGENDER WORKERS FROM EMPLOYMENT DISCRIMINATION.

CONSOLIDATING MULTIPLE CASES, THE RULING AFFIRMS THAT FEDERAL EMPLOYMENT PROTECTIONS COVER LGBT EMPLOYEES.

TITLE VII OF THE CIVIL RIGHTS ACT ALREADY BANNED EMPLOYMENT DISCRIMINATION BASED ON: NATIONAL ORIGIN, RELIGION, RACE, AND SEX.

NOW, THE SUPREME COURT RULED THAT WHEN IT COMES TO "SEX," EMPLOYMENT PROTECTIONS APPLY TO LGBT INDIVIDUALS, AS WELL.

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**LIVE PROUDLY. IT'S YOUR RIGHT.**

ACLU

**2023 National Transgender Discrimination Survey**

**Negative Experiences at School**

Among those enrolled, LGBTQ young people reported that these negative experiences happened to them while in school:

- I was verbally harassed because people thought I was LGBTQ: 33%
- I wasn't allowed to dress in the way that is my gender identity or expression: 22%
- I was disciplined for fighting back against bullies: 24%
- I experienced unwanted sexual contact because people thought I was LGBTQ: 20%
- I believe I was disciplined more harshly because teachers/staff thought I was LGBTQ: 15%
- I left a school because the mistreatment was so bad: 12%
- I was physically attacked because people thought I was LGBTQ: 6%

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- 41% of LGBTQ young people seriously considered attempting suicide in the past year—and young people who are transgender, nonbinary, and/or people of color reported higher rates than their peers.
- Nearly 1 in 3 LGBTQ young people said their mental health was poor most of the time or always due to anti-LGBTQ policies and legislation.
- Nearly 2 in 3 LGBTQ young people said that hearing about potential state or local laws banning people from discussing LGBTQ people at school made their mental health a lot worse.
- 56% of LGBTQ young people who wanted mental health care in the past year were not able to get it.
- Nearly two-thirds of 16- and 17-year-old respondents (60%) who were out or perceived as transgender in K-12 experienced one or more form of mistreatment or negative experience, including verbal harassment, physical attacks, online bullying, being denied the ability to dress according to their gender identity/expression, teachers or staff refusing to use chosen name or pronouns, or being denied the use of restrooms or locker rooms matching their gender identity.
- Nearly one-third (30%) of respondents reported that they were verbally harassed in the last 12 months because of their gender identity or expression.
- More than one-third (39%) of respondents reported that they were harassed online in the last 12 months because of their gender identity or expression.
- Three percent (3%) of respondents reported that they were physically attacked in the last 12 months because of their gender identity or expression.

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Students who are trans or identify as neither man nor woman have been barred from using the restroom of their choice, kicked out of dorms, and called before disciplinary hearings to explain their gender reassignment. <https://news.trust.org/item/20190816035275-mt2ny>

The La Cueva school's webpage states 8 out of 10 LGBT students are harassed each year because of who they are. <https://lacueva.sps.edu/lgbtq-support-advocacy>

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New Mexico Gov. Michelle Lujan Grisham signed House Bill 207 into law on March 24, 2023, that expands protections for LGBTQ New Mexicans under the state's Human Rights Act.

For transgender residents, Grisham also signed House Bill 31, a measure that removes the requirement that name changes be published in a newspaper.

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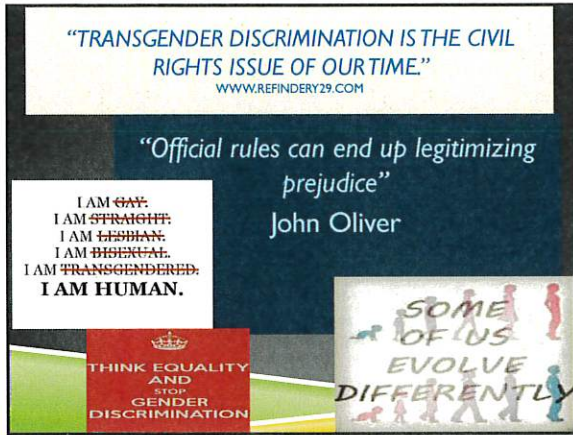
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### Microaggressions & Implicit Bias

**What are microaggressions and why do they matter?**

- **Microaggressions** are a statement, action, or incident regarded as an instance of indirect, subtle, intentional or unintentional discrimination against members of a marginalized group such as a racial or ethnic minority.
- They are assumptions.
- **Microaggressions** seem to appear in **three forms**: microassault, microinsult, and microinvalidation.
- **Microaggressions** are an outgrowth of implicit bias.
- **Implicit bias** refers to the attitudes and stereotypes that affect our understanding, actions and decisions in an unconscious manner.

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### Unconscious Biases

**"If there is one thing you need to understand about your biases ... is that you have them."**

**All people harbor beliefs and attitudes about groups of people based on their race, ethnicity, gender, body weight or other traits. Biases can be favorable towards or against a group.**

**You must recognize and discover what your biases are in order to manage and overcome them.**

<https://search.well-edu/news/understanding-your-biases>

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**Identifying Bias**

SO.....  
 HOW DO WE GET RID OF  
 SOMETHING WE CANNOT SEE,  
 DON'T RECOGNIZE, OR AREN'T  
 AWARE OF?



In our everyday life people may hear and see things and become desensitized or may be unaware of personal biases

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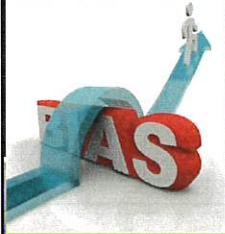
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**OVERCOMING BIAS**  
 HERE ARE 3 WEBSITES TO SEE WHERE YOU MAY  
 HAVE HIDDEN BIASES



- ▶ <https://implicit.harvard.edu/implicit/selectatest.html>
- ▶ [www.understandingprejudice.org/demos/](http://www.understandingprejudice.org/demos/)
- ▶ [www.tolerance.org/activity/test-yourself-hidden-bias](http://www.tolerance.org/activity/test-yourself-hidden-bias)

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**RECOGNIZING BIAS**

One of the links is Harvard's "Implicit" bias test  
 It looks at the following biases:  
 Nationality, Race, Religion, Disability, Sexuality, Age & ~  
 Gender-Career, Gender-Science, Weight, Looks

Studies have found, for example, that school teachers clearly telegraph biases, so much so that some researchers believe children of different races and gender, in the same classroom effectively receive different educations

Source: Teaching Tolerance/www.tolerance.org

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**RECOGNIZING BIAS**

We need to continually be aware of and watch for biases in the workplace, in our employees and in ourselves, so we can overcome them

If people are aware of their hidden biases, they can attempt to change their attitudes before they are expressed through behavior

How do you  the world?

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**BIAS IN COMMUNICATION**

Recognizing Bias and Fostering Healthy Communication

Bias can influence how communicate and perceive communication from others.

How we communicate is related to our diverse backgrounds.

It is critical that we are able to communicate without bias.



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**REMEMBER~**

❖ Each justice, judge, manager and supervisor shall establish and maintain a work environment that is free of harassment (including sexual harassment), discrimination and retaliation from justices, judges, employees and outside parties.



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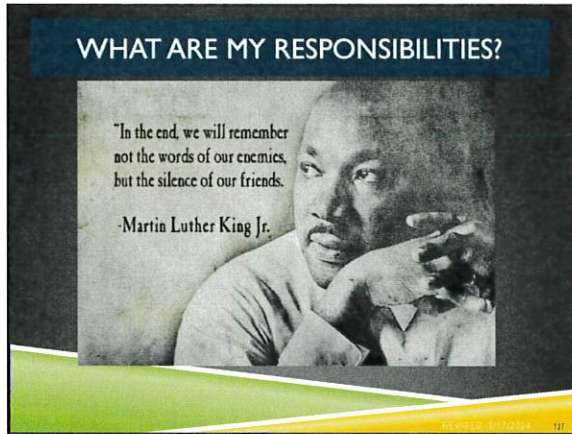
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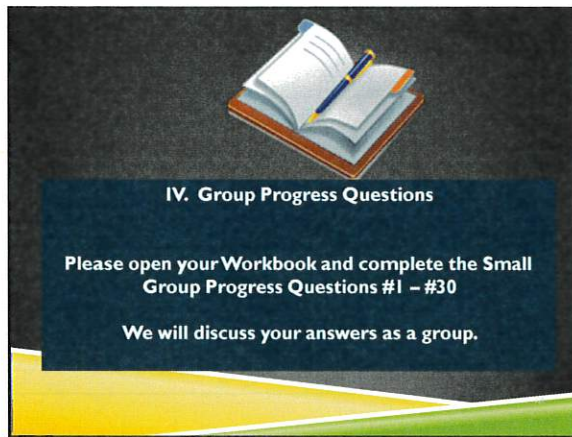
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# HANDOUTS

## MODULE 8

- Ethics Quiz
- NMJB Personnel Policy & Procedure: Harassment, Including Sexual Harassment, Discrimination & Retaliation Policy & Acknowledgement Form  
Effective January 1997, Last Revised February 2024
  - Harassment Policy Flowchart
- Email – Prompt Response to Employee Complaints Mitigates Potential Claims
  - EEOC Charge Statistics FY2008 through FY2023
- EEOC Charge Statistics New Mexico FY2009 through FY2022
- EEOC Press Release – 3 months of suits filed by the EEOC
- EEOC Releases Annual Performance Report for Fiscal Year 2023 – March 11, 2024
  - SmartTalent to Pay \$875,000 to Settle EEOC Sex Discrimination Lawsuit
- Hatzel & Buehler to Pay \$500,000 to settle EEOC Age Discrimination Suit

- EEOC News – Albuquerque Sport Bar Ojos Locos Sports Cantina Settlement
  - Meow Wolf Gender Discrimination Lawsuit Resolved in Silence
  - EEOC – Allsup’s settles EEOC Pregnancy and Disability Lawsuit for \$950k
    - EEOC – More lawsuits filed in FY 2023
      - EEOC FY 2023 Litigation Trends
    - “A New Survey Finds 81% of Women Have Experienced Sexual Harassment”
  - 5 Disturbing Sexual Harassment Statistics We Can’t Afford to Ignore
    - EEOC Data Highlight – April 2022
    - “23 Statistics on Sexual Harassment in the Workplace”
  - Key Findings and Statistics on Workplace Harassment & Misconduct
  - Genetic Information Nondiscrimination Act of 2008
  - EEOC – What You Should Know About the Pregnant Worker’s Fairness Act

- Facts About Pregnancy Discrimination
  - Disparate Impact #20
  - 5 Things to do after the investigation
- Department of Justice – 14 Principles of Ethical Conduct
  - 10 Tips to Promote Workplace Diversity
- 16 Sexual Harassment in the Workplace Statistics you need to know
  - US Sexual Harassment Statistics
- Harvard’s Project Implicit – Social Attitudes ~ testing for hidden bias
  - Teaching Tolerance – Test Yourself for Hidden Bias
  - “8 High School Mascots You Won’t Believe Still Exist”
  - “15 Racist Brand Mascots & Logos that make the...”
- See How Many Confederate Memorials Still Exist in New Mexico
  - Activists Have Long Said Santa Fe Monument Celebrated....Crowds toppled it this week
  - “John Oliver Delivers Passionate Transgender Rights Segment...” & “John Oliver Shows Just How Far We have to go...”

- Examples of Microaggressions in the Classroom
- Baltimore County Police Anti-Semitic flyers have been circulating in the Parkville Area CBS News
  - Anti-Semitic Propaganda Distributed to Business Owners
  - Anti-Semitic Fliers Found on Cars Near Bozeman Elementary School
  - Advocacy Group Receives Mail with Anti-Semitic Symbols, Unknown Substance
    - U.S. Transgender Survey
- FBI Releases Supplemental 2021 Hate Crime Statistics
  - New Mexico Hate Crimes Incidents in 2021

## Ethics Quiz

Please take 5-minutes and complete the following ethics quiz, which will be discussed at the end of this training module. These are for discussion purposes only.

Instructions: Rank the following 14-actions in order of least ethical to most ethical, 14 being the least ethical action. You cannot use the same number twice.

1. \_\_\_\_\_ Misrepresenting your child's age at Disneyland to purchase cheaper tickets.
2. \_\_\_\_\_ Pretending to be your spouse to the telephone representative because your name is not on the bill, they will only speak to your spouse and you need to make a payment by phone that day.
3. \_\_\_\_\_ Speeding.
4. \_\_\_\_\_ Sneaking your own food into the movie theater.
5. \_\_\_\_\_ Realizing in the parking lot you were not charged for an expensive bottle of wine and not going back into the store to pay for it.
6. \_\_\_\_\_ Taking extra condiments to bring back as extras to the office
7. \_\_\_\_\_ Taking a piece of silverware from a restaurant so you can finish eating your leftovers at the office.
8. \_\_\_\_\_ Telling someone to call you later when you know you will not be home.
9. \_\_\_\_\_ You promised your best friend you would be at his wedding, but at the last minute you are unable to get that day off work. You call in sick that morning and go anyway.
10. \_\_\_\_\_ Your inside a public building and it's pouring outside. You see that someone has left his or her umbrella near the door. You take the umbrella to use and return it the next day.
11. \_\_\_\_\_ You park next to a car in the Smith's parking lot and when you open your door it hits the car next to you and puts a small dent in the door. No one is around and the damage is not immediately noticeable. You drive away and do not leave a note.
12. \_\_\_\_\_ You are driving home from a friend's house very late at night and you get stuck at a red light trying to turn left. After two rounds of watching all the other lanes get green light but yours, and noticing no traffic on the roads. You run the red light.
13. \_\_\_\_\_ You notice a co-worker's breath always smells like alcohol after he comes back from lunch and you don't tell your supervisor.
14. \_\_\_\_\_ Not saying anything when the cashier fails to ring up the case of water in the bottom of the shopping cart (while you are still in the store).



**NEW MEXICO JUDICIAL BRANCH**

**Policy No. 2014.NMJB.120**

**GENERAL PERSONNEL POLICY AND PROCEDURE:**

**HARASSMENT, INCLUDING SEXUAL HARASSMENT, DISCRIMINATION, & RETALIATION PREVENTION**

Dev.: 01/1997; Rev: 08/21/06; 03/01/12; 09/16/14; 11/26/18; 09/30/2021; 03/17/2022; 02/02/2024  
Inquiries: AOC HRD 505/-470-7205

**HARASSMENT, INCLUDING SEXUAL HARASSMENT, DISCRIMINATION & RETALIATION PREVENTION**

**1. PURPOSE**

The purpose of this policy is to protect all employees, and at-will employees (referred to in this policy as “employees”) as well as judicial officers, from harassment (including sexual harassment), discrimination, and retaliation and to establish procedures employees must follow if aware of or subject to harassment, discrimination, or retaliation.

The New Mexico Judicial Branch is committed to creating and maintaining a work environment in which employees can work together in an atmosphere that enhances productivity, recognizes employee diversity, and is free from all forms of harassment, discrimination, and retaliation. Harassment and/or discrimination because of race, religion, sex, age, national origin, ancestry, disability or medical condition, sexual orientation, socioeconomic status, or political affiliation, as well as retaliation against employees who file a complaint, is illegal and will not be tolerated by the New Mexico Judicial Branch. Harassment and/or disparate treatment that results in a hostile work environment will not be tolerated.

This policy has a broad application and applies to justices, judges, all employees (probationary, term, classified, at-will, and temporary employees), in addition to outside parties. Any employee who violates this policy will be subject to discipline up to and including termination. Any justice or judge who violates this policy shall be subject to referral to the Judicial Standards Commission, and discipline by the Supreme Court, as appropriate.

**2. REFERENCES**

Title VII of the Civil Rights Act as amended  
EEOC Policy Guidelines, Section 1604.11  
New Mexico Human Rights Act [as amended 2021]  
NMJBPR Part I, Section 1.05  
NMJBPR Part II, Section 15.05  
NMJBPR Harassment, Discrimination and Retaliation Prevention Appendix A

**3. DEFINITIONS**



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- A. Administrative Authority** – Individual or designee with the primary responsibility to supervise and coordinate the administration of a judicial entity, or as designated by the chief judge and approved by the Supreme Court Order. (Amended 11/26/18)
- B. AOC HRD** – Administrative Office of the Courts Human Resources Division.
- C. AOC HRD Director** - Director of the AOC HRD, or designee.
- D. AOC Director or Director** - The Director of the Administrative Office of the Courts.
- E. At-Will Employee** – A person in the judicial branch who holds an at-will job classification as delineated in the New Mexico Judicial Branch Job Classification and Pay Schedule, and excluding a justice or judge. At-will employees serve at the discretion of their judge(s), justice(s), director(s), or commissioner(s), have no rights under the New Mexico Judicial Branch Personnel Rules Part I, e.g., no right of grievance or appeal of a disciplinary action including termination, and may be dismissed by the judicial entity for any reason, and without warning. The appointing authority, chief judge, or chief justice may dismiss or discipline any at-will employee. (Amended 11/26/18)
- F. Business Day** - 8:00 a.m. to 5:00 p.m. local time. Monday through Friday, except holidays.
- G. Cultural or Religious Headdresses** – includes hijabs, burkas, head wraps or other headdresses used as part of an individual’s personal cultural or religious beliefs.
- H. Discrimination** – Any practice or behavior, whether intentional or not, which has a negative impact on an individual or group because of personal characteristics or circumstances unrelated to the person’s abilities or the employment issue in question (e.g., physical or mental disability, serious medical condition, sex, age over forty (40), race, color, religion, national origin, pregnancy, childbirth, conditions related to pregnancy or childbirth, citizenship, ethnic origin, ancestry, sexual orientation, marital status, military leave, veteran status, genetic information, gender identity, socioeconomic status, spousal affiliation, political affiliation, cultural or religious headdress and any other status protected by law, except where there is a bona fide occupational qualification that justifies a differentiation). (Amended 09/16/14; 11/26/18; 09/30/21)
- I. Disparate Treatment** – When an employee is treated differently from others. The different treatment is based on one or more of the protected factors and the different treatment is intentional. For example, disparate treatment occurs when a supervisor allows the majority of his/her employees to enjoy a particular job benefit but denies a single employee that same benefit. Disparate treatment should not occur based on one or more of the protected factors in recruitment, hiring, promotion, benefits, training, job benefits, job duties, termination, or any other aspect of employment. (Added 03/01/12; Amended 11/26/18; 09/30/21)



**GENERAL PERSONNEL POLICY AND PROCEDURE:**

**HARASSMENT, INCLUDING SEXUAL HARASSMENT, DISCRIMINATION, & RETALIATION PREVENTION**

- J. Employee** – A person who holds a permanent or term position within the judicial branch, excluding a justice, judge, or at-will employee. (Amended 07/01/14)
- K. Harassment** – Is unwelcome behavior or conduct that substantially interferes with an individual’s employment. Harassment may include, but is not limited to, verbal or physical attacks, graphic or written statements, and may include text messages, emojis, stickers, GIF (graphical interchange format, images, or soundless videos that play in a loop) and similar or written statements, threats, or slurs. Whether the alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including the nature, frequency, and duration of the conduct in question. Any type of Harassment is prohibited, including behavior, which might be described as tormenting, persecuting, or hassling, which is seriously offensive in nature. To constitute prohibited Harassment, which can lead to discipline under this Policy, the conduct must be such that it detrimentally affects the individual in question and would detrimentally affect a reasonable person under the same circumstances. Harassment includes creating a hostile work environment by creating a workplace situation where an employee cannot reasonably perform work due to behaviors by management, employees, justices, or judges that are clearly contrary to appropriate management or professional behavior. To be unlawful harassment is unwelcome conduct based on one or more protected factors such as disability, serious medical condition, sex, age over forty (40), race, color, religion, national origin, pregnancy, citizenship, ethnic origin, ancestry, sexual orientation, marital status, military leave, veteran status, genetic information, gender identity, socioeconomic status, political affiliation, and any other status protected by law. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws. (Amended 03/01/12; Amended 09/16/14; 11/26/18)
- L. Hostile Work Environment** – A term used to describe a workplace situation where an employee cannot reasonably perform their work, due to certain behaviors by management or co-workers. A hostile work environment may be a form of harassment. It is demonstrated by severe and pervasive conduct that permeates the work environment and interferes with an employee’s ability to perform their job. It is very specific behavior that causes severe undue work stress to the employee, and inhibits work performance. The conduct or behavior must be pervasive and constitute a pattern and is based upon the totality of the circumstances rather than consist of one or two isolated incidents. (Added 03/01/12; Amended 09/15/14; 11/26/18)
- M. Judicial Entity** – The Supreme Court, Court of Appeals, Administrative Office of the Courts, District, Metropolitan, and Magistrate Courts, Supreme Court Building Commission, New Mexico Compilation Commission, Supreme Court Law Library and Judicial Standards Commission.



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- N. Local Investigation** – An investigation, which is conducted within the judicial entity where the complaint originated, and if investigated by the local investigator. (Added 03/01/12; Amended 09/16/14)
- O. Local Investigator** – The individual who is trained in the adopted investigation methodology to investigate complaints of harassment, discrimination and retaliation; and has the responsibility to review the complaint documentation, conduct confidential interviews, prepare witness statements, evaluate facts, documents, and statements, prepare a formal written report summarizing the findings of fact and make recommendations for approval by the Administrative Authority. The Administrative Authority should recommend a local investigator for their judicial entity in writing to the AOC Director. Local investigators may be selected from those holding only the following job classifications: AOC Deputy Director, AOC HR Director, AOC HR Project Manager, AOC HR Administrator, AOC HR Services Manager, AOC General Counsel, Attorney Supervisor, Attorney Senior, Attorney Associate, Attorney-General Counsel, Chief Appellate Court Clerk, Court Executive Officer 1, 2 or 3, Deputy Court Executive Officer 1 or 2, HR Administrator Senior, HR Supervisor, or Court Human Resources Operations Manager. (Added 03/01/12; Amended 09/16/14; 11/26/18)
- P. Mediation** - An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.
- Q. NMJBPR** – New Mexico Judicial Branch Personnel Rules – Part I for employees.
- R. NMJBPR AWE** – New Mexico Judicial Branch Personnel Rules – Part II for at-will employees.
- S. New Mexico Human Rights Act** – The New Mexico Human Rights Act prohibits discrimination in employment based on race, age, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth, conditions related to pregnancy or childbirth, physical or mental disability, or serious medical condition (NM Stat. Sec. 28-1-1 *et seq.*). The Act also prohibits discrimination based on spousal affiliation.
- T. Outside Party** - An individual who is not a justice, judge or employee, or at-will employee of any judicial entity.
- U. Protected Factors** – Protected factors are identified by state and/or federal law and include disability, serious medical condition, sex, age over forty (40), race, color, religion, national origin, pregnancy, citizenship, ethnic origin, ancestry, sexual orientation, marital status, military leave, veteran status, genetic information, gender identity, socioeconomic status, political affiliation and any other status protected by law, except where there is a bona fide occupational qualification which justifies a differentiation. (Added 11/26/18)
- V. Protective hairstyles** – includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, weaves, wigs, or headwraps, and includes styles historically associated with race,



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including hair texture, length of hair, protective hairstyles, or cultural or religious headdresses. (Added 09/30/21)

- W. Referred Investigation** – One, which is submitted to the AOC HR Director by the Administrative Authority of the judicial entity from which the complaint originated, after a local investigation is completed.
- X. Retaliation** – Generally is the act of attacking in return, as in taking revenge, reciprocating, settling a score or getting even; workplace retaliation may include materially affecting the terms, conditions or privileges of employment. Retaliation is an adverse action taken against an individual because of an individual’s participation in a protected activity, such as reporting concerns, filing a complaint, or participating in an investigation regarding harassment, sexual harassment, discrimination, or retaliation. (Amended 09/16/14; 11/26/18)
- Y. Sexual Harassment** – Behavior of a sexual nature that is unwelcome, unwanted, and personally offensive to a recipient and may include but is not limited to requests for sexual favors, sexual advances, other verbal, nonverbal, graphic, or physical conduct of a sexual nature; suggestive or obscene e-mails, letters, notes, or invitations; derogatory comments, epithets, lewd language, slurs or jokes; impeding or blocking movements; touching or any physical interference with normal work; sexually oriented gestures; the display of sexually suggestive or derogatory objects, pictures, cartoons, or posters; and such behavior is severe, persistent, and pervasive interfering with or limiting a person’s ability to perform their job. May be a single threat or insinuation that submission to or rejection of sexual favors may explicitly or implicitly be a condition used as the basis for employment decisions, such as, reprisals, withholding support for reappointment, promotions or transfers, or change of assignment. (Amended 09/16/14, 11/26/18)
- Z. Witness** - Any individual who has direct or indirect knowledge of the incident(s) relevant to an investigation. (Added 08/01/10)

**4. CONFIDENTIALITY**

All individuals involved in any capacity shall maintain confidentiality throughout the investigation process to the extent possible; all information is communicated strictly on a need-to-know basis. (Amended 09/16/14; 11/26/18)

**5. EMPLOYEE PROVISIONS**

- A. Harassment-Free Workplace.** Each manager and supervisor shall establish and maintain a work environment that is free of harassment, discrimination, and retaliation from justices, judges, employees, and outside parties. (Amended 09/16/14)



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- B. Each employee of the New Mexico Judicial Branch is expected to abide by this policy and shall avoid any behavior or conduct toward any justice, judge, employee or an outside party that could be interpreted as harassment, discrimination, or retaliation.
- C. **Responsibility to Report.** An employee who observes or becomes aware of any possible harassment, discrimination, or retaliation shall immediately report as outlined within this policy. (Amended 09/16/14; 09/30/21)
- D. **Retaliation for Participation Prohibited.** An employee shall not be subject to retaliation for making a complaint or participating in an investigation under this policy. (Amended 09/16/14)
- E. An employee who violates any provision of this policy shall be subject to discipline up to and including termination in accordance with the provisions of the NMJBPR & NMJBPAWE.

## 6. JUSTICE AND JUDGE PROVISIONS

- A. Each justice and judge shall establish and maintain a work environment that is free of harassment, discrimination and retaliation from justices, judges, employees and outside parties.
- B. A justice or judge of the judicial branch is expected to abide by this policy and shall avoid any behavior or conduct toward any justice, judge, employee or outside party that could be interpreted as harassment, discrimination, or retaliation.
- C. A justice or judge who observes or becomes aware of any possible harassment, discrimination, or retaliation shall immediately report as outlined within this policy. (Amended 09/30/21)
- D. Any justice or judge who violates this policy shall be subject to referral to the Judicial Standards Commission, and disciplined by the Supreme Court, as appropriate.
- E. If a complaint against a justice or judge is referred to the Judicial Standards Commission, the provisions of NMSA 1978 §34-10-2.1 shall apply.

## 7. EMPLOYEE EDUCATIONAL PROGRAMS

- A. **Employment-Related Civil Rights Training.** The AOC shall, publish an appendix to this policy designating approved New Mexico Judicial Branch Civil Rights Training in regards to Harassment, Discrimination and Retaliation Prevention training, and inform judicial entities of this approved training.



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- B.** Each judicial entity shall ensure every employee and judicial officer attends an AOC approved Harassment, Discrimination, and Retaliation Prevention training within thirty (30) business days of hire. (Amended 02/02/2024)
- C.** At minimum new employees must view the required training materials included in the training/learning platform, receive a passing grade, obtain a certificate of completion for their personnel file, and sign the NMJB acknowledgement form. (Amended 09/16/14; 09/30/21)
- D. Annual Training and Judicial Entity Certification.** The Administrative Authority or designee shall certify to the AOC HR Director by June 30 of each calendar year in a letter or e-mail that all current employees and judicial officers of that judicial entity have received AOC approved Harassment, Discrimination, and Retaliation Prevention training within the calendar year. Judicial entities are required to confirm all employees have completed training by running the training platform course reports before submitting certification to AOC HRD. AOC HRD will maintain a record of certification communications received from judicial entities. Judicial entities are encouraged to train staff utilizing all AOC approved training materials, though may add to or supplement the training with AOC HR Director approval. (Amended 09/16/14; 11/26/18; 09/30/21; 02/02/2024)
- E.** Follow-up Harassment, Discrimination, and Retaliation Prevention Training may be provided, as appropriate and is the responsibility of each entity's local HR. (Amended 02/02/2024)
- F. Acknowledgment Form Required.** Each employee who attends Harassment, Discrimination, and Retaliation Prevention Training shall sign a verification acknowledging that the employee has attended the training. A copy of the individual employee's acknowledgment of training must be included in his/her employee personnel file. (Amended 09/16/14)
- G.** The Harassment, Discrimination, and Retaliation Prevention Training shall include:

  - (1)** providing the judicial officer or employee a copy of this policy and/or the location on the nmcourts website; (Added 09/30/21)
  - (2)** an overview of the NMJBPR and NMJBPRawe Section 1.05 and 15.05;
  - (3)** what constitutes harassment, discrimination, and retaliation;
  - (4)** examples of harassment, discrimination, and retaliation;
  - (5)** examples of how to handle a harassing, discriminatory, or retaliatory situation; and



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(6) steps to take for resolution if an employee feels harassment, discrimination, or retaliation has occurred.

**8. LOCAL INVESTIGATOR DESIGNATION** (Added 03/01/12, Amended 09/16/14)

The Administrative Authority should recommend one or two local investigators for their judicial entity in writing to the AOC Director and AOC HR Director. Local investigators may be selected from those holding only the following job classifications: AOC Deputy Director, AOC HR Director, AOC HR Deputy, AOC HR Statewide Project Manager Senior, AOC HR Project Manager, AOC General Counsel, Attorney Supervisor, Attorney Senior, Attorney Associate, Attorney- General Counsel, Chief Appellate Court Clerk 1 and 2, Court Executive Officer 1, 2 or 3, Deputy Court Executive Officer 1, 2, and 3, HR Administrator Senior, HR Supervisor, or Court Human Resources Operations Manager. (Amended 11/26/18; 09/30/21)

The local investigator will be trained in the New Mexico Judicial Branch adopted investigation methodology to investigate complaints of harassment, discrimination, and retaliation. The local investigator has the responsibility to review the complaint documentation, conduct confidential interviews, prepare witness statements, evaluate facts, documents, and statements, prepare a formal written report summarizing the findings of fact and make recommendations for approval by the Administrative Authority. (Added 03/01/12; Amended 09/16/14; 11/26/18)

- A. A local investigator shall not be the Administrative Authority.
- B. Each appointed local investigator must attend an AOC approved investigation training(s) prior to investigating a harassment, discrimination, or retaliation complaint. The local investigator upon completion of the approved and required training shall be appointed by the Administrative Authority following approval from the AOC Director and AOC HR Director.
- C. The local investigator shall send to the AOC Director and AOC HR Director a copy of the complaint and final report upon conclusion of the investigation. (Added 11/26/18)
- D. Staff designated as the local investigator shall not receive additional compensation.
- E. The local investigator may refer associated parties to mediation in accordance with section 15 below.

**9. LOCAL INVESTIGATOR TRAINING**



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- A. Should the AOC develop an investigation training it will be mandatory for all designated local investigators. Additional required training may be developed and required as requested, required, or necessary. (Amended 09/16/14; 11/26/18)
- B. The AOC sponsored training will provide local investigators with information regarding how to conduct local investigations based upon this policy.
- C. In addition to the AOC sponsored training, local investigators are encouraged, and may be required to attend additional relevant training.
- D. With the AOC Director approval, local investigators may attend an investigation training conducted outside of the judiciary. If the local investigator takes a third party training, they must provide the agenda, training materials, and any certificates obtained from the training for consideration in the approval.
- E. Local investigators who receive training from outside the judiciary will be required to work with AOC HRD Investigators on the first investigation, they conduct until trained on the New Mexico Judicial Branch adopted investigation methodology to investigate complaints of harassment, discrimination, and retaliation provide guidance on the process, guidelines and forms the judiciary follows.

**10. HOW TO REPORT HARASSMENT, DISCRIMINATION, AND RETALIATION**

- A. A justice, judge, at-will employee, or an employee should submit a clear, concise, and relevant written complaint within a reasonable time not to exceed 120 calendar days from the most recent alleged related incident.
- B. Employees may also report allegations of harassment, discrimination, and retaliation verbally, and to their supervisor, manager, or human resources. If the alleged harasser is the employee's supervisor, they may report to others outside the chain of command as appropriate, or the AOC HR Director or AOC HR Deputy Director. Management may not ignore a verbal or written complaint, and all complaints related to harassment, discrimination, and retaliation need to be immediately disclosed to the Administrative Authority and Human Resources. A failure to disclose a complaint of harassment, discrimination, and retaliation may be subject to disciplinary action (Amended 11/26/18; 09/30/21)
- C. An individual may use the "Harassment, Including Sexual Harassment, Discrimination, and Retaliation Prevention Notice Form" to make a written complaint. (Amended 09/16/14)



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- D. A complaint against a justice, judge, the personal staff of a judge or justice, Court Executive Officer, Chief Appellate Court Clerk, human resources staff, the AOC Director, or a local investigator shall be submitted directly to the AOC HR Director. (Amended 11/26/18)
- E. A complaint against an employee or an outside person shall be submitted as follows:
  - (1) In the Supreme Court to the Chief Appellate Court Clerk.
  - (2) In a District Court, Magistrate Court, or the Metropolitan Court to the Court Executive Officer of the judicial entity. (Amended 09/30/21)
  - (3) In the AOC, or Court of Appeals to the AOC HR Director.

If a local investigator has not been appointed, the judicial entity shall submit the complaint to the AOC HR Director within five (5) working days. (Amended 11/26/18; 09/30/21)

- F. An individual who believes that he or she has been a victim of harassment, discrimination, or retaliation is encouraged to inform the accused individual that the behavior is offensive and that it should stop immediately.
- G. Regardless of whether or not the accused individual is confronted directly about their behavior, the complaining individual shall immediately report the behavior.
- H. Any employee knowingly making false statements in a complaint or during an investigation of harassment, discrimination, or retaliation shall be subject to discipline, pursuant to the NMJBPR.

**11. INVESTIGATION PROCEDURES (Local Investigator or AOC Director) (Added 03/01/12, 09/16/14)**

- A. Upon receipt of a harassment, discrimination, or retaliation complaint, the investigator shall make an initial determination within ten (10) business days whether the complaint states facts that fairly describe improper harassment, discrimination, or retaliation as defined in this policy. The complaint should be read broadly, and should not be held to technical pleading standards. If the investigator determines that the complaint does not allege improper harassment, discrimination, or retaliation, the investigator shall so notify the complainant in writing. In judicial entities where a local investigator has not been appointed all complaints shall be forwarded directly to the AOC HR Director. (Amended 11/26/18)



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- B.** Nothing in this section shall prevent the investigator from addressing the allegations with the Administrative Authority if the complaint states facts related to mismanagement or misconduct that is not improper harassment, discrimination, or retaliation.
- C.** If the investigator's initial determination is that the complaint does state a cause of improper harassment, discrimination, or retaliation the investigator will provide the accused individual with a copy of the full complaint within ten (10) business days, unless the complainant rescinds the complaint. Rescinding a complaint must be done in writing. (Amended 11/26/18)
- D.** The accused individual may submit a clear, concise, and relevant written response within ten (10) business days of receipt of the complaint against him or her. Any response will be provided by the investigator to the complainant within five (5) business days of receipt of the response.
- E.** The investigator shall initiate a confidential investigation within twenty (20) business days after providing the complaint to the accused.
- F.** All interviews and discussions with parties associated with the complaint and witnesses shall be conducted in private. The investigator should conduct all interviews with another investigator present. If the judicial entity has only one approved investigator, a second trained and approved investigator from another judicial entity or AOC HRD may be used. (Amended 11/26/18)
- G.** The investigator shall inform each interviewee in writing to keep the matter confidential, and each interviewee should sign a confidentiality statement. (See Investigation Participant Acknowledgment Form 2014.NMJB.120-B) (Amended 09/16/14; 11/26/18)
- H.** If the complainant, respondent, or a witness is unwilling to be interviewed, to sign the formal complaint statement, to timely sign a witness statement, or to otherwise, participate or cooperate in the investigative process, the investigators shall prepare and sign a written statement attesting to the refusal of the complainant, respondent, or witness to cooperate in the investigation. An investigation of the allegation shall nevertheless, be conducted in a manner appropriate to the circumstances. (Amended 11/26/18)

**Written & Signed Statements** - All interviews of the complainant, respondent, and witnesses shall be documented by the investigator in statement form, signed by the individual interviewed, and will become part of the evidence of the investigation. Each page of the signed statement should be initialed by the complainant, respondent, or witness. Any refusal to sign will be noted by the investigators.

**(1) Interview of the Complainant**

The allegation shall be discussed in detail to determine:



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- a. Identity of the accused individual (hereafter, the "respondent");
- b. The specific details of each event the complainant believes is inappropriate, including date(s), time(s), location(s), act(s), gesture(s) and dialogue;
- c. Whether there are any documents to support the allegations of the complainant;
- d. To the extent possible, any economic and/or psychological consequences to the complainant;
- e. The nature and past history of the relationship between the complainant and respondent and the relationship of the respondent to the organization (i.e., supervisory employee, non-supervisory employee, third party, elected official);
- f. Any statement(s), act(s), or gesture(s) the complainant has made to let the respondent know the behavior is unwelcome. If the complainant initially welcomed the conduct by active participation, the complainant should have given specific notice to the respondent that the conduct was no longer welcome for any such subsequent conduct to be deemed unwelcome;
- g. Whether the complainant knows of others who may have been party to the alleged behavior by the respondent;
- h. The names of any witnesses to the alleged behavior;
- i. Whether management could have become or was aware of the incident(s) that are the subject of the complaint; and
- j. Whether the complainant has made a previous complaint concerning the alleged behavior and to whom such complaint was made.

**(2) Interview of the Respondent**

The respondent should receive an explanation and be afforded the opportunity to discuss the allegation(s) in detail. The investigator must:

- a. Inform the respondent of the nature of the inquiry;
- b. Request that the respondent reply to each of the allegations made;
- c. Ask for the name(s) of witnesses, if any, who are actual witnesses to the alleged behavior and can confirm the respondent's statement;



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- d. Obtain copies of any relevant documentation supporting the respondent's statement;
- e. Ask if the respondent has previously had any kind of conflict with the complainant;
- f. Determine the nature and history of the relationship between the complainant and the respondent. Assess if the complainant initially welcomed the conduct by active participation and if the complainant gave specific notice to the respondent that the conduct was no longer welcome; and
- g. Inform the respondent that any retaliation against the complainant is unlawful and, in the case of an employee, will result in discipline up to and including termination.

**(3) Interview of Complainant's and Respondent's Witnesses**

- a. If there are witnesses to the alleged behavior or to other matters discussed in the separate interview with the complainant and respondent, the witnesses must be interviewed to confirm or refute any of the allegations.
- b. Because harassment, discrimination and retaliation often occur in private, there may not be any witnesses to the alleged behavior. Evidence may be obtained from individuals who observed either party's demeanor immediately after the alleged behavior or individuals with whom the complainant or respondent discussed the incident.

**12. FINDINGS OF FACT, REPORT & FINAL DECISION**

A. Upon completing the investigation, the investigator shall:

- (1) Evaluate the complainant and respondent's accounts of the events for internal consistency, contradictions, and plausibility.
- (2) Evaluate all other facts, documents, and statements gathered during the investigation.
- (3) Prepare a thorough report documenting all information gathered regarding the alleged behavior, and recommend appropriate action (which may include disciplinary action) to the Administrative Authority. Report documentation must include all documentation, signed witness statements, findings of fact, conclusions, and recommendations. (Added 03/01/12)



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- B.** The Administrative Authority of the judicial entity in which the complaint was submitted and investigated by a local investigator makes the final decision regarding any actions to be taken, except as required by section 13E herein.
- C.** Communications following the investigation shall be distributed with the requirement of confidentiality, as follows:

  - a.** A copy of the results of the investigation shall be provided to the complainant, as well as any requirements or recommendations especially for the complainant. Recommendations or requirements related to individuals other than the complainant shall not be included.
  - b.** A copy of the results of the investigation shall be provided to the respondent, as well as any requirements or recommendations especially for the respondent. Recommendations or requirements related to individuals other than the respondent shall not be included.
  - c.** If the investigation is conducted by the AOC HRD, a copy of the results of the investigation shall be provided to the Administrative Authority of the judicial entity in which the complainant and respondent reside.
  - d.** If the investigation is conducted by the local investigator, a copy of the results of the investigation shall be provided to the supervisor of the complainant or respondent. Recommendations or requirements related to individuals other than the supervisor's employee shall not be included. Generally, the names of witnesses should not be included.
  - e.** If the complainant or respondent is an at-will employee of a judge, a copy of the investigation results provided to the respondent shall be provided to the judge, and
  - f.** Witnesses shall receive a communication in writing informing them the investigation is closed.
- D.** A confidential file containing all documentation shall be maintained by the judicial entity in the case of a local investigation or the AOC HRD in the case of a referred investigation. A copy of the complaint and final findings of fact report should be sent to the AOC Director and AOC HR Director within thirty (30) business days of closure of the investigation. (Amended 11/26/18)

**13. REFERRED INVESTIGATION (If referred to AOC HRD) (Added 03/01/12, Amended 09/16/14)**

- A. Referral to AOC HRD.** If upon review of the local investigation findings the Administrative Authority determines based upon the facts, documents, witness statements, and local investigator's report that the investigation rises to the level of complexity that a referral to the AOC HRD for



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investigation is required, the Administrative Authority shall forward the complaint and all supporting documents to the AOC HR Director within thirty (30) business days of receipt. In judicial entities where a local investigator has not been appointed all complaints shall be forwarded directly to the AOC HR Director. (Amended 11/26/18)

- B. Local Investigator's Summary Report.** The local investigator's report shall summarize the evidence gathered and the reason why AOC HRD assistance is required.
- C. Referred back to Judicial Entity.** The local investigation will terminate at the point it is referred to the AOC HRD, unless the AOC Director determines that the investigation does not rise to the level of complexity requiring an AOC HRD investigation. Should this occur the investigation must be completed by the judicial entity in which the complaint arose. If the judicial entity has not appointed a local investigator or if the local investigator is not yet formally trained, the investigation may commence under the direction and guidance of the AOC HR Director. (Amended 09/16/14)
- D. Mediation.** The AOC HR Director may refer associated parties to mediation in accordance with section 15 below.
- E.** Any recommendations made by the AOC HR Director or designee shall be reviewed by the AOC Director. All AOC Director approved actions including discipline up to and including termination shall be adopted and implemented by the judicial entity within 45 calendar days. Nothing in this policy limits the authority of a judge as the appointing authority for an at-will employee of the judge's personal staff from imposing a higher level of discipline, up to and including termination of an at-will employee.

**14. INVESTIGATING OUTSIDE-PARTY HARASSMENT**

- A.** Upon receipt of harassment, discrimination, or retaliation complaint against an outside party, the investigator shall initiate an investigation by interviewing the complainant and complainant's witnesses in the manner stated above. If appropriate, interviews will be held with the respondent and the respondent's witnesses in the manner stated above.
- B.** In reviewing and responding to such a case, the investigator shall consider the extent of judicial branch control and any other legal responsibility the judicial branch has with respect to the conduct of outside parties, and recommended action to the Administrative Authority or appropriate administrative party.

**15. GRIEVANCE RIGHTS**



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- A. **At-Will Employee.** An at-will employee who is disciplined under this policy has no grievance rights under NMJBPR Part II.
- B. **A Classified or Career Status Employee/An Employee Who Has Completed Probationary Period.** An employee who has completed the probationary period who is suspended, demoted, terminated or suffers a loss of accrued compensation under this policy may file a grievance in accordance with the NMJBPR Part I.

**16. MEDIATION** (Added 03/01/12, Amended 09/16/14)

Mediation is the process through which a complainant and respondent work under the direction of a mediator to resolve conflicts. A solid agreement, or “win-win” solution, is the intended outcome of any mediation, and all of the parties involved will put in a considerable amount of time and effort to reach this agreement. It is preferred that parties mutually agree to mediate differences and conflicts. Should an agreement to voluntary mediation not be reached, nothing in this section precludes a judicial entity, or an investigator from recommending or requiring parties to attend mandatory mediation. Failure to comply with a mandatory mediation or a mediation agreement could result in disciplinary action. (Amended 09/16/14)

- A. parties must attend the mediation with an agreement of good faith as stated by signing and completing a confidential mediation agreement. (Amended 09/16/14)
- B. A party may withdraw from or suspend a voluntary mediation process at any time, and for any reason. The mediator may suspend or terminate a voluntary mediation, if the mediator feels that the mediation will lead to an unreasonable result, if an impasse has been reached, or if the mediator determines that he/she can no longer effectively perform his/her facilitative role. (Amended 09/16/14)
- C. It is understood between the parties and the mediator that the mediation will be strictly confidential. Mediation discussions, any draft resolutions and any unsigned mediated agreements shall not be admissible in any court, administrative or other contested proceeding. Any signed mediation agreements are binding on the parties and will be kept in the employee’s personnel file.
- D. The judicial entity in which the complaint arose is responsible for any fees associated with a selected mediator.
- E. All mediation referrals and agreements must be documented by the investigator. Such documentation shall include the names of all associated parties; the specific date mediation is to take place and the anticipated date of completion.



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- F. The Office of Alternative Dispute Prevention and Resolution, Risk Management Division, General Services Department of the State of New Mexico offers alternative dispute resolution services. The office coordinates a range of services including a network of skilled mediators to respond to requests for direct assistance. Call 827-0444 or 827-0576 or email ADR.Bureau@state.nm.us for further information. (Amended 09/30/21)

**17. ATTACHMENTS AND ACKNOWLEDGMENT**

- A. All New Mexico Judicial Branch employees, (Classified and At-Will) will be provided with a copy of the Harassment, Including Sexual Harassment, Discrimination and Retaliation policy and must sign the acknowledgment form upon receipt of the policy, which will become a part of the employee’s personnel file. (Form 2014.NMJB.120-A)
- B. Attachments include the following forms:
  - (1) NMJB Acknowledgment Form – Harassment, Including Sexual Harassment, Discrimination and Retaliation Prevention Training (Form 2014.NMJB.120-A)
  - (2) Investigation Participant Acknowledgment. (Form 2014.NMJB.120-B)
  - (3) Harassment, Including Sexual Harassment, Discrimination and Retaliation Complaint Form. (Form 2014.NMJB.120-C)
  - (4) Administrative Authority Acknowledgment Form for training materials. (Form 2014.NMJB.120-D)
  - (5) Harassment Policy Flow Chart. (Form 2014.NMJB.120-E)

Approved by Supreme Court Order #: S-1-AO-2024-00007, February 2, 2024

Effective Date: Developed - September 1997; Revised - August 21, 2006; March 1, 2012; September 16, 2014; November 26, 2018; September 30, 2021; March 17, 2022; February 2, 2024

  
\_\_\_\_\_  
for Arthur W. Pepin, Director  
Administrative Office of the Courts

2/2/2024  
\_\_\_\_\_  
Date



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**HARASSMENT, INCLUDING SEXUAL HARASSMENT, DISCRIMINATION, AND RETALIATION COMPLAINT FORM**

Form 2014.NMJB.120-C

Reference: Harassment, Including Sexual Harassment, Discrimination & Retaliation Prevention Policy NMJBPR Part 1, Section 1.05 & NMJBPR Part 2, Section 15.05 (Rvd. 09/16/14; 01/01/18, 1/12/2024)

All individuals involved in any capacity shall maintain confidentiality throughout the investigation process to the extent possible; all information is communicated strictly on a need to know basis. Upon receipt of a harassment, discrimination, or retaliation complaint the investigator will provide the accused individual with a copy of the full complaint within ten (10) business days, unless the complainant rescinds their complaint. Please review the above-mentioned policy, and review the definitions in preparation for completing this form.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Judicial Entity: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Please answer the following questions with as much information as possible.**

Name the accused individual

\_\_\_\_\_

State the date, time and location the event(s) occurred:

\_\_\_\_\_

Give the specific details of each event that leads you to believe that you have been harassed, discriminated or retaliated against or that you have observed harassment or discrimination (review definitions of harassment, discrimination and retaliation as outlined in the Harassment, Including Sexual Harassment, Discrimination and Retaliation policy.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the act(s), gesture(s) and dialogue that occurred:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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Were there any witnesses to the event? If so, name them:

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What is the nature and past history of your relationship to the accused individual (employee/supervisor)?

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Why do you think the harassment, discrimination, or retaliation is occurring?

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Do you have documents to support your allegations? If so, please attach copies.

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Describe any statements, act(s), or gesture(s) you made to let the accused individual know the behavior is unwelcome:

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Have there been any economic and/or psychological consequences to you? If so, state what they are:

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Do you know of others who may have suffered harassment, discrimination, or retaliation by the accused? If so, name the individuals and describe the alleged conduct:

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management be aware of the event about which you are complaining? If so, how?

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Have you complained previously of the alleged behavior? If so, to whom and when?

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Provide any other details or information that you feel might be pertinent:

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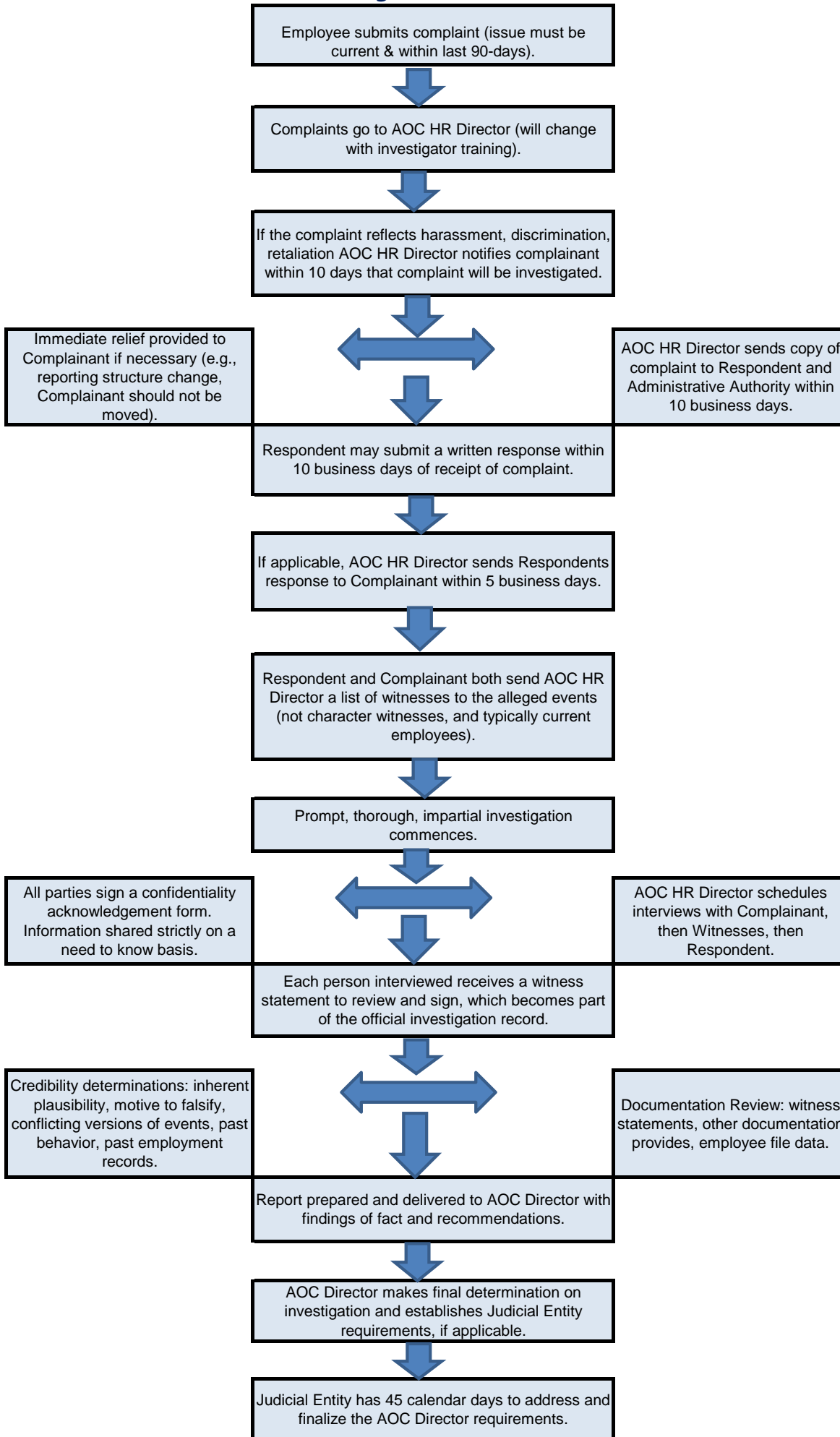
**I attest that the information provided above is true and accurate to the best of my knowledge.**

Signature of complainant \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

*Any employee knowingly making false statements in a complaint or during an investigation of harassment, discrimination, or retaliation shall be subject to discipline, pursuant to NMJBPR.*

## AOC HRD Investigation Process Flowchart



Chief Judges may or may not share information related to an investigation with other judges, all information is strictly on a need to know basis. Claims may be false, let the process take its course. Retaliation is often easier to prove than the initial complaint, and to the detriment of the Court. Goal is to demonstrate the employer exercised reasonable care to prevent and promptly correct the harassing behavior as soon as it was known.



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**Prompt response to employee complaints mitigates potential claims ~**

1 message

Lynette Paulman-Rodriguez &lt;aoclpr@nmcourts.gov&gt;

Thu, Aug 23, 2018 at 2:18 PM

To: CAD &lt;cad@nmcourts.gov&gt;, CADcopies &lt;cadcopies@nmcourts.gov&gt;, HR Professionals in the Di &lt;hrdc@nmcourts.gov&gt;

Good afternoon,

We hope you will find the below helpful, informational and something you might be able to share with your supervisors to mitigate potential personnel claims.

\*\*\*\*\*

Management and human resources are held to a higher standard and when employees mention certain things or use certain words, intentional or not we are put on notice.

Certain items require **immediate** disclosure to your CEO and HR Professional. Do not ever promise an employee, supervisor, judge or anyone confidentiality. Do not promise or agree to speak "off the record". If an employee asks you to speak off the record or in confidence you must qualify your answer so they do not think you breached their confidence. For example, what if you promise confidentiality and the employee tells you they think their coworker is being harassed? Or, they tell you they are mad and then tap a bullet on your desk? Or, they tell you someone is engaged in a violation of the Code of Conduct, policies, or they have witnessed ex parte communications? The employee might not realize what they are asking of you should they request to speak off the record. To qualify your answer you might tell them "I'd be happy to speak to you confidentially, but if it has to do with personal safety, a violation of the code of conduct or personnel rules, or a harassment/discrimination complaint then I have an obligation to report it."

There is a very low threshold used for harassment and discrimination cases. **As soon as a manager or supervisor and especially HR becomes aware of a possible issue of harassment or discrimination the employer is considered placed on notice.**

If you hear, either directly or indirectly, that an employee has made a comment regarding a potential hostile work environment, harassment, discrimination, being bullied or threatened, or something that could potentially be construed as one of those, then prompt action is necessary. If an employee tells you they have complained to management in the past but nothing has been done or resolved - again, prompt action is necessary.

It is recommended that your HR Professional promptly send an email to the employee informing them that the NMJB / your Judicial Entity takes all such allegations / comments very seriously; that employees have the right to work in a professional work environment, etc.; and give them the link to the harassment policy letting them know should they believe they need to file a complaint you are providing them the information so that they may do so. ***Samples are provided below.***

Here is a really good article ~ please take a look. <http://www.epspros.com/NewsResources/Newsletters?find=13954>

If you have any questions, or if at any time AOC HRD can assist you please let us know.

Thank you,  
Lynette

***Below are sample emails AOC HRD uses:***

Good Morning,

I cannot promise you confidentiality as I may need to share the questions and/or discussion with the AOC HR Services Manager and AOC HR Director. Additionally, if you report a violation under the rules or canons, or a concern related to personal safety, or harassment I have an obligation to report. We hope that you will feel free to ask any questions that you have and we will assist you as best we can.

Sincerely,

\*\*\*\*\*

It has come to my attention that you may have raised concerns regarding your work environment, and specifically that you have referred to the work environment as "hostile." Such comments are taken very seriously. The New Mexico Judicial Branch and the Administrative Office of the Courts Magistrate Court Division are committed to providing a work environment that ensures every employee is treated with dignity and respect, providing a professional atmosphere, and promoting equality of opportunity in addition to being conducive to the professional growth of its employees.

I have attached the NMJB Personnel Policy Harassment, Including Sexual Harassment, Discrimination and Retaliation Prevention, for your review; it is also located at the [nmcourts.gov](https://www.nmcourts.gov) website - <https://www.nmcourts.gov/newface/hr/nmjbp.php>.

\*\*\*\*\*

It has come to my attention that you may have raised concerns regarding your work environment, and specifically said you have concerns about treatment you are receiving from three employees. Such comments are taken very seriously. The New Mexico Judicial Branch and the Administrative Office of the Courts are committed to providing a work environment that ensures every employee is treated with dignity and respect; and is conducive to the professional growth of its employees, provides a professional atmosphere, and promotes equality of opportunity. In accordance with New Mexico Judicial Branch Personnel Rules, harassment shall not be tolerated in the work place (or outside the work place) and parties are protected from any type of retaliation in response to, or participation in this investigation. If you have any questions or concerns please contact xxx, who might assist you, or you may review the personnel rules and policies, including the Harassment Prevention Policy, which includes a complaint process; they are located on the [nmcourts.gov](https://www.nmcourts.gov) website - <https://www.nmcourts.gov/newface/hr/nmjbp.php>.

Table E1a. Charge Receipts by Basis or Statute (All Statutes) FY 2008 - FY 2023

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	
Total Charges	80,680	79,591	77,444	79,896	80,840	84,442	81,293	79,432	75,428	75,768	82,792	95,402	93,277	99,922	99,947	99,412	93,727	88,778	89,385	91,503	84,254	76,418	72,675	67,448	61,331	73,485	81,055	
Race	29,199	28,820	28,819	28,945	28,912	29,910	28,526	27,696	26,740	27,238	30,510	33,937	33,579	35,890	35,395	33,512	33,068	31,073	31,027	32,309	28,528	24,600	23,976	22,064	20,908	20,992	27,505	
	36.20%	36.20%	37.30%	36.20%	35.80%	35.40%	35.10%	34.90%	35.50%	35.90%	37.00%	35.60%	36.00%	35.90%	35.40%	33.70%	35.30%	35.00%	34.70%	35.30%	33.90%	32.20%	33.00%	32.70%	34.10%	28.60%	33.90%	
Sex	24,728	24,454	23,907	25,194	25,140	25,536	24,362	24,249	23,094	23,247	24,826	28,372	28,028	29,029	28,534	30,356	27,687	26,027	26,396	26,934	25,605	24,655	23,532	21,398	18,762	19,805	25,473	
	30.70%	30.70%	30.90%	31.50%	31.10%	30.20%	30.00%	30.50%	30.60%	30.70%	30.10%	29.70%	30.00%	29.10%	28.50%	30.50%	29.50%	29.30%	29.50%	29.40%	30.40%	32.30%	32.40%	31.70%	30.60%	27.00%	31.40%	
National Origin	6,712	6,778	7,108	7,792	8,025	9,046	8,450	8,361	8,035	8,327	9,396	10,601	11,134	11,304	11,833	10,883	10,642	9,579	9,438	9,840	8,299	7,106	7,009	6,377	6,213	5,500	6,963	
	8.30%	8.50%	9.20%	9.80%	9.90%	10.70%	10.40%	10.50%	10.70%	11.00%	11.40%	11.10%	11.90%	11.30%	11.80%	10.90%	11.40%	10.80%	10.60%	10.80%	9.80%	9.30%	9.60%	9.50%	10.10%	7.50%	8.60%	
Religion	1,709	1,786	1,811	1,939	2,127	2,572	2,532	2,466	2,340	2,541	2,880	3,273	3,386	3,790	4,151	3,811	3,721	3,549	3,502	3,825	3,436	2,859	2,725	2,404	2,111	13,814	4,341	
	2.10%	2.20%	2.30%	2.40%	2.60%	3.00%	3.10%	3.10%	3.10%	3.40%	3.50%	3.40%	3.60%	3.80%	4.20%	3.80%	4.00%	4.00%	3.90%	4.20%	4.10%	3.70%	3.70%	3.60%	3.40%	18.80%	5.40%	
Color	762	965	1,303	1,290	1,135	1,381	1,550	930	1,069	1,241	1,735	2,698	2,943	2,780	2,832	2,662	3,146	2,756	2,833	3,102	3,240	3,166	3,415	3,562	3,516	4,088	5,819	
	0.90%	1.20%	1.70%	1.60%	1.40%	1.60%	1.90%	1.20%	1.40%	1.60%	2.10%	2.80%	3.20%	2.80%	2.80%	2.70%	3.40%	3.10%	3.20%	3.40%	3.80%	4.10%	4.70%	5.30%	5.70%	5.60%	7.20%	
Retaliation - All Statutes	18,198	19,114	19,694	21,613	22,257	22,768	22,690	22,740	22,278	22,555	26,663	32,690	33,613	36,258	37,334	37,836	38,539	37,955	39,757	42,018	41,097	39,469	39,110	37,632	34,332	37,898	46,047	
	22.60%	24.00%	25.40%	27.10%	27.50%	27.00%	27.90%	28.60%	29.50%	29.80%	32.30%	34.30%	36.00%	36.30%	37.40%	38.10%	41.10%	42.80%	44.50%	45.90%	48.80%	51.60%	53.80%	55.80%	56.00%	51.60%	56.80%	
Retaliation - Title VII only	16,394	17,246	17,883	19,753	20,407	20,814	20,615	20,240	19,429	19,560	23,371	28,698	28,948	30,948	31,429	31,208	31,478	30,771	31,893	33,082	32,023	30,556	30,117	27,997	25,121	28,462	31,972	
	20.30%	21.70%	23.10%	24.70%	25.20%	24.60%	25.40%	25.50%	25.80%	25.80%	28.30%	30.10%	31.00%	31.40%	31.40%	33.60%	34.70%	35.70%	36.20%	38.00%	40.00%	41.40%	41.50%	41.00%	41.00%	38.70%	39.40%	
Age	15,785	15,191	14,141	16,008	17,405	19,921	19,124	17,837	16,585	16,548	19,103	24,582	22,778	23,264	23,465	22,857	21,396	20,588	20,144	20,857	18,376	16,911	15,573	14,183	12,965	11,500	14,144	
	19.60%	19.10%	18.30%	20.00%	21.50%	23.60%	23.50%	22.50%	22.00%	21.80%	23.20%	25.80%	24.40%	23.30%	23.50%	23.00%	22.80%	23.20%	22.50%	22.80%	21.80%	22.10%	21.40%	21.00%	21.10%	15.60%	17.40%	
Disability	18,108	17,806	17,007	15,864	16,470	15,964	15,377	15,376	14,893	15,575	17,734	19,453	21,451	25,165	25,742	26,379	25,957	25,369	26,968	28,073	26,838	24,605	24,238	24,324	22,843	25,004	29,160	
	22.40%	22.40%	22.00%	19.90%	20.40%	18.90%	18.90%	19.40%	19.70%	20.60%	21.40%	20.40%	23.00%	25.20%	25.80%	26.50%	27.70%	28.60%	30.20%	30.70%	31.90%	32.20%	33.40%	36.10%	37.20%	34.00%	36.00%	
Equal Pay Act	1,134	1,071	1,044	1,270	1,251	1,256	1,167	1,011	970	861	818	954	942	1,044	919	1,082	1,019	938	973	1,075	996	1,066	1,117	980	885	955	1,012	
	1.40%	1.30%	1.30%	1.60%	1.50%	1.50%	1.40%	1.30%	1.30%	1.10%	1.00%	1.00%	1.00%	1.00%	0.90%	1.10%	1.10%	1.10%	1.10%	1.20%	1.20%	1.40%	1.50%	1.50%	1.40%	1.30%	1.20%	
Genetic Information Nondiscrimination Act														201	245	280	333	333	257	238	206	220	209	440	242	444	361	
														0.20%	0.20%	0.30%	0.40%	0.40%	0.30%	0.30%	0.20%	0.30%	0.30%	0.70%	0.40%	0.60%	0.40%	
Pregnant Workers Fairness Act*																											188	0.20%

In FY 2022, there was a significant increase in vaccine-related charges filed on the basis of religion. As a result, FY 2022 data may vary compared to previous years.

\*The Pregnant Workers Fairness Act (PWFA) went into effect on June 27, 2023. As a result, the number of charges reflects the charges filed between June 27, 2023 and September 30, 2023.

Data includes all charges filed under the above referenced statute, basis, or issue, as well as those filed concurrently under other statutes, bases, or issues enforced by the EEOC.

Therefore, the sum of data across statutes, bases, or issues will exceed actual totals.

This does not include charges filed with state or local Fair Employment Practices Agencies.

The total of individual percentages may not always sum to 100% due to rounding.



# FY 2009 - 2022 EEOC Charge Receipts for NM

The number for total charges reflects the number of individual charge filings. Because individuals often file charges claiming multiple types of discrimination, the number of total charges for any given fiscal year will be less than the total of the ten types of discrimination listed.

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
TOTAL CHARGES*	1053	1108	1246	1277	1121	955	976	920	843	582	398	386	351	386
% of US total charges*	1.1%	1.1%	1.2%	1.3%	1.2%	1.1%	1.1%	1.0%	1.0%	0.8%	0.5%	0.6%	0.5%	0.5%
Race	202	207	212	243	253	202	168	189	154	95	76	81	69	59
% of US race charges	0.6%	0.6%	0.6%	0.7%	0.8%	0.7%	0.5%	0.6%	0.5%	0.4%	0.3%	0.4%	0.3%	0.3%
% of total state charges	19.2%	18.7%	17.0%	19.0%	22.6%	21.2%	17.2%	20.5%	18.3%	16.3%	19.1%	21.0%	19.7%	15.3%
Sex	364	371	371	417	377	307	317	307	297	224	145	137	115	120
% of US sex charges	1.3%	1.3%	1.3%	1.4%	1.4%	1.2%	1.2%	1.1%	1.2%	0.9%	0.6%	0.6%	0.5%	0.6%
% of total state charges	34.6%	33.5%	29.8%	32.7%	33.6%	32.1%	32.5%	33.4%	35.2%	38.5%	36.4%	35.5%	32.8%	31.1%
National Origin	280	247	284	273	229	180	173	158	158	87	54	62	57	55
% of US National Origin charges	2.5%	2.2%	2.4%	2.5%	2.2%	1.9%	1.8%	1.6%	1.9%	1.2%	0.8%	1.0%	0.9%	1.0%
% of total state charges	26.6%	22.3%	22.8%	21.4%	20.4%	18.8%	18.1%	17.2%	18.7%	14.9%	13.6%	16.1%	16.2%	14.2%
Religion*	29	34	41	36	33	35	30	31	32	17	16	17	20	79
% of US Religion charges*	0.9%	0.9%	1.0%	0.9%	0.9%	1.0%	0.8%	0.8%	0.9%	0.6%	0.6%	0.7%	0.8%	0.6%
% of total state charges*	2.8%	3.1%	3.3%	2.8%	2.9%	3.7%	3.1%	3.4%	3.8%	2.9%	4.0%	4.4%	5.7%	20.5%
Color	37	33	25	46	41	33	11	26	23	21	20	14	9	11
% of US Color charges	1.3%	1.2%	0.9%	1.7%	1.3%	1.2%	0.4%	0.8%	0.7%	0.7%	0.6%	0.4%	0.3%	0.3%
% of total state charges	3.5%	3.0%	2.0%	3.6%	3.7%	3.5%	1.1%	2.8%	2.7%	3.6%	5.0%	3.6%	2.6%	2.8%
Retaliation (All)	427	430	485	525	517	465	427	451	449	322	186	230	192	253
% of US Retaliation (All) charges	1.3%	1.2%	1.3%	1.4%	1.3%	1.2%	1.1%	1.1%	1.1%	0.8%	0.5%	0.6%	0.5%	0.7%
% of total state charges	40.6%	38.8%	38.9%	41.1%	46.1%	48.7%	43.8%	49.0%	53.3%	55.3%	46.7%	59.6%	54.7%	65.5%
Retaliation (Title VII)	362	360	401	421	423	350	334	340	349	243	138	157	131	191
% of US Retaliation (Title VII) charges	1.3%	1.2%	1.3%	1.3%	1.3%	1.1%	1.1%	1.0%	1.1%	0.8%	0.5%	0.6%	0.5%	0.7%



	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
% of total state charges	34.4%	32.5%	32.2%	33.0%	37.7%	36.6%	34.2%	37.0%	41.4%	41.8%	34.7%	40.7%	37.3%	49.5%
Age	237	246	391	308	266	266	196	203	167	137	103	97	70	66
% of US Age charges	1.0%	1.1%	1.7%	1.3%	1.2%	1.3%	1.0%	1.0%	0.9%	0.8%	0.7%	0.7%	0.5%	0.6%
% of total state charges	22.5%	22.2%	31.4%	24.7%	23.7%	27.9%	20.1%	22.1%	19.8%	23.5%	25.9%	25.1%	19.9%	17.1%
Disability	218	250	337	375	314	286	326	291	246	186	121	148	137	129
% of US Disability charges	1.0%	1.0%	1.3%	1.4%	1.2%	1.1%	1.3%	1.0%	0.9%	0.8%	0.5%	0.6%	0.6%	0.5%
% of total state charges	20.7%	22.6%	27.0%	29.4%	28.0%	29.9%	33.4%	31.6%	29.2%	32.0%	30.4%	38.3%	39.0%	33.4%
Equal Pay Act	32	17	31	21	26	11	25	22	18	16	11	13	10	15
% of US EPA charges	3.4%	1.6%	3.4%	1.9%	2.6%	1.2%	2.7%	2.0%	1.8%	1.5%	1.0%	1.3%	1.0%	1.6%
% of total state charges	3.0%	1.5%	2.5%	1.6%	2.3%	1.2%	2.6%	2.4%	2.1%	2.7%	2.8%	3.4%	2.8%	3.9%
GINA**	0	1	0	8	2	0	5	1	2	3	0	2	1	3
% of US GINA charges	0.0%	0.5%	0.0%	2.9%	0.6%	0.0%	1.5%	0.4%	1.0%	1.4%	0.0%	0.5%	0.2%	0.7%
% of total state charges	0.0%	0.1%	0.0%	0.6%	0.2%	0.0%	0.5%	0.1%	0.2%	0.5%	0.0%	0.5%	0.3%	0.8%

\*Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009.

‡Text for the footnotes added.



## Newsroom

 [Translate this Page](#) 

Welcome to the EEOC's Virtual Newsroom, which offers a wide range of information and materials on the Commission's history, functions, procedures, programs, actions and staff, on the statutes we enforce, and on related research, data and statistics. We encourage everyone to browse and search through our continually updated Press Kit, which provides extensive background and context for virtually any question.

To contact The Office of Communications, please phone 202-921-3191 or send an e-mail to [newsroom@eoc.gov](mailto:newsroom@eoc.gov). Please note, this e-mailbox is intended for reporters, news producers, those writing for news publication and broadcasts, and other people working on news programs or stories.

If you are seeking information about the EEOC, please call 1-800-669-4000 or e-mail [info@eoc.gov](mailto:info@eoc.gov).

1. [\*\*EEOC Sues Cinergy Entertainment Group for Retaliation\*\*](#)  
August 22, 2024
2. [\*\*EEOC Research Finds Alternative Dispute Resolution More Effective When Offered Early in the EEO Complaint Process\*\*](#)  
August 21, 2024
3. [\*\*Ohio Nursing and Rehabilitation Facility to Pay \\$150,000 in Age, Sex and Retaliation Discrimination Case\*\*](#)  
August 20, 2024
4. [\*\*ABM Resolves EEOC Disability Charge\*\*](#)  
August 19, 2024
5. [\*\*ResourceOne to Pay \\$47,500 in EEOC Racial Harassment Lawsuit\*\*](#)  
August 14, 2024
6. [\*\*Pilot Air Freight to Pay \\$400,000 to Settle Disability Discrimination Lawsuit\*\*](#)  
August 13, 2024
7. [\*\*EEOC Sues Buffalo Wild Wings for Religious Discrimination\*\*](#)  
August 13, 2024

8. [\*\*EEOC Sues Champion Media for Disability Discrimination\*\*](#)  
August 8, 2024
9. [\*\*National Telecommuting Institute Settles Discrimination Suit for \\$1.25 Million\*\*](#)  
August 8, 2024
10. [\*\*Radiant Services to Pay \\$1.1 Million in EEOC Hiring Discrimination Lawsuit\*\*](#)  
August 7, 2024
11. [\*\*SmartTalent to Pay \\$875,000 to Settle EEOC Sex Discrimination Lawsuit\*\*](#)  
August 7, 2024
12. [\*\*Charlotte IHOP to Pay \\$40,000 in EEOC Religious Discrimination and Retaliation Suit\*\*](#)  
August 6, 2024
13. [\*\*Innovative Services Northwest to Pay \\$136,500 in EEOC Disability Discrimination Lawsuit\*\*](#)  
August 5, 2024
14. [\*\*EEOC Sues Alto Ingredients for Disability Discrimination\*\*](#)  
August 5, 2024
15. [\*\*Pro Pallet to Pay \\$50,000 in EEOC Retaliation Suit\*\*](#)  
August 2, 2024
16. [\*\*EEOC Sues HCL America for Age and National Origin Discrimination\*\*](#)  
August 2, 2024
17. [\*\*EEOC Sues VibraLife of Katy for Disability Discrimination\*\*](#)  
August 1, 2024
18. [\*\*EEOC Sues Mia Aesthetics for Disability Discrimination\*\*](#)  
July 31, 2024
19. [\*\*EEOC Sues Wilson Logistics for Violating the Americans with Disabilities Act\*\*](#)  
July 31, 2024

20. [Third Bench Holdings to Pay \\$165,000 in EEOC Retaliation Lawsuit](#)  
July 29, 2024
21. [Walmart Agrees to Pay \\$75,000 in EEOC Disability Discrimination Suit](#)  
July 26, 2024
22. [EEOC Sues GEM Management For Sexual Harassment](#)  
July 26, 2024
23. [Select Staffing to Pay \\$500,000 in EEOC Sexual Harassment Lawsuit](#)  
July 25, 2024
24. [EEOC Sues X-Treme Tech Services for Sexual Harassment and Retaliation](#)  
July 22, 2024
25. [Hatzel & Buehler to Pay \\$500,000 to Settle EEOC Age Discrimination Suit](#)  
July 19, 2024
26. [Fremont Contractor to Settle EEOC Harassment Charge](#)  
July 19, 2024
27. [Hank's Furniture to Pay \\$110,000 in EEOC Religious Discrimination Lawsuit](#)  
July 18, 2024
28. [EEOC Sues Fred Meyer Stores, Inc. for Sexual Harassment](#)  
July 16, 2024
29. [Dollar General to Pay \\$295,000 in EEOC Age Discrimination and Retaliation Lawsuit](#)  
July 16, 2024
30. [Altman Specialty Plants to Pay \\$172,000 to Conciliate EEOC Sexual Harassment and Retaliation Charges](#)  
July 16, 2024
31. [Beaumont Health to Pay \\$30,000 in EEOC Race Discrimination Lawsuit](#)  
July 15, 2024
32. [Didlake, Inc. Pays More Than \\$1 Million in EEOC Disability Discrimination and Retaliation Lawsuit](#)  
July 1, 2024

33. [Pearl Interactive Network to Pay Over \\$23,000 for EEOC Disability Discrimination Charge](#)  
June 28, 2024
34. [Tres Hijas Berry Farms to Pay \\$200,000 in EEOC Sexual Harassment Lawsuit](#)  
June 28, 2024
35. [AMZ Manufacturing Co. to Pay \\$110,000 in EEOC Sexual Harassment Suit](#)  
June 27, 2024
36. [Tulare City School District to Pay \\$45,000 in EEOC National Origin Discrimination Charge](#)  
June 27, 2024
37. [Opportunities & Resources, Inc. to Pay \\$325,000 in EEOC Disability Discrimination Lawsuit](#)  
June 27, 2024
38. [Houchens Food Group to Pay \\$40,000 in EEOC Religious Discrimination Lawsuit](#)  
June 27, 2024
39. [Healthcare Services Group to Settle EEOC National Origin Discrimination Charge](#)  
June 26, 2024
40. [Wheeler Trucking to Pay \\$65,000 to Resolve EEOC Discrimination and Retaliation Lawsuit](#)  
June 21, 2024
41. [GardaWorld to Pay \\$37,500 in EEOC Disability Discrimination Suit](#)  
June 20, 2024
42. [EEOC Releases Promising Practices for Preventing Harassment in the Construction Industry](#)  
June 18, 2024
43. [Iron Hill Brewery to Pay \\$115,000 in EEOC Race Discrimination and Retaliation Lawsuit](#)  
June 18, 2024

44. [\*\*Weis Markets to Pay \\$75,000 in EEOC Sexual Harassment, Disability Discrimination Suit\*\*](#)  
June 18, 2024
  
45. [\*\*Factor One Source Pharmacy to Pay \\$515,000 to Settle EEOC Disability and Genetic Information Discrimination Suit\*\*](#)  
June 14, 2024
  
46. [\*\*EEOC Sues Two Employers for Sex Discrimination\*\*](#)  
June 13, 2024
  
47. [\*\*Res-Care / Equus to Pay \\$125,000 in EEOC High-Risk Pregnancy and Disability Discrimination Case\*\*](#)  
June 11, 2024
  
48. [\*\*Honolulu Restaurant and HR Company to Pay \\$115,000 in EEOC Sexual Harassment Lawsuit\*\*](#)  
June 11, 2024



U.S. Equal Employment Opportunity Commission

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## Press Release

03-11-2024

# EEOC Releases Annual Performance Report for Fiscal Year 2023

Agency Recovers Record \$665 Million for Workers; a Nearly 30% Increase for Workers Over Fiscal Year 2022

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) today released its **report on the agency’s performance (<https://www.eeoc.gov/2023-annual-performance-report>)** during fiscal year (FY) 2023, covering Oct. 1, 2022, through Sept. 30, 2023.

In line with its **strategic plan (<https://www.eeoc.gov/eeoc-strategic-plan-2022-2026>)** and **strategic enforcement plan (<https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028>)**, the agency’s performance during FY 2023 reflects both an increased demand for its services and significant remedies for workers who suffered discrimination. This includes handling more than 522,000 calls from the public through the agency contact center and a 10% increase in receipts of private sector charges of discrimination, while recovering more than \$665 million on behalf of victims of discrimination.

“The EEOC, created in the crucible of the civil rights struggles of the 1960s, continues to advance its mission of equal employment opportunity for all in this 60th anniversary year of the Civil Rights Act of 1964,” said EEOC Chair Charlotte A.

Burrows. “For nearly six decades, the EEOC has been entrusted with the clear mission of preventing and remedying discrimination in our nation's workplaces. That legacy and our ongoing work are vitally important as we rebuild the economy to work for everyone and fulfill our nation's promise of equal justice for all.”

During FY 2023, the EEOC implemented the newly enacted Pregnant Workers Fairness Act (PWFA), which was signed into law by President Biden on Dec. 29, 2022. The PWFA provides workers with limitations related to pregnancy, childbirth, or related medical conditions the ability to obtain reasonable accommodations, absent undue hardship to the employer. The EEOC began accepting PWFA charges on the law's effective date, June 27, 2023, released educational resources for workers and employers, and conducted broad public outreach.

Performance highlights include:

- Securing more than \$665 million for victims of discrimination, a 29.5% increase over FY 2022, including:
  - Approximately \$440.5 million for 15,143 victims of employment discrimination in the private sector and state and local government workplaces through mediation, conciliation, and settlements, and
  - More than \$202 million for 5,943 federal employees and applicants, an increase of 53% over FY 2022.
- Receiving 81,055 new discrimination charges, 233,704 inquiries in field offices, more than 522,000 calls from the public through the agency contact center, and over 86,000 emails, representing respective increases of 10.3%, 6.9%, 10%, and 25% over FY 2022.
- Filing 143 new lawsuits, an increase of more than 50% compared to FY 2022, including 86 suits on behalf of individuals, 32 non-systemic suits with multiple victims, and 25 systemic suits involving multiple victims or discriminatory policies.
- Obtaining more than \$22.6 million for 968 individuals in litigation, while resolving 98 lawsuits and achieving favorable results in 91% of all federal district court resolutions.
- Reducing both private and federal sector inventories, including reducing the private sector inventory by almost 300 charges, despite the 10.3% increase in

new charges.

- Reducing federal sector hearings inventory by 26.3%, the sixth consecutive annual reduction in the federal hearings inventory, and resolving 2,207 federal sector appeals that were or would have been more than 15 months old at the end of the fiscal year, substantially increasing the speed of resolutions.

The APR, issued in coordination with the EEOC's **FY 2025 Congressional Budget Justification** (<https://www.eeoc.gov/fiscal-year-2025-congressional-budget-justification>), reports on the EEOC's progress in achieving the goals and objectives outlined in the agency's strategic plan along with performance and program results achieved for the previous fiscal year.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov) (<http://www.eeoc.gov>). Stay connected with the latest EEOC news by subscribing to our **email updates** (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).



**Press Release**

08-07-2024

# SmartTalent to Pay \$875,000 to Settle EEOC Sex Discrimination Lawsuit

Staffing Agency Settles Federal Charges That It Complied with Clients' Discriminatory Requests for Male Temporary Workers

SEATTLE — SmartTalent, LLC, a Kirkland, Wash.-based staffing agency that places temporary employees with business clients across various industries, will pay \$875,000 and provide other relief to settle a U.S. Equal Employment Opportunity Commission (EEOC) sex discrimination lawsuit, the federal agency announced today.

The EEOC lawsuit charged that SmartTalent engaged in a pattern of discrimination against women in hiring and job assignments since at least 2015. When the staffing agency received requests for male workers from some clients, the EEOC found that SmartTalent complied with those discriminatory requests instead of rejecting them as unlawful. The company denied female workers job placement opportunities, and dissuaded some of its own recruiters who voiced concerns about such discrimination.

Title VII of the Civil Rights of 1964 prohibits an employment agency from fulfilling discriminatory employer preferences or making referrals based on sex. After first attempting to reach a pre-litigation settlement through conciliation, the EEOC filed

its lawsuit in the U.S. District Court, Western District of Washington. (*EEOC v. SmartTalent, LLC*, Case No. 2:22-cv-01102-RSM).

Under the three-year consent decree settling the suit, SmartTalent will pay \$875,000 to eligible claimants and will retain an independent consultant to draft and implement policies and procedures prohibiting discrimination against female workers and investigate all complaints of discrimination. SmartTalent will also retain a third party to train its managers and recruiters on the requirements of Title VII and SmartTalent's new anti-discrimination policies. Additionally, SmartTalent will be required to hold management and recruiters accountable for compliance with its anti-discrimination policies and procedures through written evaluations and active monitoring.

“The customer is not always right and, as **EEOC’s guidance for employment agencies (<https://www.eeoc.gov/laws/guidance/enforcement-guidance-application-eeo-laws-contingent-workers-placed-temporary>)** makes clear, staffing agencies violate the law when they comply with a client’s sex-based preference, or a preference based on any other prohibited characteristic,” said Nancy Sienko, director of the EEOC’s San Francisco District, which includes Washington. “Hiring and referrals should be based on a worker’s merits, not stereotypes.”

Roberta Steele, regional attorney for the San Francisco District, noted that “eliminating barriers in recruitment and hiring is an EEOC Strategic Enforcement Plan priority for 2024-2028. The EEOC takes seriously, and will seek to remedy, recruitment and hiring practices and policies that discriminate on unlawful bases, including sex.”

Brian Hong, senior trial attorney in the EEOC’s Seattle Field Office, said, “This settlement provides meaningful relief for a large group of applicants and temporary workers who were denied work simply for being female. In addition, SmartTalent’s agreement to properly train and supervise all of its staff will help safeguard equal employment opportunity for their workers regardless of their gender.”

For more information on sex-based discrimination, please visit **<https://www.eeoc.gov/sex-based-discrimination>** (**<https://www.eeoc.gov/sex-based-discrimination>**).

The EEOC's San Francisco District has jurisdiction over Northern Nevada, Northern California, Washington, Alaska, Oregon, Idaho, and Montana.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all by enforcing federal laws that prohibit employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov) (<http://www.eeoc.gov/>). Stay connected with the latest EEOC news by subscribing to our [email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).

## **Recent Press Releases from the Seattle Field Office**

**[Boxlight Settles EEOC Charge Alleging Female Manager Was Intentionally Paid Less Than Male Managers](https://www.eeoc.gov/newsroom/boxlight-settles-eeoc-charge-alleging-female-manager-was-intentionally-paid-less-male)** (<https://www.eeoc.gov/newsroom/boxlight-settles-eeoc-charge-alleging-female-manager-was-intentionally-paid-less-male>)

**[EEOC Sues Fred Meyer Stores, Inc. for Sexual Harassment](https://www.eeoc.gov/newsroom/eeoc-sues-fred-meyer-stores-inc-sexual-harassment)** (<https://www.eeoc.gov/newsroom/eeoc-sues-fred-meyer-stores-inc-sexual-harassment>)

**[Columbia River Healthcare to Settle EEOC Harassment Charge](https://www.eeoc.gov/newsroom/columbia-river-healthcare-settle-eeoc-harassment-charge)** (<https://www.eeoc.gov/newsroom/columbia-river-healthcare-settle-eeoc-harassment-charge>)

## **Recent Press Releases on the Subject of Sex, Sexual Harassment, Retaliation**

**[Balfour Beatty Infrastructure, Inc. to Pay \\$80,000 to Settle EEOC Sexual Harassment and Retaliation Suit](https://www.eeoc.gov/newsroom/balfour-beatty-infrastructure-inc-pay-80000-settle-eeoc-sexual-harassment-and-retaliation)** (<https://www.eeoc.gov/newsroom/balfour-beatty-infrastructure-inc-pay-80000-settle-eeoc-sexual-harassment-and-retaliation>)

**[Ohio Nursing and Rehabilitation Facility to Pay \\$150,000 in Age, Sex and Retaliation Discrimination Case](https://www.eeoc.gov/newsroom/ohio-nursing-and-rehabilitation-facility-pay-150000-age-sex-and-retaliation-discrimination)** (<https://www.eeoc.gov/newsroom/ohio-nursing-and-rehabilitation-facility-pay-150000-age-sex-and-retaliation-discrimination>)

**Radiant Services to Pay \$1.1 Million in EEOC Hiring Discrimination Lawsuit**  
**(<https://www.eeoc.gov/newsroom/radiant-services-pay-11-million-eeoc-hiring-discrimination-lawsuit>)**



**Press Release**

07-19-2024

# Hatzel & Buehler to Pay \$500,000 to Settle EEOC Age Discrimination Suit

New Jersey Branch Subjected Older Workers to Discriminatory Hiring and Recruitment Practices, Federal Agency Charged

TRENTON, N.J. – Hatzel & Buehler, Inc., a commercial electrical contractor with branch locations in eight states and the District of Columbia, will pay \$500,000 to settle an age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) against the company's New Jersey branch, the federal agency announced today.

According to the EEOC's lawsuit, since at least November 2020, the vice president of Hatzel & Buehler's New Jersey branch engaged in age discriminatory recruiting and hiring practices when he requested that recruiting companies seek out younger project manager and estimator candidates for job opportunities and then refused to hire older workers because they did not fall within his desired age range. The EEOC's lawsuit also alleged that the same vice president failed to retain job applicant and hiring-related records in violation of federal law.

Such alleged conduct violates the Age Discrimination in Employment Act of 1967 (ADEA), which prohibits age discrimination in employment, including refusing to recruit or hire candidates because they are 40 years of age and older. The EEOC filed

suit (U.S. EEOC v. Hatzel & Buehler, Inc., Civil Action No. 3:23-cv-03093) in U.S. District Court for the District of New Jersey in Trenton, New Jersey, after first attempting to reach a pre-litigation settlement through the conciliation process.

The parties voluntarily agreed to settle the case by entry of a consent decree, which has now been approved by a federal court. In addition to paying \$500,000 in monetary relief to a group of eight older job candidates, the company will provide significant equitable relief, including: prohibiting the vice president of Hatzel & Buehler’s New Jersey branch from making final decisions regarding which job candidates to interview or hire for project manager and estimator positions; adopting robust anti-discrimination policies; providing specialized training to company officials and employees who participate in the recruitment and hiring processes for New Jersey branch positions; and complying with mandatory reporting and EEOC monitoring requirements.

“Job candidates should be evaluated based on their qualifications, not their age,” said EEOC Philadelphia District Office Regional Attorney Debra M. Lawrence. “The EEOC will continue to hold employers accountable for age-discriminatory recruitment and hiring practices.”

EEOC Philadelphia District Office Director Jamie R. Williamson said, “The EEOC is committed to enforcing the ADEA, which protects older workers and job applicants from discrimination at every step of the employment process.”

The lawsuit was commenced by the EEOC’s Philadelphia District Office. The Philadelphia District Office has jurisdiction over West Virginia, Pennsylvania, Maryland, Delaware and parts of New Jersey and Ohio. Attorneys in the Philadelphia District Office also prosecute discrimination cases in Washington, D.C. and parts of Virginia.

For more information on age discrimination, please visit

**<https://www.eeoc.gov/age-discrimination> (<https://www.eeoc.gov/age-discrimination>)**.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at **[www.eeoc.gov](https://www.eeoc.gov/) (<https://www.eeoc.gov/>)**. Stay connected with the latest EEOC news by subscribing to our **[email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new)** (**<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>**).

## **Recent Press Releases from the Philadelphia District Office**

**Pro Pallet to Pay \$50,000 in EEOC Retaliation Suit**

**(<https://www.eeoc.gov/newsroom/pro-pallet-pay-50000-eeoc-retaliation-suit>)**

**AMZ Manufacturing Co. to Pay \$110,000 in EEOC Sexual Harassment Suit**

**(<https://www.eeoc.gov/newsroom/amz-manufacturing-co-pay-110000-eeoc-sexual-harassment-suit>)**

**Weis Markets to Pay \$75,000 in EEOC Sexual Harassment, Disability**

**Discrimination Suit (<https://www.eeoc.gov/newsroom/weis-markets-pay-75000-eeoc-sexual-harassment-disability-discrimination-suit>)**

## **Recent Press Releases on the Subject of Age, Sex**

**Ohio Nursing and Rehabilitation Facility to Pay \$150,000 in Age, Sex and**

**Retaliation Discrimination Case (<https://www.eeoc.gov/newsroom/ohio-nursing-and-rehabilitation-facility-pay-150000-age-sex-and-retaliation-discrimination>)**

**EEOC Sues HCL America for Age and National Origin Discrimination**

**(<https://www.eeoc.gov/newsroom/eeoc-sues-hcl-america-age-and-national-origin-discrimination>)**

**Dollar General to Pay \$295,000 in EEOC Age Discrimination and Retaliation**

**Lawsuit (<https://www.eeoc.gov/newsroom/dollar-general-pay-295000-eeoc-age-discrimination-and-retaliation-lawsuit>)**

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9

Receive Updates



# EEOC Phoenix District Press Release - Albuquerque Sports Bar.....

U.S. Equal Employment Opportunity Commission sent this bulletin at 02/14/2019 11:29 AM EST



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**FOR IMMEDIATE RELEASE**  
**February 14, 2019**

## **OJOS LOCOS SPORTS CANTINA TO PAY \$700,000 TO SETTLE EEOC SEXUAL HARASSMENT AND RETALIATION LAWSUIT**

*Albuquerque Sports Bar Subjected Employees, Including Teenagers, to Sexual Misconduct And Punished Those Who Complained, Federal Agency Charged*

ALBUQUERQUE, N.M. – Ojos Locos Sports Cantina in Albuquerque will pay \$700,000 and furnish other relief to settle a lawsuit charging sex-based harassment and retaliation filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today. The owner/operators of the relevant businesses are Ojos Locos Sports Cantina, LLC; Ojos Locos Sports Cantina DOS, LLC; Ojos Locos Sports Cantina TRES, LLC; Ojos Locos Sports Cantina Cuatro, LLC and Reach Restaurant Group, acting as a single employer who operate several restaurants in New Mexico and Texas.

According to the EEOC, at least 12 women at the Albuquerque Ojos Cantina were forced to endure pervasive, egregious and unwelcome conduct, including requests that some show more cleavage in their uniforms; comments about their breasts and buttocks; comments by male employees about their private parts; text requests for sex; and unwelcome touching of their bodies. All of this created a sexually hostile work environment for the victims. In at least one case, a managerial official texted employee Shyanne Hyde a photo of his penis. He was fired only after Hyde filed her complaint with the EEOC.

In addition, the EEOC charged that women who complained about the sexual harassment, including Hyde, suffered adverse changes at work such as fewer work hours, unfavorable shifts and/or termination as retaliation. The EEOC specifically said that Hyde was fired because she opposed the illegal harassment. Finally, the EEOC alleged that other women chose to resign because of the sexually hostile work environment which Ojos Locos allowed to persist and failed to correct.

All this alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, including sexual harassment. The EEOC filed suit (Civil Action No. 1:18-cv-00758-RB-LF) after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the terms of the three-year consent decree resolving the lawsuit, 12 women the EEOC has already identified as having experienced sexual harassment and/or retaliation will be eligible to receive a portion of the \$700,000 settlement. In addition to the monetary compensation that Hyde will receive under the decree, she will also receive a letter of apology from the company.

The consent decree resolving the case, which was approved by the court today, enjoins Ojos Cantinas and Reach Restaurant Group from engaging in future violations of Title VII, including sexual harassment and retaliation because of opposition to unlawful employment practices. The decree also requires all the Ojos restaurant locations to review and revise policies prohibiting sex discrimination (including harassment) and retaliation and provide training to all managers, line supervisors and workers each year of the decree. Additional training is required for human resources, managerial, and supervisory personnel. Ojos managers will be rated on their efforts to comply with EEO policies and laws prohibiting harassment and retaliation. Audits of company employees will be performed by an outside consultant on Ojos' policies and training, with a report going to the company and the EEOC.

“The monitoring and auditing terms of our consent decrees are extremely important in sexual harassment cases where victims are often young, single mothers, or other vulnerable workers,” said Regional Attorney Mary Jo O’Neill of the EEOC’s Phoenix District Office, which has jurisdiction over Arizona, Colorado, Wyoming, New Mexico and Utah. “When employers fail to protect these victims of sexual harassment, the EEOC will insist, as part of any resolution, that employers take actions strategically targeted to end the sexual harassment and retaliation. We hope that this case acts as a teaching moment for other employers in New Mexico that employers have a duty to protect their employees.”

EEOC District Director Elizabeth Cadle added, “We appreciate this employer’s effort to work with the EEOC to develop settlement terms that will provide improvements in policies and procedures. It is important for these vulnerable women who bravely stepped forward to share the abuse they experienced to know their actions will lead to safer workplaces for others. Preventing workplace harassment through systemic litigation and investigation remains at the top of our six national priorities identified by the Commission’s Strategic Enforcement Plan (SEP).”

The EEOC’s Youth@Work website (at <http://www.eeoc.gov/youth/>) presents information for teens and other young workers about employment discrimination, including curriculum guides for students and teachers and videos to help young workers learn about their rights and responsibilities.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov). Stay connected with the latest EEOC news by subscribing to our [email updates](#).

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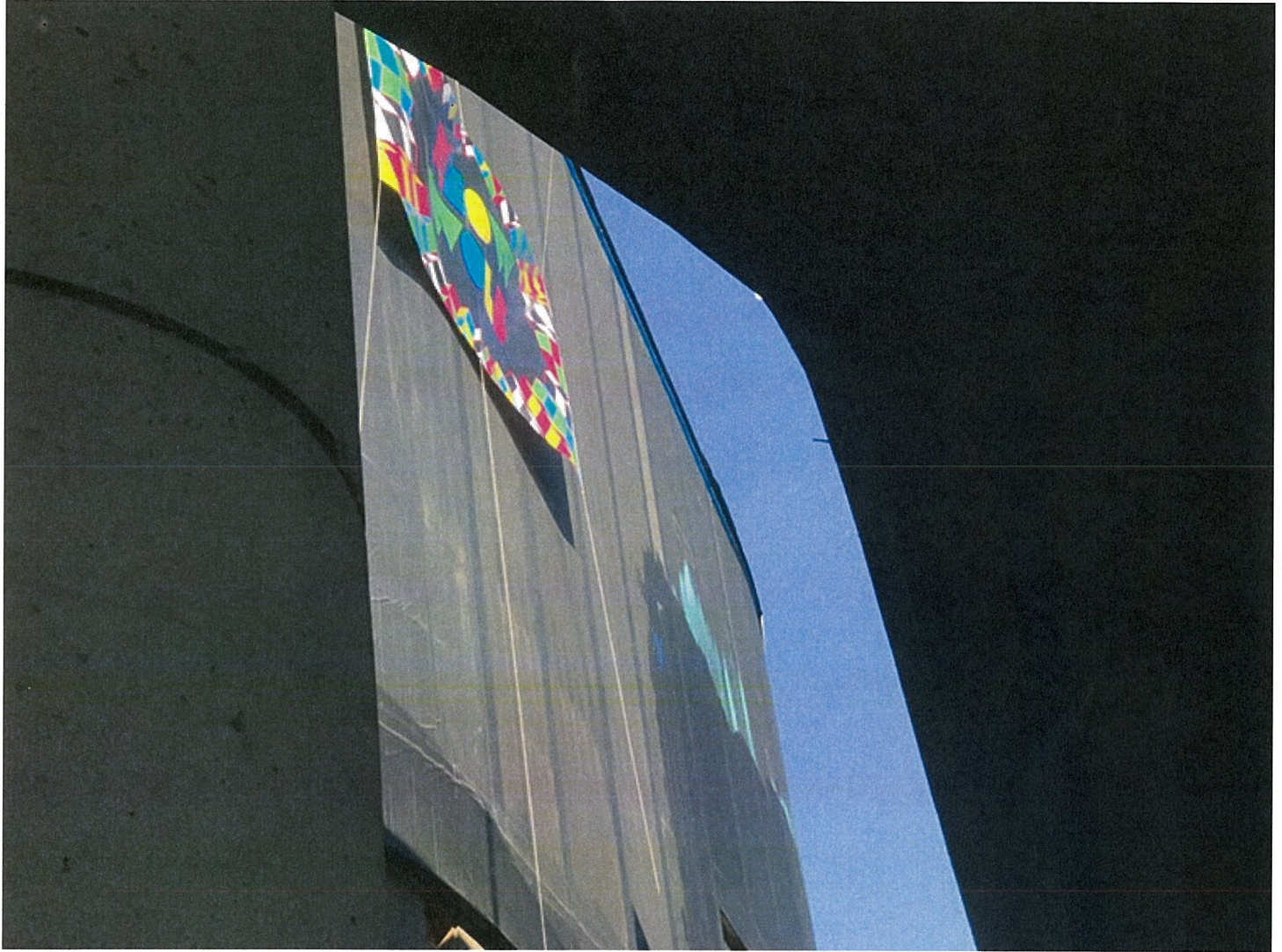
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Meow Wolf's arrival in Denver has been marked by legal troubles. / **Kyle Harris**

## Meow Wolf Gender Discrimination Lawsuit Resolved in Silence

**KYLE HARRIS** | JANUARY 29, 2020 | 9:05AM

Denver artist Mar Williams's 2019 gender discrimination lawsuit against Meow Wolf in Santa Fe District Court has been settled.

**Meow Wolf** is the Santa Fe-based arts and entertainment company that started as a DIY arts collective over a decade ago and has turned into a massive corporation with projects in multiple states, including a Denver facility slated to launch in 2021. But late last year, the company was hit by **lawsuits** from former and current employees in both Santa Fe and Denver.

Williams's only comment on the end of the case: "It's resolved."

A spokesperson for Meow Wolf was even less revealing: "We are unable to provide a comment at this time."

Williams was a Meow Wolf employee when they filed the suit; a source at Meow Wolf confirms that Williams is no longer working with the company. The terms of the settlement are private.

Meow Wolf's Denver Director of Community Outreach, Zoë Williams (no relation to Mar Williams), also filed suit in Santa Fe District Court, claiming that the company was engaged in various forms of gender discrimination and harassment. Zoë Williams has not responded to multiple requests for comment on the state of this case.

In an extensive interview with *Westword* when the lawsuit was first announced, Mar Williams, who identifies as non-binary, had **plenty to say about Meow Wolf**. "From the start, I had issues with Meow Wolf coming to Denver, their practices, and how they were engaging with the art community," the artist said. "I think initially I got hired, at least in part, so I'd shut up about it. Working for them, I was told my opinion was valued, but when I actually spoke up, I'd be ignored and walled off from other people in the company. I felt very much like I was just there as a token. It was incredibly frustrating, but it was hard to tell exactly what was going on, and why, in the vacuum they created."

In a December 2019 statement, Zoë and Mar's legal team described their grievances with the company:

The current and former employees paint a picture where women and non-binary people who speak up face harassment, surveillance, isolation, and pressure to resign, or are fired outright, while men are prioritized for leadership, raises, and promotions. According to their suit, despite claims to support a healthy work environment, Meow Wolf fails to protect women, transgender, and non-binary employees from discrimination. Meanwhile, the company actively discourages employees from collective bargaining or elevating equity issues. When the group of current and former employees approached the Human Resources Department for support, they describe being isolated and pressured to quit.

Meow Wolf issued its own statement at the time:

We are disappointed by these baseless allegations, which run completely counter to our culture, and we will strongly defend against them through the legal process.

For the record, Zoe Williams and Mar Williams are both still employees of Meow Wolf. They were neither targeted or wrongfully terminated and this is an example of the falsehoods that are propagated in this claim, which is riddled with false accusations.

Meow Wolf is firmly committed to fair employment practices, equitable pay and supportive treatment of all employees. Beyond the letter of our strict formal policies prohibiting discrimination of any type, we have recognized the need to proactively address the potential for gender bias in society at large and, as such, have invited an open, forward-looking, productive – and ongoing – internal dialogue designed to continue to ensure our workplace is positive, respectful and safe and our workforce is informed and engaged.

The past year has seen plenty of change for Meow Wolf. Longtime CEO and co-founder Vince Kadlubek, who was named in the lawsuits, stepped down from his post and was replaced by three people: Chief Creative Officer Ali Rubinstein, Chief Financial Officer Carl Christensen, and Chief of Content Jim Ward. Rubinstein came from Walt Disney Imagineering; Christensen had previously worked at Goldman Sachs, investmentbank.com and the Color Run race series; and Ward headed up LucasArts and worked as senior vice president of Lucasfilm, according to *Albuquerque Business First*.

Meow Wolf's secrecy extends beyond the settlement of the Mar Williams suit. Staffers say they have had to sign nondisclosure agreements with the company. The Denver building rising at I-25 and the Colfax viaduct is off limits to the press. The company has also declined to comment on the tags that recently appeared on the structure, and on the signs that went up in response, reminding people that they were on camera. Those warnings have since been removed.

When Mar Williams took Meow Wolf to court, the artist's hope was that the case would spark change in the organization and conversation among Denver's cultural community.

"I do have some hope that Meow Wolf does something to actually address the problems instead of just paying lip service," Williams said when the lawsuit was announced. "Knowing what's going on means Denver artists are going to be better equipped to stand up to them and get better treatment."

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## **PRESS RELEASE**

9-25-17

# **Allsup's Settles EEOC Pregnancy and Disability Discrimination Lawsuit For \$950,000**

## ***Convenience Stores Systematically Discriminated Against Pregnant Workers and Refused to Accommodate Their Pregnancy-Related Disabilities, Federal Agency Charged***

ALBUQUERQUE, N.M. - Allsup's Convenience Stores, Inc., owners of over 300 convenience stores in New Mexico and Texas, has agreed to pay \$950,000 to settle a pregnancy and disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission, the agency announced today.

The EEOC's lawsuit charged that Allsup's managers and area supervisors subjected pregnant employees to different working conditions because of their pregnancies and/or their pregnancy-related disabilities.

The EEOC alleged that Allsup's subjected pregnant employees to negative comments about their pregnancies and gave pregnant employees less favorable tasks and shifts. For example, the EEOC said that some pregnant women were told, "You're too pregnant to continue working," "You are a liability," "Had

I known of your pregnancy, you would not have been hired," and "Aren't you ever going to quit having kids?"

The EEOC also alleged that Allsup's denied reasonable accommodations to employees with pregnancy-related disabilities and put them on involuntary unpaid leave. The agency said that Allsup's would not provide extended leave for pregnant employees on bed rest and would not provide reasonable accommodations like modified stocking methods for pregnant employees with lifting restrictions. The EEOC further alleged that Allsup's had a policy of limiting medical leave and that Allsup's fired pregnant employees when they ran out of medical leave without considering when they could return to work.

The Pregnancy Discrimination Act, which is incorporated into Title VII of the Civil Rights Act of 1964, makes discrimination based on pregnancy a form of sex discrimination. The Americans with Disabilities Act (ADA) protects employees from discrimination because of a disability, including a pregnancy-related disability.

The three-year consent decree settling the suit requires Allsup's to pay \$950,000 to 28 women who were discriminated against based on pregnancy or a pregnancy-related disability. Under the terms of the decree, the company must make offers of re-employment to the 28 women and provide them with letters of reference. In addition, the decree requires Allsup's to implement policies and practices that will provide its employees a workplace free of discrimination. The company will also provide training on preventing pregnancy- and disability-related discrimination to its clerks, managers, area supervisors, and human resources employees to ensure that they understand the rights of employees to be free from pregnancy- and disability-related discrimination and how Allsup's managers and staff can accommodate pregnant employees and employees with pregnancy-related disabilities.

"We see too many cases where employers think that pregnancy-related disabilities are not covered by the ADA," said EEOC Phoenix District Office Regional Attorney Mary Jo O'Neill. "Employers must understand that the ADA Amendments Act of 2008 clarified that employees and applicants with pregnancy-related disabilities are protected from discrimination based on those disabilities. An employer cannot place an employee with a pregnancy-related disability on involuntary leave or fire her because of her disability or her pregnancy."

Elizabeth Cadle, district director of the EEOC's Phoenix District Office, added, "Pregnancy discrimination is far too common. In the 2016 fiscal year alone, 3,486 charges of pregnancy discrimination were filed with the EEOC. The outcome here should remind all employers of their obligations under the law and encourage them to respect the rights of pregnant employees."

More information on the EEOC's position on discrimination based on pregnancy and discrimination based on pregnancy-related disabilities is available at [www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm).

The EEOC's Phoenix District Office has jurisdiction for Arizona, Colorado, Utah, Wyoming, and part of New Mexico (including Albuquerque).

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov). Stay connected with the latest EEOC news by subscribing to our [email updates](#).

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## DIVE BRIEF

# EEOC hired more investigators, filed 50% more lawsuits in FY 2023

The agency recovered a record \$665 million for more than 22,000 workers.

Published March 13, 2024



Ginger Christ  
Reporter

*A sign marks the location of the U.S. Equal Employment Opportunity Commission's Local Office in Savannah, Georgia, on Sept. 17, 2022. Of the new lawsuits EEOC filed in FY 2023, 17% were systemic cases, the agency said. Ryan Golden/HR Dive*

## Dive Brief:

- The U.S. Equal Employment Opportunity Commission filed 143 new lawsuits during fiscal year 2023, a more than 50% increase from the previous year, according to a statement released Monday as part of the agency's annual performance report.
- EEOC also recovered a record \$665 million for more than 22,000 victims of workplace discrimination in FY 2023, which covered Oct. 1, 2022, through Sept. 30, 2023, per the release.
- The agency received 81,055 new discrimination charges in FY 2023, 10% more than than the year before, and created 493 new positions — mostly investigators, investigative support assistants, mediators and attorneys — to help handle that load, EEOC Chair Charlotte A. Burrows said in the report.

## Dive Insight:

The agency focused on addressing systemic discrimination; workplace harassment; racial justice; retaliation; pay equity; and diversity, equity, inclusion and accessibility, as well as the use of technology, such as artificial intelligence, in employment decisions in FY 2023, Burrows said.

The Pregnant Workers Fairness Act went into effect June 27, giving expectant employees more protections not guaranteed by the Americans with Disabilities Act and the Pregnancy Discrimination Act, and EEOC started accepting charges the same day.

Of the new lawsuits filed in FY 2023, 17% were systemic cases, meaning the lawsuits involved either multiple victims or discriminatory policies, EEOC said. Meanwhile, the agency also resolved 370 systemic investigations on merit, recovering \$29 million for workers, per the report.

But EEOC's targeted enforcement doesn't necessarily mean the U.S. is seeing more cases of discrimination in the workplace, Gerald Maatman, Jr., a partner with management-side law firm Duane Morris LLP, previously told HR Dive.

"Remember that the EEOC and the lawsuits it brings are a tiny, tiny, tiny percentage of all the lawsuits brought for employment-related claims in the United States," Maatman said. "It's dangerous to draw a conclusion on what's going on in the workplace, just based on that very small sample size of what the EEOC is suing over."

# EEOC Previews FY 2023 Litigation Trends with a Focus on Its Strategic Enforcement Plan

16 October 2023

In the wake of the Supreme Court's decision [invalidating affirmative action](#) at America's colleges and universities, a flurry of lawsuits challenging private employers' diversity and inclusion programs have been filed around the country.

Meanwhile, with those suits making their way through the courts, the Equal Employment Opportunity Commission (EEOC) continues to remind us to remain focused on fostering inclusive work environments free from bias and harassment. In addition to issuing proposed enforcement guidance on harassment in the workplace (see this week's companion article), the agency [recently previewed its 2023 Fiscal Year End litigation trends](#).

The EEOC's [annual reports](#) provide important details on charges filed, litigation pursued, and recoveries achieved by the agency each year. While the 2023 report is not yet finalized, the EEOC's recent publication sheds some light on its litigation priorities, including details on the types of lawsuits the agency is pursuing and highlighting key focus areas that employers need to consider. The key takeaway: the EEOC is acting on its [Strategic Enforcement Plan](#) in the litigation it's pursuing.

In its publication, the EEOC notes that it filed 143 new employment discrimination lawsuits in FY 2023, a greater than 50% increase over the prior year's litigation statistics. An important focus, the agency notes, is on systemic discrimination lawsuits (it filed 25 in FY 2023, double the number in the past three years). The [agency defines](#) a "systemic" discrimination litigation as one that targets a "pattern or practice, policy and/or class ... where the discrimination has broad impact on an industry, profession, company, or geographic location."

This uptick in systemic lawsuits indicates the EEOC is pursuing class action employment litigation, like the nationwide age discrimination suit it [settled](#) earlier this month for \$2.4 million. In that case, the defendant employer was accused of violating the Age Discrimination in Employment Act (ADEA) through its initiative to hire more millennials into its workforce, wherein it denied sales representative positions to applicants over 40 years old. Similar outcomes can be expected in the future as the EEOC's systemic litigation initiatives continue.

The agency's litigation efforts also focused on single- and multiple-employee non-systemic class suits, challenging barriers in recruiting and hiring, qualification standards, and inflexible

workplace policies the EEOC alleges discriminate against individuals with disabilities. The report also notes that the agency's 2023 litigation docket continued its focus on litigation involving the long-term impacts of COVID-19 on certain workers, pay equity, and combating unlawful harassment.

The wide array of litigation initiated by the EEOC in FY 2023 reminds us that employers should:

Closely and regularly examine their compensation structures to ensure parity and implement transparent processes for promotions to counteract pay equity disparities

Create a workplace culture that prioritizes diversity and inclusion, which is crucial in addressing gender- or race-based concerns

Review, update, or implement robust anti-discrimination policies, provide diversity and inclusion training, and foster an environment that values employees' differences

Be mindful of stereotypes and biases associated with age and proactively address these within the workplace

Encourage cross-generational collaboration and provide training on age inclusivity

Prioritize flexibility and accessibility to ensure that employees with disabilities have the support they need to thrive in the workplace

You can expect another update from us, once the EEOC publishes its final report for FY 2023, with our further assessment on trends and guidance.

## **Author(s)**

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# A New Survey Finds 81 Percent Of Women Have Experienced Sexual Harassment

February 21, 2018 · 7:43 PM ET

RHITU CHATTERJEE



Activists participate in the Take Back The Workplace March and #MeToo Survivors March & Rally on Nov. 12, 2017, in Hollywood, Calif. A new survey offers the first set of nationwide data on prevalence, showing that the problem is pervasive and women are most often the victims.

*Sarah Morris/Getty Images*

Back in October 2017, women took to social media to share their experiences of sexual harassment. The #MeToo movement went viral, spurring a national and global discussion on the issue.



#### NATIONAL

In The Wake Of Harvey Weinstein Scandal, Women Say #MeToo

Many women have since come forward with their experiences of being sexually harassed by colleagues and bosses, costing influential men in the entertainment industry and the media — including journalists here at NPR — their jobs.

And yet, there has been little data collected on the national prevalence of sexual harassment, says Michele Decker, director of the women's health and rights program at Johns Hopkins School of Public Health. As a result, many people have asked, "Where's the evidence?" she says.

Now an online survey launched in January by a nonprofit called Stop Street Harassment offers some of that missing evidence. It found that 81 percent of women and 43 percent of men had experienced some form of sexual harassment during their lifetime.

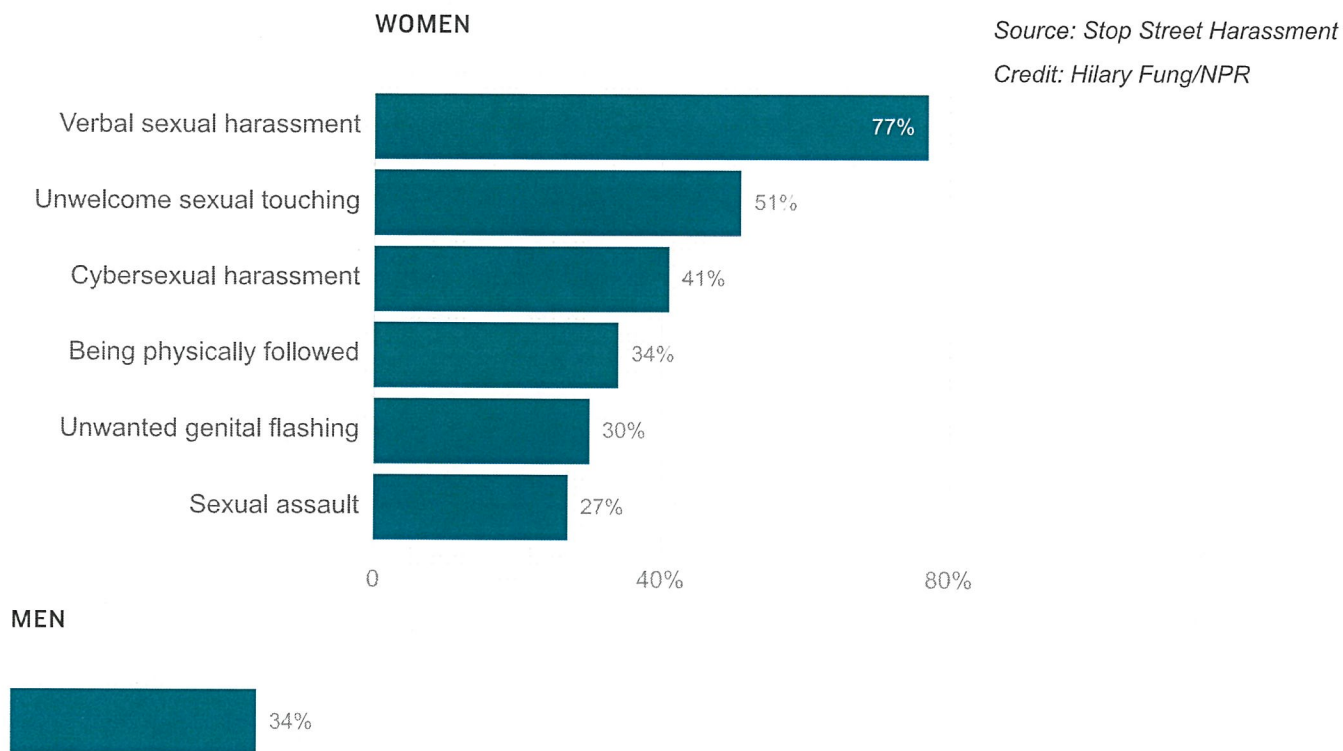
Those numbers are much larger than suggested by other recent polls. Those polls used a more limited sample or narrower definitions of harassment, says Anita Raj, director of the Center on Gender Equity and Health at the University of California, San Diego, who analyzed the results of the new survey.

The new survey, on the other hand, included a larger, more nationally representative sample of men and women ages 18 and above, says Raj.

The survey also involved a broader definition of sexual harassment that includes the "continuum of experiences" that women face, she says.

# More Than 3 Out Of 4 Women Have Been Verbally Harassed

Share of respondents who have experienced different forms of harassment or assault



That includes verbal forms of sexual harassment, like being catcalled or whistled at or getting unwanted comments of a sexual nature. It also includes physical harassment, cyber harassment and sexual assaults.

**Article continues after sponsorship**



The results, released in a report Wednesday, show that 77 percent of women had experienced verbal sexual harassment, and 51 percent had been sexually touched without their permission. About 41 percent said they had been sexually harassed online, and 27 percent said they had survived sexual assault.

The report also looked into locations where people experienced harassment. The majority of women — 66 percent — said they'd been sexually harassed in public spaces. "The public forums are where you see the more chronic experiences of sexual harassment," says Raj. These include verbal harassment and physical harassment, like touching and groping.

However, 38 percent of women said they experienced sexual harassment at the workplace. Thirty-five percent said they had experienced it at their residence. These experiences are more likely to be assaults and the "most severe forms" of harassment, says Raj.

"The findings show that this is a pervasive problem and permeates all sectors of our lives," says Holly Kearl, the main author of the report. "Most people who said they had experienced sexual harassment experienced it in multiple locations."

"Sexual harassment until more recently has been viewed as part and parcel of what people experienced," says Decker, who wasn't involved in the survey. As a result, public health researchers don't monitor it. "It's often been dismissed, because it's considered not as egregious as sexual assault or rape."



#### ARTS & LIFE

For The Men #MeToo Has Toppled, Redemption Will Take More Than An Apology

Rape and sexual violence are closely monitored by the U.S. Centers for Disease Control and Prevention's National Intimate Partner and Sexual Violence Survey. As a result, public health agencies and health workers are more aware of their prevalence and have been able to take steps to help victims and offer programs aimed at preventing sexual violence.



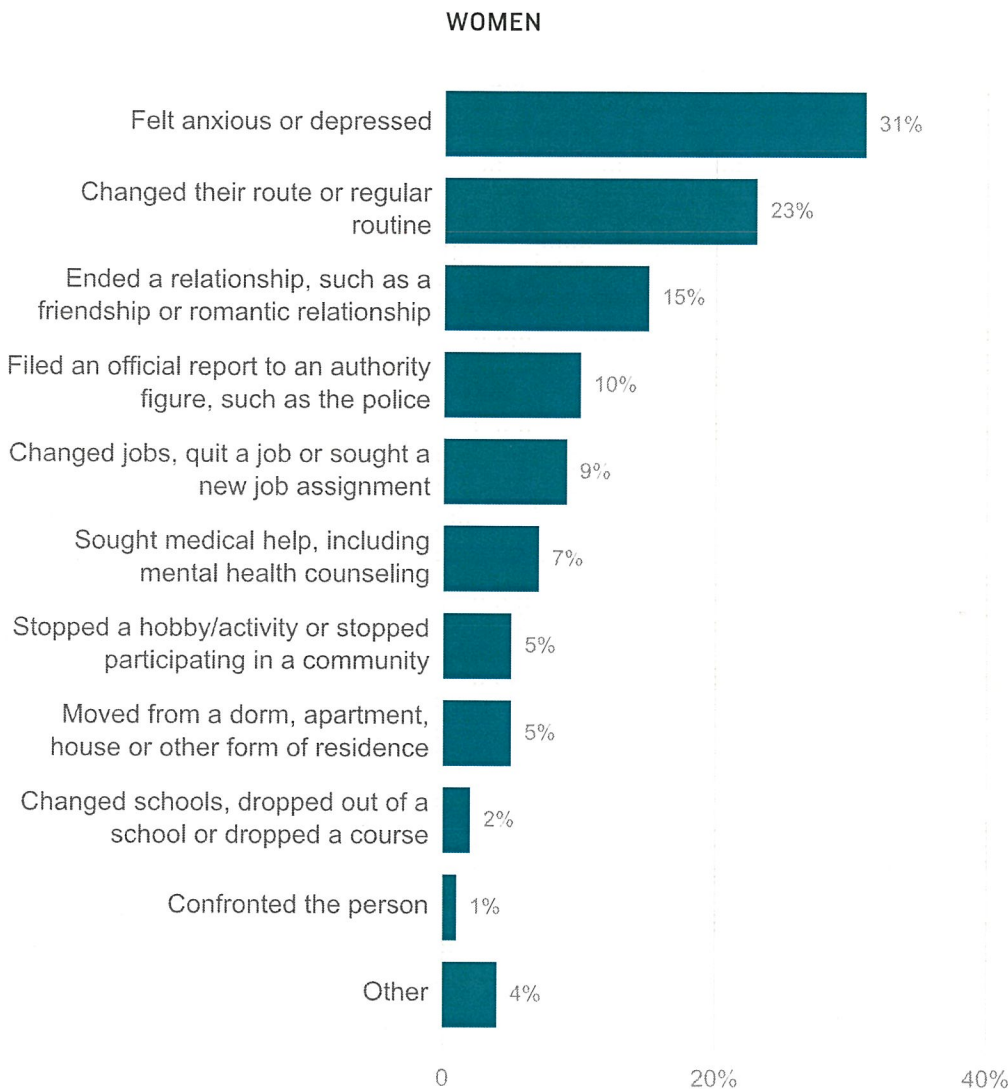
#### ABUSED AND BETRAYED

The Sexual Assault Epidemic No One Talks About

The new report shows that sexual harassment, too, is worth monitoring, says Decker. "We want to know that we're responding to things that are prevalent and common, and this is showing that sexual harassment is really prevalent."

# Victims Suffer From Anxiety, Depression

Respondents reported a range of effects of or responses to sexual harassment and assault.



Source: Stop Street Harassment  
Credit: Hilary Fung/NPR

## MEN



One of the most striking findings from the report is that there is a very clear "gender differential," she says. While men experience sexual harassment as well, the prevalence is higher for women, as is the intensity of those experiences. It also shows that men are more frequently the perpetrators, she adds.

Kearl says she was surprised at how few of the victims confronted their harasser. Instead, they changed their own lives to avoid harassers and reduce their risks of being harassed.

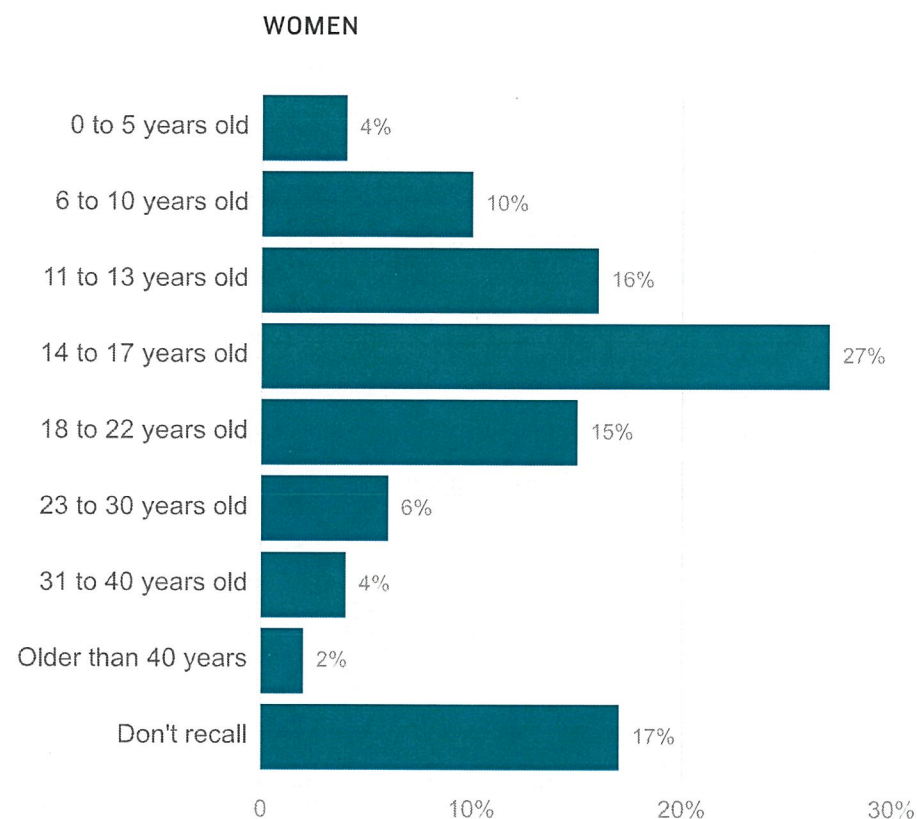
"They were changing their routes or routines; they were changing jobs, or moving," says Kearl.

The report also shows that most victims suffer from anxiety and depression as well, just like victims of sexual violence. "It shows how challenging it is to confront someone. You'd rather change your life than confront the harasser," she says.

Raj says her own teenage daughter's experience illustrates this. A couple of years ago, her daughter stopped walking to the public library by herself after she was harassed by a group of boys.

# Sexual Harassment Begins At An Early Age

Age at which respondents first experienced sexual harassment or assault



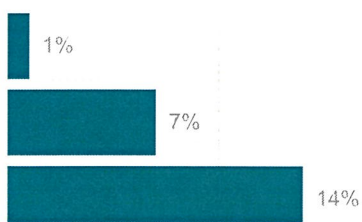
**Notes**

Totals may not add up to 100 percent because of rounding.

Source: Stop Street Harassment

Credit: Hilary Fung/NPR

**MEN**



"She was walking from her high school in a very privileged, affluent area, an area that most people would define as very safe," Raj recalls. "As she was walking alone around 3 o'clock in the afternoon, there was a group of boys that started calling out to her and saying things like 'nice hips.' And it just made her feel so uncomfortable [that] she didn't walk alone anymore."

Like Raj's daughter, most women (and men) first experience sexual harassment pretty early in life — during preteen or teenage years. "That's really disconcerting," says Raj.

Similarly disconcerting is the fact that most victims don't report their experiences, says Decker. "People don't even mention it to friends, families." And so, sexual harassment is "thriving on the silence of women," granting impunity to perpetrators, she says.

Some of that has been turned upside down by the #MeToo movement, because it broke that silence and made it more culturally acceptable to talk about sexual harassment.

"The next wave of this is to really understand ... what are the barriers to people being able to access reporting process?" says Decker. "How can we support people who want to report this if they so choose?"

#metoo   sexual assault   sexual harassment

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# 5 DISTURBING SEXUAL HARASSMENT STATISTICS WE CAN'T AFFORD TO IGNORE

Photo Credit: © anyaberkut / Adobe Stock



BY JENNIFER KOZA

**READ MORE: [Discrimination, Harassment, Sexual Harassment, U.S. Equal Employment Opportunity Commission](#)**

An extraordinary percent of women experience [sexual harassment](#) — most women either have experienced it firsthand because they were harassed or know someone else who is a victim of [sexual harassment](#).

And while every sexual harassment case after sexual harassment case may not be

number of sexual assault allegations from many different industries make the prevalence of [sexual assault in the workplace](#) even more obvious. And we have the data to back it up. Companies are taking action to put [sexual harassment training](#) in place and establish a sexual harassment policy they see fit, but women like [Sheryl Sandberg](#) suggest that the solution to stopping the cycle of sexual abuse and sex discrimination is to [hire more women](#).

The Equal Employment Opportunity Commission ([EEOC](#)), [a government agency tasked with enforcing the laws that make harassment at work illegal](#), released [a report last year](#) detailing the findings of "The Task Force on the Study of Harassment in the Workplace."

The findings around sexual assault/harassment in the workplace are particularly shocking. Here are five of the most alarming ones surrounding workplace sexual harassment.

### **1. Forty-five percent of the EEOC's harassment claims were sex-based.**

In FY2015, the [EEOC](#) received over 28,000 harassment claims for both private and public employers (e.g. government). A majority of this 45 percent were sex-based claims. Other types of harassment claims included harassment on the basis of race, disability, age, national origin and religion.

While sex-based claims include sexual harassment, gender identity and [sexual orientation](#), a majority of the sex-based harassment claims were due to sexual harassment. Even though many harassment claims go unreported (see below), those that are reported are overwhelmingly due to sexual harassment. If someone is asking for a sexual favor, making any kind of sexual advance or doing anything in a sexual nature at work, it would be considered harassment.

### **2. At least 25 percent of women experience [sexual harassment in the workplace](#).**

Let that sink in. *At least* one in four women experience sexual harassment in the workplace. And the EEOC's study found that, in some reports, that number is as

Whether it is 25 percent or 85 percent of women who experience sexual harassment in the workplace, however, it is still a disturbingly high percentage that we can't ignore.

### **3. Seventy-five percent of harassment victims experienced retaliation when they reported it.**

When reports come out that a person or people have experienced sexual harassment, the most common responses include "Why didn't she say anything?" or "Why didn't she report it?"

Victim advocates, and anyone who has experienced workplace harassment, know that the most common reason is because they worry that not only will they not be believed, but also that they'll be fired.

That's exactly what one study in 2003 found: "75 percent of employees who spoke **EXPLORE MORE *Jobs***

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employees, particularly women, from reporting harassment.

### **4. Somewhere between 87 and 94 percent of employees experiencing harassment do not file a formal complaint.**

Considering that 75 percent of employees who report harassment experience retaliation, it's not surprising that many choose not to take any type of formal action against a harasser.

Evidently, however, this depends on sexual harassment complaint. Some types of harassing behavior are reported more than others. One study found that sexually coercive behavior is reported about 30 percent of the time, while unwanted physical touching is only reported eight percent of the time.

Hostile work environments lead to an unproductive workforce, increased turnover and harm to the company's reputation. All of these take extensive time and money to repair. And, regardless, all employees deserve to feel safe and supported at work. We know from these sexual harassment statistics, however, that they don't necessarily feel safe.

*If you or someone you know wishes to file a sexual harassment claim through the EEOC, please visit [https://www.eeoc.gov/laws/types/sexual\\_harassment.cfm](https://www.eeoc.gov/laws/types/sexual_harassment.cfm) for more information. Consult your company's sexual harassment policy to file a sexual harassment complaint through your work, as well.*

--

*Jennifer Koza is a social worker specializing in program development. By day she is a research and evaluation analyst, committed to preventing violence against women and studying the value of work and workplaces. By night she is a painter—or at least she tries to be when she's not catching up on t.v./movies (or re-watching *The West Wing*, *Gilmore Girls*, or *The Office*).*

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# EEOC Data Highlight

April 2022 No. 2



## Sexual Harassment in Our Nation's Workplaces

April is National Sexual Assault Awareness and Prevention Month.<sup>1</sup> The U.S. Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits discrimination based on sex (including pregnancy, sexual orientation, and gender identity). Sexual harassment or sexual assault in the workplace is a form of sex discrimination that violates Title VII.

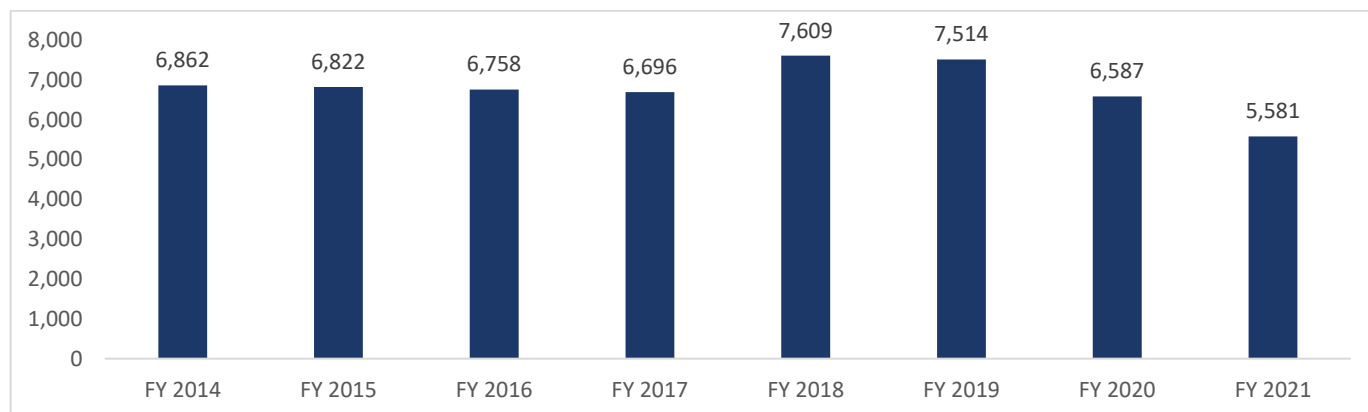
Preventing and remedying harassment in the workplace, including sexual harassment, has long been a top agency priority. This EEOC data highlight focuses on charges alleging sexual harassment under Title VII filed with the agency beginning in FY 2018, when the #MeToo movement went viral and received international attention, through FY 2021. The data profiled below also includes other allegations of discrimination, including on the bases of race, retaliation, and national origin, filed concurrently with allegations of sexual harassment between FY 2018 and FY 2021.

These data do not tell the full story of sexual harassment in our nation's workplaces. In June 2016, the EEOC released a report on the study of harassment in the workplace which noted that workplace harassment often goes unreported.<sup>2</sup> For example, one study cited in the report found that 90% of individuals who say they have experienced harassment never take formal action against the harassment, such as filing a charge or a complaint.<sup>3</sup>

## EEOC Charge Data (FY 2018 – FY 2021)

Between FY 2018 and FY 2021, the EEOC received a total of 98,411 charges alleging harassment under any basis and 27,291 charges alleging sexual harassment. Of significant note is the increased number of sexual harassment charges received by the EEOC in the two years following #MeToo going viral in October 2017 (see Figure 1).

**Figure 1.** Sexual Harassment Charge Receipts, FY 2014 – FY 2021



SOURCE: U.S. EEOC, Integrated Mission System, Charge Data, FY 2014 – FY 2021.

<sup>1</sup> "A Proclamation on National Sexual Assault Awareness and Prevention Month, 2022," The White House, March 31, 2022, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/03/31/a-proclamation-on-national-sexual-assault-awareness-and-prevention-month-2022/>.

<sup>2</sup> See Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic, June 2016 at [https://www.eeoc.gov/select-task-force-study-harassment-workplace#\\_Toc453686298](https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686298).

<sup>3</sup> *Id.* citing Lilia M. Cortina and Jennifer L. Berdahl, *Sexual Harassment in Organizations: A Decade of Research in Review*, 1 The Sage Handbook of Organizational Behavior 469, 469-96 (J. Barling & C. L. Cooper eds., 2008).

In FY 2018, the EEOC received 7,609 sexual harassment charges compared to 6,696 in FY 2017 – an increase of 13.6%. Additionally, sexual harassment charges as a percentage of all harassment charges began increasing in FY 2018. Between FY 2018 and FY 2021, sexual harassment charges accounted for 27.7% of all harassment charges compared to 24.7% of all harassment charges between FY 2014 and FY 2017. Sexual harassment charges also accounted for a greater percentage of the total charges under all statutes received by the EEOC between FY 2018 and FY 2021 (9.8%) compared to between FY 2014 and FY 2017 (7.7%). Also, between FY 2018 and FY 2021, harassment charges made up 35.4% of the total charges (277,872) received by the EEOC.

Women also continue to file a disproportionate number of the charges filed with the EEOC alleging sexual harassment. Women filed 78.2% of the 27,291 sexual harassment charges received between FY 2018 and FY 2021 (see Figure 2). Additionally, women filed 62.2% of the 98,411 total harassment charges alleging any bases (e.g., race, national origin) received between FY 2018 and FY 2021 (see Figure 3).

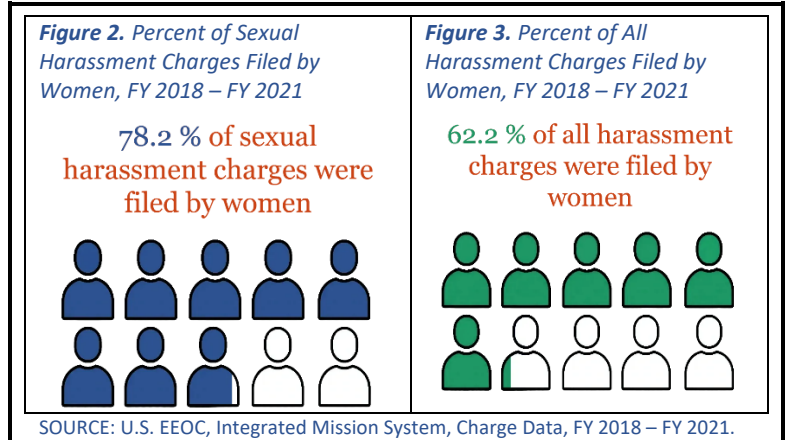
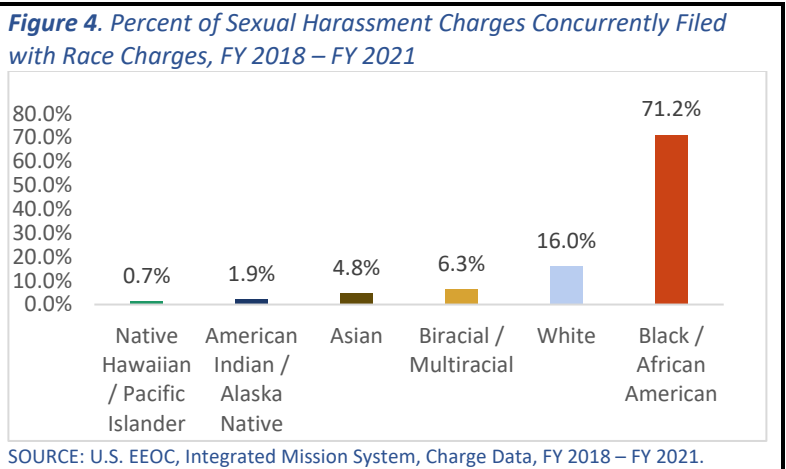
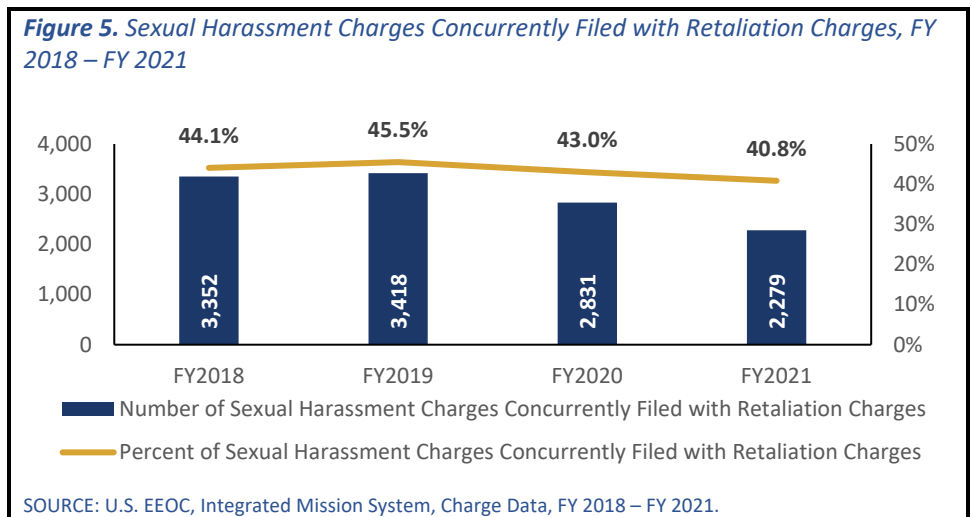


Figure 4 provides the percent of total sexual harassment charges concurrently filed with a charge of race discrimination between FY 2018 and FY 2021. Of the 1,945 sexual harassment charges filed concurrently with a race charge, 71.2% designated Black/African American as the relevant race.



Additionally, of the 797 sexual harassment charges filed concurrently with a national origin charge between FY 2018 and FY 2021, 37.6% of the charges designated Hispanic and 15.7% designated Mexican national origin.

Charges alleging sexual harassment and retaliation are often linked. Figure 5 provides the percent of total sexual harassment charges concurrently filed with a charge of retaliation between FY 2018 and FY 2021. Of the 27,291 sexual harassment charges filed, 43.5% were concurrently filed with a retaliation charge.



Between FY 2018 and FY 2021, the most common issues alleged with sexual harassment charges received

by the EEOC were those involving Discharge, Harassment (non-sexual), and Terms and Conditions (see Figure 6).

As expected, the states with the most sexual harassment charges generally correspond with the states with the largest populations. Examining the number of charges per 10,000 people, ages 16 and older, provides a better comparison of the states with the most sexual harassment charges standardized by population. (See Figures 7 and 8). The top 10 states account for 24.5% of all sexual harassment charge receipts in the United States.

**Figure 6. Five Most Common Issues, Sexual Harassment Charges, FY 2018 – FY 2021**

Issue	
Discharge	48.3%
Harassment (non-sexual)	33.2%
Terms/Conditions	32.5%
Constructive Discharge	20.9%
Discipline	10.3%

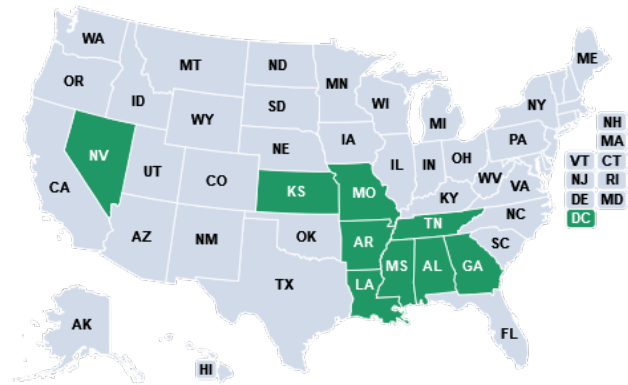
SOURCE: U.S. EEOC, Integrated Mission System, Charge Data, FY 2018 - FY 2021.

**Figure 8. Top 10 States with the Most Sexual Harassment Charges per 10,000 Population Ages 16 Years and Older, FY 2018 – FY 2021**

Number of Charges per 10,000 Population			
Alabama	1.00	Arkansas	0.75
Mississippi	0.93	Missouri	0.74
Georgia	0.83	Nevada	0.72
Kansas	0.80	District of Columbia	0.72
Tennessee	0.76	Louisiana	0.72

SOURCES: U.S. EEOC, Integrated Mission System, Charge Data, FY 2018 – FY 2021. 2015-2019 American Community Survey (ACS) 5-Year Estimates, 16 Years and Older, Civilian Labor Force.

**Figure 7. Top 10 States with the Most Sexual Harassment Charges per 10,000 Population Ages 16 Years and Older, FY 2018 – FY 2021**



SOURCES: U.S. EEOC, Integrated Mission System, Charge Data, FY 2018 – FY 2021. 2015-2019 American Community Survey (ACS) 5-Year Estimates, 16 Years and Older, Civilian Labor Force.

## Combatting Sexual Harassment in the Workplace

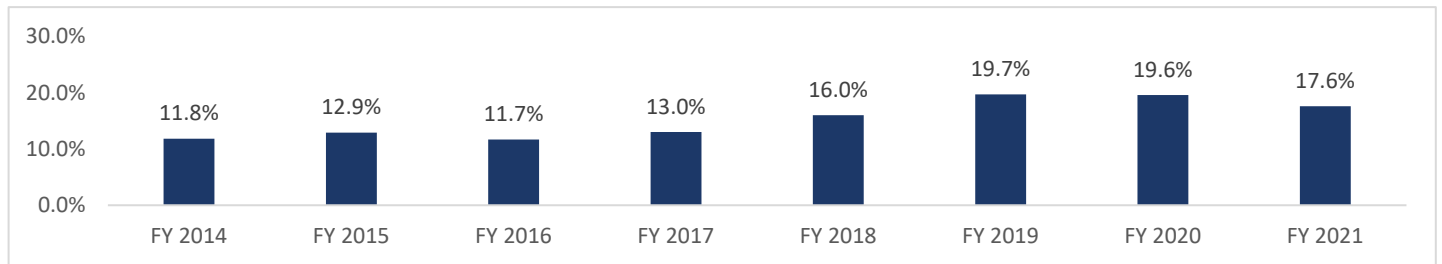
The EEOC will continue to use all available tools, including outreach and education, enforcement, and litigation to prevent and remedy sexual harassment in the workplace.

Between FY 2018 and FY 2021, the EEOC recovered nearly \$300 million for individuals with sexual harassment claims through resolved charge receipts and in litigation. In FY 2021, EEOC resolutions that included a claim for sexual harassment increased to 10%, 1.2 percentage points higher than in FY 2018 (8.8%), and, in FY 2021, 28.6% of sexual harassment resolutions were resolved favorably to the worker. Additionally, between FY 2018 and FY 2021:

- 18.2% of total monetary benefits recovered by the EEOC included a claim for sexual harassment compared to 12.4% between FY 2014 and FY 2017. Figure 9 provides these percentages for each fiscal year between FY 2014 and FY 2021.
- The EEOC recovered \$299.8 million for individuals with sexual harassment claims through resolved charge receipts and in litigation, benefiting 8,147 people (see Figure 10).

- The EEOC recovered nearly \$104 million more for individuals with sexual harassment claims than in the period between FY 2014 and FY 2017--\$83.8 million more through resolved charge receipts and an additional \$20 million in litigation (see Figure 11).

**Figure 9. Percentage of Sexual Harassment Monetary Benefits, FY 2014 – FY 2021\***



\*Excludes additional monetary benefits recovered by the EEOC through litigation.

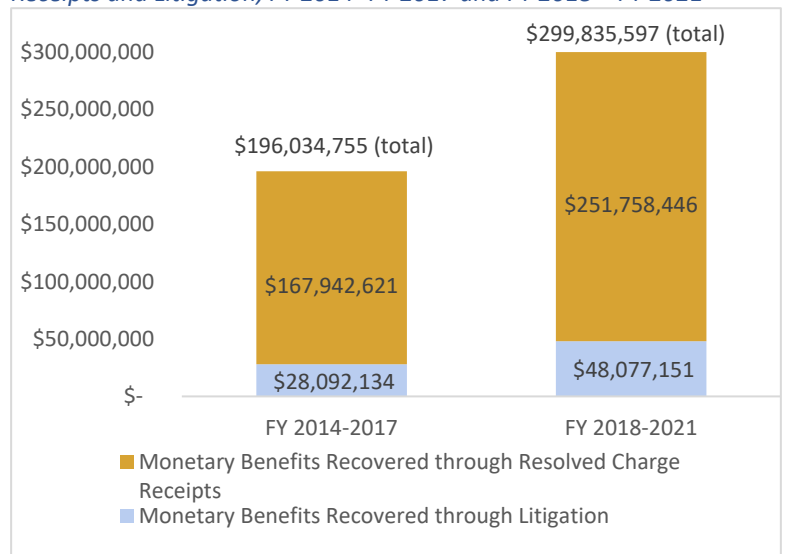
SOURCE: U.S. EEOC, Integrated Mission System, Charge Data, FY 2014 – FY 2021.

**Figure 10. Monetary Benefits from Resolved Sexual Harassment Charge Receipts and Litigation, FY 2018 – FY 2021**

**\$299.8 million recovered**  
**8,147 people benefited**

SOURCE: U.S. EEOC, Integrated Mission System, Charge Data, FY 2018 – FY 2021.

**Figure 11. Monetary Benefits from Resolved Sexual Harassment Charge Receipts and Litigation, FY 2014 -FY 2017 and FY 2018 – FY 2021**



SOURCE: U.S. EEOC, Integrated Mission System, Charge Data, FY 2014 – FY 2021.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov).

**Data Notes**

The charge data included in this Data Highlight include all charges filed by individuals in the private sector and state and local government workplaces. These data do not include discrimination complaints filed in the federal sector.

**Suggested Citation**

Sexual Harassment in Our Nation’s Workplaces. Office of Enterprise Data and Analytics (OEDA) Data Highlight No. 2. U.S. Equal Employment Opportunity Commission (EEOC), Washington, DC, April 2022.



[Home](#) » [Statistics](#) » 23 Statistics on Sexual Harassment in the Workplace

# 23 Statistics on Sexual Harassment in the Workplace

May 20, 2017 by Brandon Gaille

## Sexual Harassment Statistics in the Workplace

A recent study found that 1 in every 4 women experience sexual harassment in the workplace. A similar poll found 1 in 10 men experiencing sexual harassment as well. A fourth of men are concerned of becoming falsely accused of sexual harassment.

## 10 EEOC Harassment Statistics

According to the EEOC, \$52.3 million dollars in damages were received from claims in sexual harassment in 2011. The following statistics break down the results of harassment claims filed.

1. Total Claims Filed: 11,364
2. Percentage of Charges Filed By Males: 16.3%
3. Settlements Made: 1,367 / 10.9%
4. Withdrawals with Benefits: 1,150 / 9.1%
5. Administrative Closures: 2,635 / 21%
6. No Reasonable Cause: 6,658 / 53%
7. Reasonable Cause: 761 / 6.1%
8. Successful Conciliations: 288 / 2.3%

**9.** Unsuccessful Conciliations: 473 / 3.8%

**10.** Merit Resolutions: 3,278 / 26.1%

## Sexual Harassment in a Public Agency

The below video discusses an incident of sexual harassment that occurred within a public agency.



## Concerns Over Sexual Harassment

- 1.** 64% of Americans see sexual harassment as a problem in this country.
- 2.** 88% of women have been harassed.
- 3.** 79% of victims are women, 21% are men.
- 4.** 27% experience harassment from a colleague.
- 5.** 17% experienced harassment from a superior.
- 6.** 12% received threats of termination if they did not comply with their requests.
- 7.** 66.6% of victims were not aware of the workplace policies regarding sexual harassment.
- 8.** 50.4% were not aware of what department or person should be contacted regarding the sexual harassment.

- 9. 1 in 3 women ages 18 to 34 has been sexually harassed at work.
- 10. 81% of women experience harassment in verbal form.

## Top 5 Industries with Highest Sexual Harassment Incidents

1. Business, Trade, Banking, and Finance
2. Sales and Marketing
3. Hospitality
4. Civil Service
5. Education, Lecturing, and Teaching

## How Common is Sexual Harassment?

The following infographic outlines recent percentages of the type of incidents that occur in the workplace regarding sexual harassment. Sexual harassment can occur with any sex and includes incidents of unwelcomed and unwanted verbal and physical force.



have been harassed at work

51%

were harassed by a supervisor



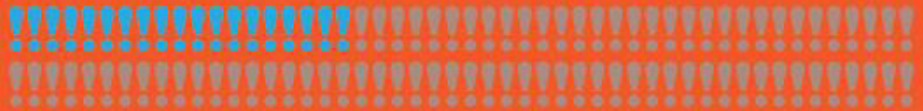
27%

were harassed by an employee senior to them



19%

were harassed by a coworker at their level



8%

were harassed by a junior employee



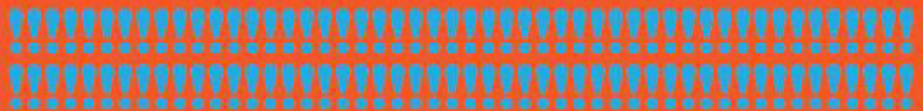
62%

of women targeted took no action



100%

of women claimed the harasser was a man



MALE



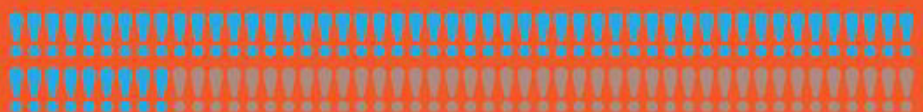
7%

of the male workers claimed to have been harassed at work



62%

of men claimed the harasser was a woman



41%

of men claimed the harasser was a man



was another man

Studies suggest anywhere between 40-70% of women have experienced sexual harassment in the workplace.

Studies suggest anywhere between 10-20% of men have experienced sexual harassment in the workplace.

# \$48.4 MILLION IN DAMAGES FOR SEXUAL HARASSMENT CLAIMS IN 2010

## TOTAL CLAIMS FILED

# 11,717



16.4% of charges filed by males

50.1% of claims filed No Reasonable Cause

22.8% of claims filed administrative closures

27.2% of claims filed Merit Resolutions



1 in 6 people have been sexually harassed in the workplace.

## ACCORDING TO AN AOL JOBS SURVEY



# 51%

Out of those harassed, 51 percent say it was from a peer.



# 51%

Out of those harassed, 43 percent say it was from a manager.

Only 35 percent of people harassed reported it



Women are 47% more likely to report harassment whereas only 21% of men are willing to do so.

# 47%

# 21%

# WWW.CLICK4COMPLIANCE.COM

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## About The Author

Although millions of people visit Brandon's blog each month, his path to success was not easy. Go here to read his incredible story, ["From Disabled and \\$500k in Debt to a Pro Blogger with 5 Million Monthly Visitors."](#) If you want to send Brandon a quick message, then [visit his contact page here](#).

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# Key Findings and Statistics on Workplace Harassment & Misconduct

Workplace harassment and misconduct affect 52% of employees. This significantly impacts the entire employee experience, which in turn influences employee retention, organizational reputation and employment brand.

This year, we surveyed nearly 2,000 U.S. employees across various industries, organization sizes and demographics to conduct the 2023 Workplace Harassment & Misconduct Insights study. The findings are indisputable – and demonstrate the value of consistent processes, clear communication, thorough investigations and well-defined aftercare to support employees and create a healthy workplace culture.

This page shares the findings from the 2023 Workplace Harassment & Misconduct Insights, so you, too, can join us to commit to creating a safer, fairer and better workplace for all employees. Let's take a closer look.

## 1. The state of the workplace

**OVER HALF OF EMPLOYEES WERE EXPOSED TO WORKPLACE HARASSMENT OR MISCONDUCT**



As mentioned above, just over half (**52%**) of employees have experienced or witnessed inappropriate, unethical or illegal behaviors at work. The most prevalent of these behaviors were **bullying (51%)**, **sexual harassment (40%)** and **racism (30%)**.

This should never be tolerated in the workplace. Organizations must enforce strong policies and procedures to prevent and manage these issues.

Certain behaviors were also more prevalent within varying office environments, as well as for specific demographics and job levels. Let's take a closer look.

## Office environment harassment trends

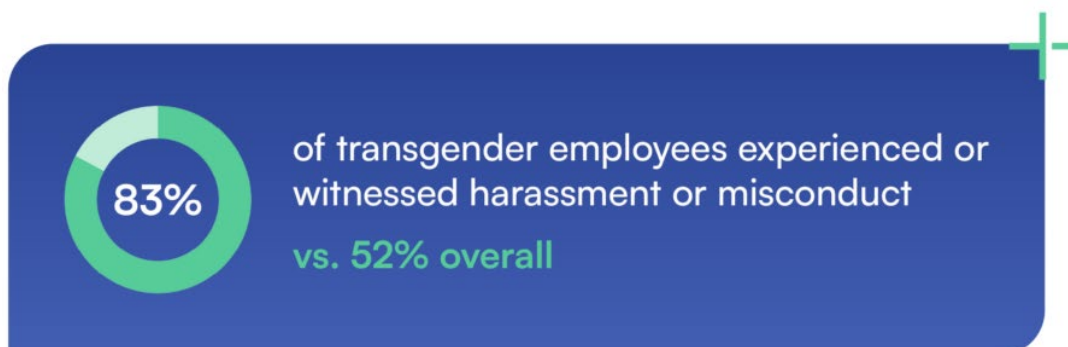
Of all the workplace settings, it's no surprise that **the in-office environment is where most employees observed or experienced inappropriate, illegal or unethical behaviors (80%)**.

As workplace environments continue to evolve (as many implement hybrid models or commit to being fully remote), organizations must establish clear policies that address inappropriate behavior and code of conduct for all environments.

## Harassment trends by demographic

Depending on gender, age and race, some groups face more challenges than others within the workplace.

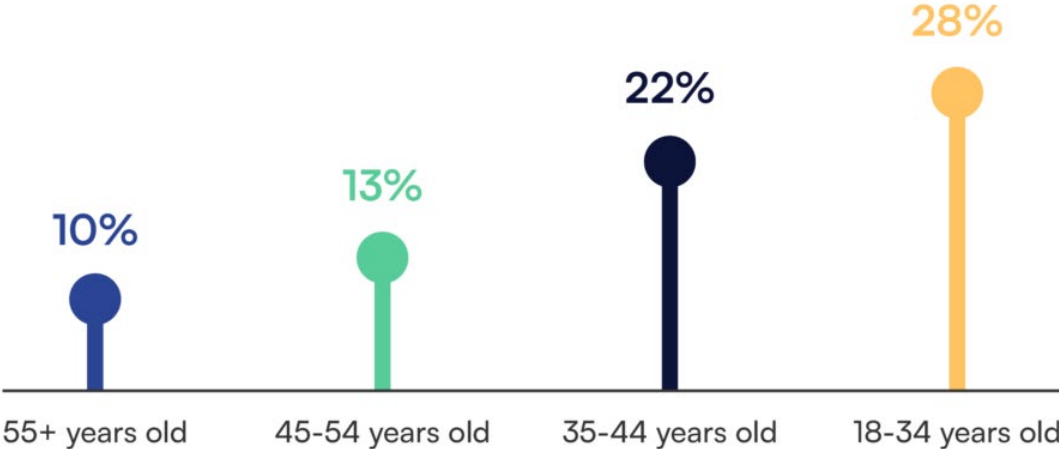
### By gender:



**An immense 83% of transgender employees have experienced or witnessed an issue at work, compared to 52% of total respondents.**

**By age:**

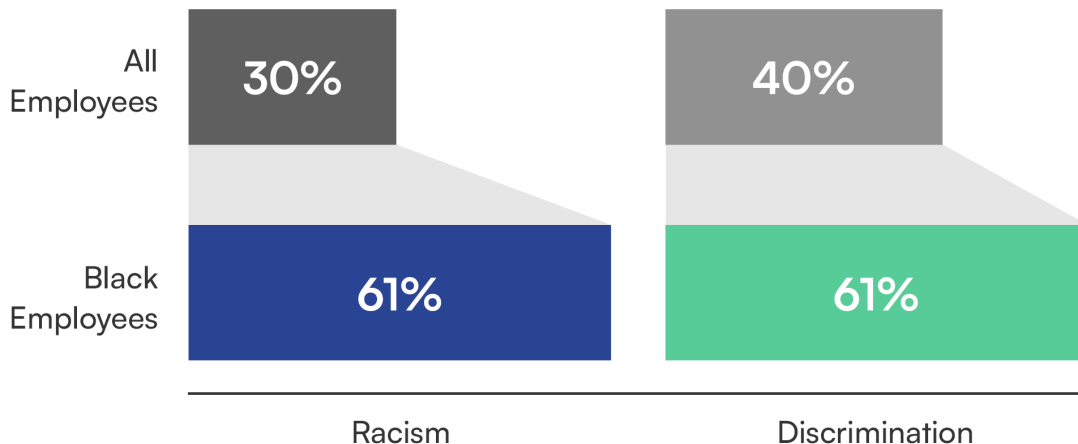
**EMPLOYEES AGED 18-44 WERE MORE LIKELY TO EXPERIENCE HARASSMENT IN REMOTE WORK SETTINGS**



**Employees aged 18-44 were two to three times more likely to observe or experience issues when working remotely than other age groups.**

**By race:**

## BLACK EMPLOYEES EXPERIENCED SIGNIFICANTLY MORE RACISM AND DISCRIMINATION THAN OVERALL EMPLOYEES



**Black employees experienced significantly more racism and discrimination than overall employees.** Only **30%** of total employees experienced/witnessed racism, while **61%** of Black employees experienced/witnessed racism. In addition, only **40%** of total employees encountered discrimination, compared to **61%** of Black employees.

## Harassment trends by job level and position

Job level and position can also influence an employee's experience of harassment and misconduct at work. For example, managers and independent contractors were more likely to have been impacted at work events outside of the office. Contractors were also more likely to experience harassment or discrimination when working remotely.

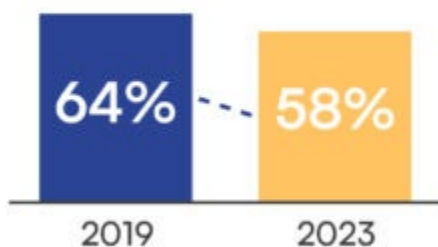
## Trends by inappropriate, unethical or illegal behavior type

Certain negative workplace behaviors are more common than others. 51% of employees have experienced or witnessed workplace bullying. Such harmful

conduct in professional settings can be detrimental to employee well-being and decrease productivity. Additionally, 40% of employees have experienced or witnessed discrimination and sexual harassment at work, which can threaten employee safety. The prevalence of these damaging workplace issues emphasizes the urgent need for proactive measures to address these issues and create safer work environments.

## 2. The Issue with Reporting Workplace Concerns

### DECLINE IN REPORTING RATES



In 2023, only **58%** of employees reported the poor behaviors they experienced or witnessed, meaning that **42%** of inappropriate workplace behaviors were not reported. This is **down 6%** from 2019 – and reveals a growing blind spot of unreported incidents for organizations.

There are a multitude of reasons why employees fail to report workplace issues, but it often boils down to a lack of comfortability, lack of trust, fear of retaliation and more. In fact, nearly half (**46%**) of employees fear retaliation if they reported concerns.

Employees who do report will most often turn to managers (**61%**) or Human Resources (**48%**). Therefore, managers and HR teams need to ensure they are set up to provide an attentive, thoughtful response to reports of misconduct and harassment.

## Helping employees feel more confident

Organizations must show employees their commitment to addressing and preventing inappropriate behaviors. One way to do this effectively is to offer anonymous issue reporting, which allows employees to come forward without sharing their identity. It's also important to share aggregated outcomes with employees. By committing to your employee safety, it will build employee trust and ultimately lead a more accurate view into workplace issues.

## 3) Dealing with Workplace Issues

How do employees feel about the way their organization handles workplace issues and investigations? **40%** have little confidence in their employer's approach to addressing such concerns.

It's so important that employees feel supported through these difficult situations – and have confidence in the processes to address these issues.

Employers must demonstrate their commitment to reduce workplace harassment by providing clear communication regarding the processes they have in place to address and manage issues. They also need to conduct thorough, consistent investigations to make informed decisions and encourage employee trust.

Interestingly, issue resolutions from investigations have **declined** from **70%** in 2019 to **63%** in 2023, which shows there is room for improvement there.

But fortunately, **74%** of employees involved in a workplace investigation felt they were treated with dignity and respect, received timely responses and had good communication throughout the process.

However, **39%** of employees cited a lack of communication and **42%** lacked understanding of what to expect – which signifies a large number of organizations that need to improve their processes and communication.

## Aftercare in the investigation process

A critical component of the investigation process is aftercare. Prioritizing aftercare within the issue resolution process ensures employees feel heard and can move past the issue, therefore keeping them engaged and

productive. A lack of aftercare can cause unresolved emotional issues to fester and negatively impact employee engagement, productivity, morale and even retention.

Employees deserve to receive ample follow-up and care following an investigation. This includes sharing the outcome of an investigation with involved employees. Yet only **1/3** of employees said the investigation outcome was shared with them. And nearly **3/4** of employees (**73%**) were not monitored for signs of retaliation afterward.

## 4) The Impact on Workplace Culture

There is a strong connection between workplace issues, how your organization responds and workplace culture. How organizations address workplace harassment and misconduct matters as much as their efforts to prevent it. If done haphazardly, it can damage employee loyalty and put an organization at risk.

Employees should feel safe (and happy) at work – and comfortable to come forward with issues. If they don't trust how your organization is going to handle the issue, they are less likely to remain engaged.

### Positive reporting experiences

One way to measure the satisfaction of employees is through referrals. When you have a satisfied workforce, employees are your biggest advocates.

When a fellow coworker faced a workplace issue, **31%** of employees said they were likely to refer their peers to HR. This number increases when employees had positive experiences with HR/ER – and decreases when employees had negative experiences. And **65%** of employees who reported issues that were investigated and resolved said they would likely refer colleagues to HR. Only **19%** of employees would do so when their issues were mismanaged.

Similarly, **31%** of employees were likely to recommend their organization as an employer overall. This rate dropped to **22%** when exposed to harassment or misconduct, **12%** when issues were not reported and **7%** when reported issues were not investigated. But when employee issues were reported,

investigated and resolved, the referral rate increased to **56%**. This demonstrates the unequivocal importance and benefit of addressing harassment and misconduct.

## **Negative or nonexistent reporting experiences**

How organizations handle harassment and misconduct can make or break employee trust, loyalty and advocacy. Poor issue handling sends a message that the employer does not take concerns seriously and can drive employees to leave.

In fact, **57%** of employees cited harassment or misconduct as the reason they left or a factor in their decision. And **30%** of employees who experienced or witnessed inappropriate, unethical or illegal behaviors left the organization following the incident, compared to only **11%** of employees who were not exposed to harassment or misconduct.

When organizations allow harassment to occur in the workplace, they risk losing valuable employees. In order to prevent losses and increase retention, organizations need to create a culture that does not tolerate inappropriate behavior, encourage employees to report concerns, conduct fair, thorough and consistent investigations and more.

<https://www.hracuity.com/resources/research/workplace-harassment-and-employee-misconduct-insights/>

## Genetic Information Nondiscrimination Act of 2008



### What's genetic discrimination?

Genetic discrimination occurs if people are treated unfairly because of differences in their DNA that increase their chances of getting a certain disease. For example, a health insurer might refuse to give coverage to a woman who has a DNA difference that raises her odds of getting breast cancer. Employers also could use DNA information to decide whether to hire or fire workers.

### Who needs protection from genetic discrimination?

Everyone should care about the potential for genetic discrimination. Every person has dozens of DNA differences that could increase or decrease his or her chance of getting a disease such as diabetes, heart disease, cancer or Alzheimer's disease. It's important to remember that these DNA differences don't always mean someone will develop a disease, just that the risk to get the disease may be greater.

More and more tests are being developed to find DNA differences that affect our health. Called genetic tests, these tests will become a routine part of health care in the future. Health care providers will use information about each person's DNA to develop more individualized ways of detecting, treating and preventing disease. But unless this DNA information is protected, it could be used to discriminate against people.

### What's the Genetic Information Nondiscrimination Act (GINA)?

The Genetic Information Nondiscrimination Act of 2008, also referred to as GINA, is a new federal law that protects Americans from being treated unfairly because of differences in their DNA that may affect their health. The new law prevents discrimination from health insurers and employers. The President signed the act into federal law on May 21, 2008. The parts of the law relating to health insurers will take effect by May 2009, and those relating to employers will take effect by November 2009.

### Why was the law needed?

The law was needed to help ease concerns about discrimination that might keep some people from getting genetic tests that could benefit their health. The law also enables people to take part in research studies without fear that their DNA information might be used against them in health insurance or the workplace.

### What's included in the law?

The law protects people from discrimination by health insurers and employers on the basis of DNA information.

### What's not included?

The law does not cover life insurance, disability insurance and long-term care insurance.

### How does the federal law affect state laws?

Before the federal law was passed, many states had passed laws against genetic discrimination. The degree of protection from these laws varies widely among the different states. The federal law sets a minimum standard of protection that must be met in all states. It does not weaken the protections provided by any state law.

### Where can I find more information?

- For the text of the bill see: [H.R. 493](#) [thomas.loc.gov]
- [Information on Genetic Discrimination](#)
- [Frequently Asked Questions About Genetic Testing](#)

Last Updated: April 6, 2015

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# What You Should Know About the Pregnant Workers Fairness Act

## Overview

### 1. What is the Pregnant Workers Fairness Act?

Generally, the Pregnant Workers Fairness Act (PWFA) requires a covered employer to provide a “reasonable accommodation” to a qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

The PWFA applies only to accommodations. Other **laws** (<https://www.eeoc.gov/pregnancy-discrimination>) that the EEOC enforces make it illegal to fire or otherwise discriminate against employees or applicants on the basis of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are **more protective** of workers (used here to mean job applicants and employees) affected by pregnancy, childbirth, or related medical conditions. More than 30 **states** (<https://www.dol.gov/agencies/wb/pregnant-nursing-employment-protections>) and cities have laws that require employers to provide accommodations for pregnant workers.

### 2. When did the PWFA go into effect, and has the EEOC issued a regulation about the law?

The PWFA went into effect on June 27, 2023. On April 15, 2024, the EEOC issued

its **final regulation** (<https://www.federalregister.gov/d/2024-07527>) to carry out the law. The regulation went into effect on June 18, 2024. You can find a summary of the regulation at <https://www.eeoc.gov/summary-key-provisions-eeocs-final-rule-implement-pregnant-workers-fairness-act-pwfa> (<https://www.eeoc.gov/summary-key-provisions-eeocs-final-rule-implement-pregnant-workers-fairness-act-pwfa>).

### **3. Is the EEOC accepting charges under the PWFA?**

Yes, on June 27, 2023, the EEOC began accepting charges alleging violations of the PWFA.

In some situations, workers affected by pregnancy, childbirth, or related medical conditions may also be entitled to receive an accommodation under two other laws the EEOC enforces, Title VII of the Civil Rights Act of 1964 or the Americans with Disabilities Act (ADA). Therefore, the EEOC will continue to accept and process charges involving a lack of accommodation regarding pregnancy, childbirth, or related medical conditions under Title VII and/or the ADA as well as under the PWFA.

### **4. Which employers does the PWFA apply to?**

The PWFA applies to private employers and public sector employers (state and local governments) that have 15 or more employees. It also applies to Congress and Federal agencies, and to employment agencies and labor organizations.

### **5. Who does the PWFA protect?**

The PWFA provides for reasonable accommodations for qualified applicants or employees who have known limitations. Under the PWFA, “limitations” are physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.

### **6. What does the PWFA prohibit?**

Covered employers must not:

- Fail to make a reasonable accommodation for the known limitations of an employee or applicant, unless the accommodation would cause an undue hardship;
- Require an employee to accept an accommodation other than a reasonable accommodation arrived at through the interactive process;

- Deny a job or other employment opportunities to a qualified employee or applicant based on the person's need for a reasonable accommodation;
- Require an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working;
- Punish or retaliate against an employee or applicant for requesting or using a reasonable accommodation for a known limitation under the PWFA, reporting or opposing unlawful discrimination under the PWFA, or participating in a PWFA proceeding (such as an investigation);
- Coerce individuals who are exercising their rights or helping others exercise their rights under the PWFA.

## 7. What other federal laws may apply to workers affected by pregnancy, childbirth, or related medical conditions?

Other laws that apply to employees or applicants affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII (enforced by the EEOC), which:
  - Protects workers from discrimination based on **pregnancy** (<https://www.eeoc.gov/pregnancy-discrimination>), childbirth, or related medical conditions; and
  - Requires covered employers to treat workers affected by pregnancy, childbirth, or related medical conditions the same as others similar in their ability or inability to work;
- The ADA (enforced by the EEOC), which:
  - Protects workers from discrimination based on **disability** (<https://www.eeoc.gov/eeoc-disability-related-resources>); and
  - Requires covered employers to provide reasonable accommodations to a qualified individual with a disability if the reasonable accommodation would not cause an undue hardship for the employer.
  - Some pregnancy-related conditions may be disabilities under the law, but pregnancy itself is not a disability under the ADA.
- The **FMLA (Family and Medical Leave Act)** (<https://www.dol.gov/agencies/whd/fmla>) (enforced by the U.S.

Department of Labor), which provides covered employees with unpaid, job-protected leave for certain family and medical reasons; and

- The **PUMP Act** (<https://www.dol.gov/agencies/whd/nursing-mothers>) (Providing Urgent Maternal Protections for Nursing Mothers Act) (enforced by the U.S. Department of Labor), which broadens workplace protections for employees to express breast milk at work.

## Important Terms and Provisions

### 8. What is a “reasonable accommodation” and what are some examples?

“Reasonable accommodations” are changes in the work environment or the way things are usually done at work.

Some examples of possible reasonable accommodations under the PWFA include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom;
- Changing food or drink policies to allow for a water bottle or food;
- Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- Changing a uniform or dress code or providing safety equipment that fits;
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time;
- Telework;
- Temporary reassignment;
- Temporary suspension of one or more essential functions of a job;
- Leave for health care appointments;
- Light duty or help with lifting or other manual labor; or
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth.

This list just provides some examples; many other reasonable accommodations may exist. Also, a worker may need different accommodations at different times during the pregnancy or after childbirth.

**9. Does a covered employer have to provide leave as a reasonable accommodation?**

Leave can be a reasonable accommodation that an employee requests under the PWFA. An employer does not have to provide leave (or any other reasonable accommodation) if it causes a undue hardship.

**10. What is “undue hardship”?**

An employer does not have to provide a reasonable accommodation under the PWFA if it causes the employer an undue hardship. “Undue hardship” means significant difficulty or expense.

**11. Who is a “qualified employee” or a “qualified applicant”?**

An employee or applicant can be “qualified” under the PWFA in two ways.

First, an employee or applicant who can perform the “essential functions” of the job with or without a reasonable accommodation is qualified. “Essential functions” are the fundamental duties of the job.

Many employees or applicants seeking accommodations will meet this part of the definition because they can perform the job or apply for the position with a reasonable accommodation—for example, the cashier who needs a stool, the production worker who needs bathroom breaks, or the retail worker who needs to carry around a bottle of water.

If an employee cannot perform the essential functions of the job with or without a reasonable accommodation, an employee can be qualified even if they cannot do the essential functions of their job as long as:

- The inability is “temporary;”
- The employee could perform the functions “in the near future;” and
- The inability to perform the essential functions can be reasonably accommodated.

This means that an employee who is temporarily unable to perform one or more essential functions of their job, and who therefore needs light duty or a

change in their work assignments, may be able to get such a change as a reasonable accommodation.

**12. The PWFA requires reasonable accommodation for a qualified employee or applicant with a “known limitation.” What is a “known limitation”?**

Under the PWFA, “known” means the employee or the employee’s representative (or the applicant or the applicant’s representative) has communicated to the employer about the limitation.

Under the PWFA, “limitation” means “a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.”

A limitation can be an impediment or problem that is minor or modest and can be episodic (such as migraines or morning sickness). It can be that the employee or applicant needs to take actions for their health or the health of their pregnancy—such as not being around certain chemicals; not working in the heat; or limiting or avoiding certain physical tasks, for example lifting, bending, walking, standing, or running. It can be that the employee needs to attend health care appointments for the pregnancy, childbirth, or related medical condition itself.

**13. What is included in “pregnancy, childbirth, or related medical conditions”?**

Pregnancy, childbirth, or related medical conditions” includes uncomplicated pregnancies, vaginal deliveries or cesarian sections, miscarriage, postpartum depression, edema, placenta previa, and lactation. There are more examples in the regulation at <https://www.federalregister.gov/d/2024-07527> (<https://www.federalregister.gov/d/2024-07527>).

**14. How can workers request reasonable accommodations, and how should employers respond?**

- The employee or applicant should tell the employer that they have a limitation—a physical or mental condition related to, arising out of, or affected by pregnancy, childbirth, or a related medical condition—and that they need an adjustment or change in their working conditions due to the limitation. For example, the worker can say:
  - “I’m having trouble getting to work at my scheduled starting time because of morning sickness.”

- “I need more bathroom breaks because of my pregnancy.”
- “I need time off from work to attend a medical appointment because of my pregnancy.”
- Once the employer knows, it should engage in the “interactive process” with the employee or applicant. The “interactive process” means simply that the employer and employee communicate, whether by talking or some other way, about the known limitation and the adjustment or change needed at work.
- The employer should respond promptly to accommodation requests. If it does not cause an undue hardship to the employer’s business, the employer generally has to provide a reasonable accommodation—either what the employee or applicant requests or another effective accommodation.

The Commission expects that many PWFA accommodations can be granted after simple exchanges of information between employees or applicants and employers, such as brief conversations or emails.

**15. What should employers remember about the PWFA and reasonable accommodation?**

- Train supervisors about the PWFA. First level supervisors may be particularly likely to receive accommodation requests and should be trained about how to respond, including how to avoid retaliating against those who request or use a reasonable accommodation.
- Workers do not need to use specific words to request an accommodation to begin the interactive process. Once an employee requests an accommodation, use the interactive process.
- Limitations may be minor and may be associated with an uncomplicated pregnancy and may require accommodations that are easy to make.
- A worker may need different accommodations as the pregnancy progresses, they recover from childbirth, or the related medical condition improves or gets worse.
- For assistance identifying possible reasonable accommodations, consult the Job Accommodation Network (JAN) (<https://askjan.org/>)

(<https://askjan.org/>). JAN is a free, expert, confidential service that helps workers and employers with reasonable accommodations.

**16. Can employers require that the employee or applicant provide information from the employee's health care provider about the limitation?**

In many instances under the PWFA, a discussion with the applicant or employee may be sufficient and supporting documentation will not be needed.

Employers also should keep in mind that it may be difficult for a worker to obtain information from a health care professional early in pregnancy.

Although an employer is not required to seek medical information from an employee's health care provider, the employer may seek information from the employee's health care provider under limited circumstances. An employer may not require that the employee seeking the accommodation be examined by a health care provider selected by the employer.

First, seeking documentation must be reasonable under the circumstances for the employer. It is not reasonable if:

- The limitation and need for an adjustment or change at work due to the limitation is obvious. For example, an obviously pregnant employee who seeks a bigger uniform because of their pregnancy cannot be required to provide additional information.
- The employer already knows about the limitation and the adjustment or change at work due to the limitation. For example, if the employee has already provided enough information that they have morning sickness due to pregnancy and need a later start time, the employer cannot demand a new doctor's note every time the employee uses the accommodation of coming in later.
- The employee is currently pregnant and needs breaks for the bathroom or to eat or drink, needs to carry water with them to drink, or needs to stand if their job requires sitting or to sit if their job requires standing.
- The employee is lactating and needs modifications to pump at work or nurse during work hours.
- The employer would not ask an employee for documentation in that situation normally. If an employer's policy is that employees only need a note from a health care provider for absences if they are missing 3 or

more days in a row, the employer can't require someone who needs a reasonable accommodation of 1 day off because of pregnancy, childbirth, or a related medical condition to provide information from the health care provider.

If the employer is allowed to get documentation from a health care provider, the employer is limited to documentation that:

- Confirms the physical or mental condition. This means providing a simple statement of the physical or mental condition (e.g., back injury, swollen ankles, need to avoid certain chemicals, lifting restriction, need for rest, vomiting, need to attend health care appointments). This can be a modest or minor impediment or problem and does not need to be a medical diagnosis;
- Confirms that the physical or mental condition is related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. Pregnancy, childbirth, or related medical conditions do not have to be the sole, the original, or a substantial cause of the physical or mental condition. Together, the information set forth in this paragraph and the prior paragraph constitute the employee's "limitation" for purposes of coverage under the PWFA (see definition in Question 12); and
- Describes the adjustment or change at work that is needed due to the limitation (for example, no lifting more than 20 pounds for 3 months, the approximate number and frequency of health care appointments, the estimated time off for recovery, additional safety gear, work functions that should be suspended and for how long, or a later start time).

Under the Americans with Disabilities Act (ADA), employers must keep medical information confidential. That applies to documentation gathered under the PWFA as well.

## **Resources for Workers**



[\\_ \(https://www.youtube.com/watch?](https://www.youtube.com/watch?v=Vs7WNE4DNew)

[v=Vs7WNE4DNew\)](https://www.youtube.com/watch?v=Vs7WNE4DNew)

**[Pregnant Workers Fairness Act: \(https://www.youtube.com/watch?](https://www.youtube.com/watch?v=Vs7WNE4DNew)**

**[v=Vs7WNE4DNew\)](https://www.youtube.com/watch?v=Vs7WNE4DNew)**

**[An Overview for Workers \(https://www.youtube.com/watch?](https://www.youtube.com/watch?v=Vs7WNE4DNew)**

**[v=Vs7WNE4DNew\)](https://www.youtube.com/watch?v=Vs7WNE4DNew)**

## TIPS FOR ASKING FOR A REASONABLE ACCOMMODATION

IF YOUR PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION MAKES IT HARDER FOR YOU TO PERFORM YOUR JOB, YOU CAN ASK FOR A CHANGE CALLED A REASONABLE ACCOMMODATION:

- 

**1 TALK** to your employer. Your manager, human resources, or person designated in the company policy is a good place to start.

*Covered employers must provide a reasonable accommodation unless it will cause them an undue hardship.*
- 

**2 EXPLAIN** that because of a physical or mental condition related to your pregnancy, childbirth, or related medical condition, you need a change.


- 

**3 SHARE** with your employer what barriers you are facing. Give ideas, if you have them, for what could help you do your job.

*For example, you may need to do your job differently, a piece of equipment, additional breaks, leave, or a different schedule.*


- 

**4 IF YOUR EMPLOYER SAYS "NO"** **PROVIDE** information. Tell your employer about the EEOC's webpage: [What You Should Know About the Pregnant Workers Fairness Act](#).

**REACH OUT** to the EEOC. The EEOC can help you decide on next steps.


**CONTACT US:**  
 1-800-669-4000  
[WWW.EEOC.GOV](http://WWW.EEOC.GOV)


[https://www.eeoc.gov/sites/default/files/2023-](https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf)

[06/PWFA%20Reasonable%20Steps%20Infographic.pdf](https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf))

**Download Infographic:** ([https://www.eeoc.gov/sites/default/files/2023-](https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf)

[06/PWFA%20Reasonable%20Steps%20Infographic.pdf](https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf))

**Tips for Asking for Reasonable Accommodation**

([https://www.eeoc.gov/sites/default/files/2023-](https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf)

[06/PWFA%20Reasonable%20Steps%20Infographic.pdf](https://www.eeoc.gov/sites/default/files/2023-06/PWFA%20Reasonable%20Steps%20Infographic.pdf))

Under the new Pregnant Workers Fairness Act (PWFA), your workplace must give you an accommodation if you need one, unless it will be a significant burden on them.



[https://www.youtube.com/watch?](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr)

[v=5C1wyqLJUF0&list=PL65EFmHB\\_s4BYvk6Qff0cqCSZFCcINfnr](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr)

**Videos: Pregnancy Playlist from** [https://www.youtube.com/watch?](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr)

[v=5C1wyqLJUF0&list=PL65EFmHB\\_s4BYvk6Qff0cqCSZFCcINfnr](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr)

**EEOC and the Department of Labor** [https://www.youtube.com/watch?](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr)

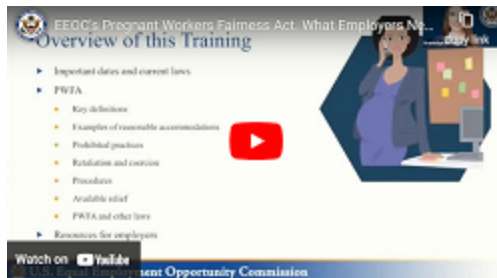
[v=5C1wyqLJUF0&list=PL65EFmHB\\_s4BYvk6Qff0cqCSZFCcINfnr](https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr)

**Time and Place to Pump at Work: Your Rights** <https://www.eeoc.gov/time-and-place-pump-work-your-rights>

**PWFA Social Media Toolkit** <https://www.eeoc.gov/pregnant-workers-fairness-act-pwfa-social-media-toolkit-april-2024>

**[More Resources About the PWFA \(https://www.eeoc.gov/more-resources-about-pwfa\)](https://www.eeoc.gov/more-resources-about-pwfa)**

## For Employers and Healthcare Providers



**[https://www.youtube.com/watch?](https://www.youtube.com/watch?v=ftxYyTlXetE)**

**[v=ftxYyTlXetE\)](https://www.youtube.com/watch?v=ftxYyTlXetE)**

**[Pregnant Workers Fairness Act: \(https://www.youtube.com/watch?](https://www.youtube.com/watch?v=ftxYyTlXetE)**

**[v=ftxYyTlXetE\)](https://www.youtube.com/watch?v=ftxYyTlXetE)**

**[What Employers Need to Know Webinar \(https://www.youtube.com/watch?](https://www.youtube.com/watch?v=ftxYyTlXetE)**

**[v=ftxYyTlXetE\)](https://www.youtube.com/watch?v=ftxYyTlXetE)**

**PREGNANT WORKERS FAIRNESS ACT (PWFA)**

**WHAT IS PWFA?**  
The Pregnant Workers Fairness Act (PWFA) is a federal law that requires covered employers to provide "reasonable accommodations" to a qualified worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." An undue hardship is defined as causing significant difficulty or expense.

A "reasonable accommodation" means a change in the work environment or how things are usually done in order to remove work-related barriers.

**WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?**

- Schedule changes or time off to go to health care appointments
- Extra bathroom breaks
- A chair or stool to sit on while working
- The ability to telework full or part-time
- A private place to pump breast milk
- Leave to recover from childbirth
- Breaks to eat and drink
- Light duty

**WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?**  
Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))
- The Americans with Disabilities Act (ADA) which prohibits employment discrimination based on disability (enforced by the EEOC)
- The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor)
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)

Learn more at [www.eeoc.gov/Pregnancy-Discrimination](https://www.eeoc.gov/Pregnancy-Discrimination)

**<https://www.eeoc.gov/sites/default/files/2024->**

**04/PWFA%20%28Healthcare%20Poster%29-11.pdf-13\_508FINAL.pdf**  
**Download PWFA Poster ([https://www.eeoc.gov/sites/default/files/2024-04/PWFA%20%28Healthcare%20Poster%29-11.pdf-13\\_508FINAL.pdf](https://www.eeoc.gov/sites/default/files/2024-04/PWFA%20%28Healthcare%20Poster%29-11.pdf-13_508FINAL.pdf))**  
**for Healthcare Providers ([https://www.eeoc.gov/sites/default/files/2024-04/PWFA%20%28Healthcare%20Poster%29-11.pdf-13\\_508FINAL.pdf](https://www.eeoc.gov/sites/default/files/2024-04/PWFA%20%28Healthcare%20Poster%29-11.pdf-13_508FINAL.pdf))**

**Know Your Rights:  
Workplace Discrimination is Illegal**

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

**Who is Protected?**

- Employees current and former, including managers and temporary employees
- All applicants
- Union members and applicants for membership in a union

**What Organizations are Covered?**

- Most private employers
- State and local governments (all employees)
- Educational institutions (all employees)
- Public accommodations
- Airlines
- Staffing agencies

**What Types of Employment Discrimination are Illegal?**

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual harassment, or gender identity)
- Age (40 and older)
- Disability (including employer requests for, or purchase, use, or
- disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, requesting opening discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

**What Employment Practices can be Challenged as Discriminatory?**

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (including equal pay or compensation)
- Refusal to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition, or a sincerely held religious belief observance or practice
- Benefits
- Job training
- Classification
- Retaliation
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from reporting discrimination, filing a charge, or participating in an investigation or proceeding
- Coercion that coerces, intimidates, threatens, or interferes with someone exercising their rights, or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

**What can You Do if You Believe Discrimination has Occurred?**

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

**Submit** an inquiry through the EEOC's public portal: <https://eeocfieldoffice.eeoc.gov/the-eeoc-portal>

**Call** 1-800-649-5592 (toll free)  
1-800-649-6808 (TTY)  
1-844-234-5122 (TDD video phone)

**Visit** an EEOC field office (information at [www.eeoc.gov/field-office](https://www.eeoc.gov/field-office))

**Mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](https://www.eeoc.gov)

**(<https://www.eeoc.gov/poster>)**

**Download "Know Your Rights: (<https://www.eeoc.gov/poster>)**  
**Workplace Discrimination is Illegal" poster (<https://www.eeoc.gov/poster>)**

# THE PREGNANT WORKERS FAIRNESS ACT (PWFA)

Prepare for this new law before it goes into effect on June 27, 2023.

### WHAT IS IT?

The PWFA requires covered employers to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship."



## 72%

of working women will become pregnant while employed at some time in their lives.

SOURCE: U.S. Census Bureau, "Maternity Leave and Employment Patterns: 1997-2008," 2011

### 8 IN 10



first-time pregnant women work until their final month of pregnancy.

SOURCE: U.S. Congress, Pregnant Workers Fairness Act, 2021, www.congress.gov/115/records/104273/CRPT-115-021.pdf

#### Examples of reasonable accommodations that may be available to workers:

- Offering additional, longer, or more flexible breaks to eat, drink, rest, or use the restroom
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time
- Changing food or drink policies to allow a worker to have a water bottle or food
- Providing leave for medical appointments or to recover from childbirth

### 23%



of moms have thought about leaving a job due to a lack of reasonable accommodation or fear of discrimination from an employer during pregnancy, according to one survey.

SOURCE: Equal Pay Policy Center, "Hiring Consultant Poll," February 14, 2022

#### TIP FOR EMPLOYERS:

Train supervisors about the PWFA so they are ready when they get reasonable accommodation requests.



 Learn more at [EEOC.gov](https://www.eeoc.gov)

[https://www.eeoc.gov/sites/default/files/2023-05/PWFA%20Infographic-1\\_508%20FINAL.pdf](https://www.eeoc.gov/sites/default/files/2023-05/PWFA%20Infographic-1_508%20FINAL.pdf)

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**The Pregnant Workers Fairness Act (PWFA)**

[https://www.eeoc.gov/sites/default/files/2023-05/PWFA%20Infographic-1\\_508%20FINAL.pdf](https://www.eeoc.gov/sites/default/files/2023-05/PWFA%20Infographic-1_508%20FINAL.pdf)

**More Resources About the PWFA** (<https://www.eeoc.gov/more-resources-about-pwfa/>)



*The U.S. Equal Employment Opportunity Commission*

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## Facts About Pregnancy Discrimination

The Pregnancy Discrimination Act amended [Title VII of the Civil Rights Act of 1964](#). Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by pregnancy-related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

### Title VII's pregnancy-related protections include:

- **Hiring**

An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition, or because of the prejudices of co-workers, clients, or customers.

- **Pregnancy and Maternity Leave**

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

If an employee is temporarily unable to perform her job because of her pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments, or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled because of pregnancy to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

- **Health Insurance**

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. An employer need not provide health insurance for expenses arising from abortion, except where the life of the mother is endangered.

Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

- **Fringe Benefits**

Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

Employees on leave because of pregnancy-related conditions must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

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*This page was last modified on September 8, 2008.*



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## KNOW YOUR RIGHTS

# Pregnancy & Childbearing Discrimination

## OFCCP Protects You from Pregnancy Discrimination

### 1. What is pregnancy discrimination?

Pregnancy discrimination generally occurs when an employer treats a woman employee or job applicant unfavorably because of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. This type of discrimination may also occur when an employer has policies or practices that exclude women from particular jobs because they could become pregnant.

### 2. What are my rights?

The laws enforced by OFCCP<sup>1</sup> make it illegal for a company doing business with the Federal government to discriminate against you in hiring, firing, pay, benefits, job assignments, promotions, layoffs, job training, recruitment, and other personnel activities because of your ability to get pregnant and give birth, or because of medical conditions related to pregnancy and childbirth.

You have certain protections if you become pregnant, give birth, or have a medical condition related to pregnancy or childbirth:

- You are allowed to work as long as you are able to perform your job.
- You are to be treated the same as any other temporarily disabled employee if you become temporarily unable to do your job because of your pregnancy.
- You are entitled to have your employer hold open a job for you when you take a pregnancy-related absence; it must be held open for the same length of time jobs are held open for employees on sick or disability leave.
- You are entitled to pregnancy-related benefits your employer provides, whether or not you are married.
- You are entitled to the same benefits that other workers on leave receive.

<sup>1</sup> Executive Order 11246, as amended and Section 503 of the Rehabilitation Act of 1973, as amended.

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- You are entitled to take up to 12 weeks of leave per year for medical reasons (including pregnancy and childbirth) and for childcare if your employer is covered under the Family Medical Leave Act (FMLA) and you qualify for FMLA leave. Both parents can qualify for FMLA leave and violations of FMLA should be reported to the Department of Labor's Wage & Hour Division.

In some areas, state laws provide additional protections related to parental and medical leaves of absence. For example, California's law allows for up to six weeks of paid leave to care for a newborn, newly adopted child, or newly placed foster child. Please remember to check into your local laws for more information

### 3. Are there specific things that my employer cannot do if I were to become pregnant, give birth, or have a medical condition related to pregnancy or childbirth?

Yes. These are some examples of what your employer cannot do:

- Deny you a job offer because of your pregnancy.
- Use your pregnancy as an excuse to test your ability to work. This includes making you meet special conditions to show that you are ready to return to work if these conditions are not required of other employees.
- Force you to remain on leave until your child's birth if you are absent because of a pregnancy condition and then recover.
- Demand that you provide a doctor's note to show that you are able to work if your employer does not require similar documentation from other employees with short-term disabilities.
- Deny you employment because you have young children, unless your employer has the same policy for male employees.

## FACTS: PREGNANCY DISCRIMINATION

- ▶ Three-quarters of women entering the workforce will be pregnant and employed at some point.<sup>1</sup> Most pregnant women are in the workforce. Among women who had a child in 2011, 62 percent were in the labor force.<sup>2</sup>
- ▶ In every single state in 2011, the majority of women who gave birth were also in the labor force.<sup>3</sup> The data confirm what tens of millions of women, families, workers and employers throughout the country have long known: A significant number of women in the United States work while pregnant.
- ▶ Discrimination against pregnant workers is on the rise. Over the past decade, the number of pregnancy discrimination charges has increased by 35%.<sup>4</sup> About one in five charges of discrimination filed by women involve claims of pregnancy discrimination.<sup>5</sup>
- ▶ Plenty of women are able to work through their pregnancies without any alteration to their jobs, but too often pregnant workers are forced out of their jobs unnecessarily when reasonable accommodations would enable them to keep working. For example:
  - ▶ A pregnant retail worker in Salina, Kansas, was fired merely because she needed to carry a water bottle to stay hydrated and prevent bladder infections.<sup>6</sup>
  - ▶ A delivery truck driver in Landover, Maryland, was forced to take unpaid leave because she was denied the same light duty routinely offered to other workers with physical limitations.<sup>7</sup>
  - ▶ An activity director at a nursing home in Valparaiso, Indiana, was terminated because she required a reasonable accommodation for some physical aspects of her job to prevent having another miscarriage.<sup>8</sup>
- ▶ Although the Pregnancy Discrimination Act of 1978 outlawed pregnancy discrimination, employers often refuse to provide reasonable accommodations for pregnant workers, and courts have interpreted existing legal protections narrowly.
- ▶ The Pregnant Workers Fairness Act would prevent employers from forcing pregnant women out of the workplace and help ensure that employers provide reasonable accommodations to pregnant women who want to continue working.
- ▶ The Pregnant Workers Fairness Act would promote family economic security. Pregnancy discrimination causes significant economic harm to millions of pregnant women and their families every year, especially low-income and single mothers. In this difficult economy, workers cannot afford to be unnecessarily and unfairly pushed out of – or terminated from – their jobs because of pregnancy and childbirth.
- ▶ The Pregnant Workers Fairness Act would protect the health of women and children. When pregnant women are denied reasonable accommodations, many have no choice

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### **Disparate impact #20**

by Ross Runkel at LawMemo

"Disparate impact" is a legal theory for proving unlawful employment discrimination. However, most actual cases use the "[disparate treatment](#)" theory.

Disparate impact is the idea that some employer practices, as matter of statistics, have a greater impact on one group than on another.

A good **example**, taken from the first US Supreme Court Title VII case on the topic: When hiring laborers, the employer required applicants to have a **high school diploma**. The diploma requirement screened out vastly more blacks than it did whites. Therefore, there was a disparate impact based on race, even though there was no intentional discrimination.

The Supreme Court said that once the employees proved a significant disparate impact, **the burden shifted to the employer** to prove that the diploma requirement had "a manifest relationship to the employment in question."

**Federal legislation enacted in 1991** says that if the employees prove that a practice causes a disparate impact, then the employer must demonstrate that the practice "is job related for the position in question and consistent with business necessity."

The disparate impact theory can be used whenever there is a large impact based on race, sex, religion, age, or other unlawful factor.

### **Lessons (so far)**

[Transsexual discrimination #33](#)  
[Sexual orientation Discrimination #32](#)  
[Remedies for Discrimination #31](#)  
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Disparate impact cases are complex (and expensive) because they require the use of experts and involve sophisticated statistical methods.

**Age cases:** In 2005 the US Supreme Court decided that the disparate impact theory can be used in age discrimination cases. However, these age cases are **extremely difficult for employees to win** for two reasons. **First** is that the 1991 legislation that makes things easier for plaintiffs does not apply. **Second** is that the Age Discrimination in Employment Act (ADEA) specifically permits any "otherwise prohibited" action "where the differentiation is based on reasonable factors other than age."

In the 2005 case a City gave police officers with less than five years service greater pay raises than more experienced officers. Obviously this had a negative impact on the 40-and-over group. The Court pointed out that the City based its decision on seniority, which was a "reasonable factor other than age." Therefore, the City won.

**Coming next: Sex discrimination #21: Employment Law 101**

[Constructive discharge #9](#)

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## 5 things to do after the investigation

October 30, 2008 by Sam Narisi

Posted in: [Harassment](#), [In this week's e-newsletter](#), [Investigations](#), [Latest News & Views](#)

Once you've finished the legwork of investigating a harassment complaint, your job has just begun. To cover all your bases:

1. **Make sure you're really done** — Before making any decisions or conclusions, sit down and consider whether there are any questions you haven't asked or people you haven't talked to.
2. **Think about the credibility of each witness** — Especially if different people give different stories, you need to make sure you can believe everything that's been said.
3. **Follow up with the parties** — You don't need to tell the complainant exactly what action was taken, but telling him or her you handed out some discipline will help avoid complaints that you did nothing.
4. **Remind managers of your anti-retaliation policy** — Make sure managers understand the legal ramifications of treating the complainant negatively after the investigation.
5. **Keep an eye out** — Companies are at risk if they look into a harassment situation but fail to make sure it doesn't happen again.



## **The 14 General Principles of Ethical Conduct**

### **5 C.F.R §2635.101 (b)**

The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

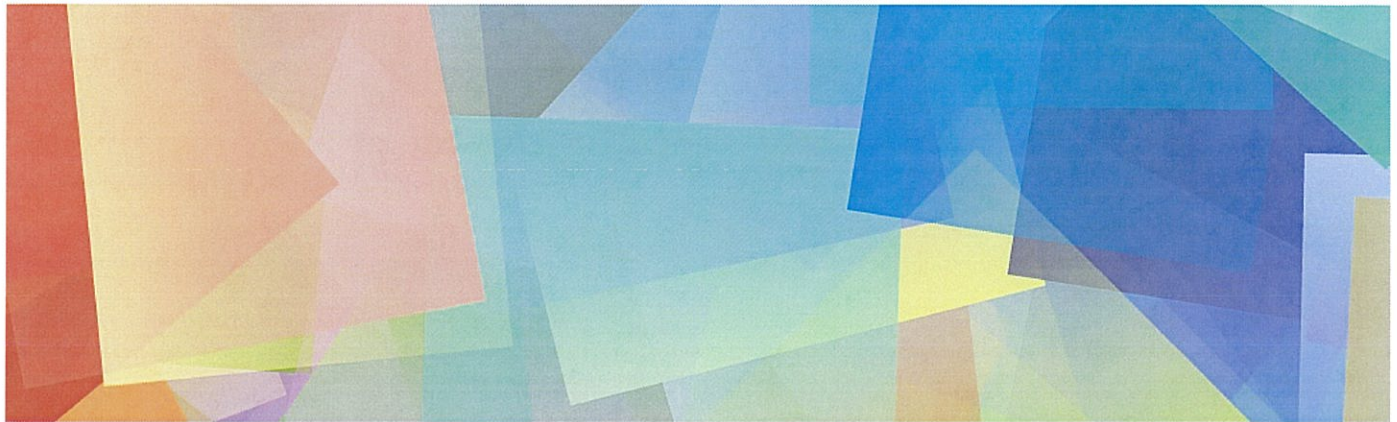
1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with the official Government duties and responsibilities.

11. Employees shall disclose waste, fraud, abuse, and corruption to the appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

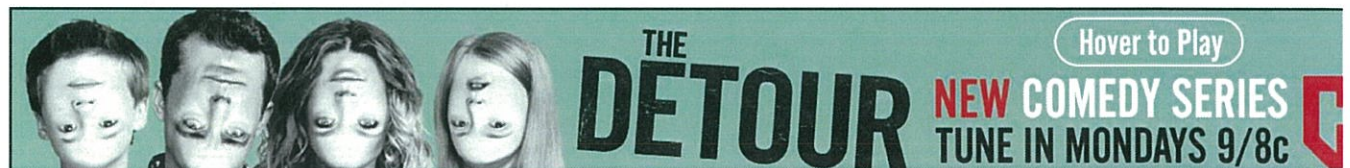
The principles of ethical conduct were issued by George H. W. Bush, In Executive Order 12674, as amended by Executive Order 12731. The principles were subsequently issued in the *Standards of Ethical Conduct for Employees of the Executive Branch* at 5C.F.R. § 2635.101(b). Each executive branch agency has a Designated Agency Ethics Officer responsible for oversight of the agency's ethics program.

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## 10 Tips to Promote Workplace Diversity

Self-Awareness December 1, 2015 Increase

Self-Awareness, Self-Awareness Diversity 6 Comments

I get a lot of questions from my clients about what are some practical things they can do promote diversity and inclusion in their organizations. We often focus on policies and procedures but there is an additional element that profoundly affects our workplace environment, our own behavior.

Think about the power you have to make your organization a welcoming and safe place. You set the agenda and the tone that

### Self-Awareness Workshops

I'm self-awareness coach and trainer Guy Farmer and I love helping people increase their self-awareness.

This site is a collection of articles I've written on leadership, personal development, effective communication, team

guides your entire organization just by setting an example.

Some points to consider include:

1. Treat everyone with respect regardless of their age, race, culture, physical ability, appearance, education or religious background and without setting them up for failure or ridicule.
2. Have non-punitive policies in place to deal with conflicts that arise from people having different points of view and backgrounds.
3. Establish an ongoing, open and respectful dialogue on diversity.
4. Create a workplace that is a forum for people to share opinions without attacks, retribution or denigration.
5. Practice a zero tolerance policy for any behavior that belittles people.
6. Design a workplace that rewards people who work well with others.
7. Discourage cliques or other exclusive groups.
8. Build a workplace where people speak to each other respectfully and listen to other points of view.
9. Provide ongoing training opportunities focusing on diversity and inclusion from the top down, everyone required to attend.
10. Include diversity and inclusion in the values statement or mission of the company and, more importantly, practice behaviors that reflect your commitment to diversity.

These ten items are the building blocks of diversity and inclusion. They are not difficult in and of themselves if you value them in your organization and practice them on a daily basis. When leaders commit to following these principles they show their workforce that diversity is a high priority at the company, not a painful and sporadic activity they have to suffer through.

These ideas can be implemented without creating chaos in your

building, and diversity from a self-awareness building perspective. Your comments are welcome.

You're cordially invited to visit me at my other blogs, [Poems and Poetry](#) and [Masterpiece Jokes](#).

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workplace. They simply require buy-in from leadership and ongoing training and support to build in accountability. Think about yourself for a moment and how many of these points you practice daily. To create a genuinely diverse workplace you and your employees will behave this way most of the time and it will eventually become your company culture.

What will you do to promote diversity in your workplace?

Take care,

Guy

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# 16 Sexual Harassment in the Workplace Statistics You Need to Know

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## Examples of Sexual Harassment Cases in the Workplace

While the [#MeToo movement](#) inspired many men and women to come forward with their stories, [sexual harassment](#) is, unfortunately, still a very real problem in many organizations.

There are [two types of sexual harassment in the workplace](#): quid pro quo and hostile work environment.

Quid pro quo is any form of sexual harassment that involves an exchange of sexual activities for a favor/benefit or prevention of a threat. Quid pro quo harassment often happens between someone with a different level of power or authority, such as a supervisor or an interviewer, and a junior employee or candidate.

A few examples of quid pro quo sexual harassment is asking for sexual favors in exchange for:

- A promotion
- Benefits or a favorable work shift
- A raise or payouts
- Easier or fewer job assignments
- Prevent job loss
- Job acceptance

A hostile work environment, on the other hand, is any form of repetitive behavior that creates an intimidating working environment for the victim. Hostile work environment sexual harassment encompasses all types of situations that cause someone to feel emotionally distressed at work. It also includes various employment discrimination cases based on sexual orientation and/or gender. Some hostile work environment sexual harassment examples are:

- Comments and jokes with a sexual nature
- Sharing inappropriate content with sexual innuendo
- Unwelcome sexual advances or physical conduct such as groping
- Inappropriate touching
- Sexual assault or sexual violence

Unfortunately, sexual harassment in the workplace is still an active and rampant issue in the workplace. Here are just 17 alarming facts to know in order to better understand and prevent your organization from becoming a part of the statistic.

# 16 Shocking Workplace Sexual Harassment Statistics

## 1. 63% of women did not file a complaint, and 79% of men kept issues to themselves.

In 2017, BBC surveyed 2,000 respondents and showed that most victims of sexual harassment didn't report the violation. Either in fear of retaliation or if the harassment was played off as a joke, more than half of all victims stayed silent. Encourage victims to come forward by setting clear definitions about sexual harassment in the workplace through regular training and updating your sexual harassment policy to include concrete steps on reporting harassment.

## 2. Nearly 3 in 4 sexual harassment claims in the workplace go unreported.

Another survey shows that 75% of sexual harassment cases in the workplace are unreported. This statistic shows that organizations need to do a better job in cultivating a culture to show that it's encouraged to file sexual harassment complaints. Beyond just creating a strict anti-harassment policy, regular sexual harassment training and prompt action against a harassment charge are needed.

## 3. 55% of victims experience retaliation after speaking up or making a claim.

A report released by the U.S. Equal Employment Opportunity Commission (EEOC) in 2020 showed that 55.8% of the complaints received during 2020 are related to retaliation after reporting a sexual harassment incident. Retaliation discourages victims from reporting and fosters a toxic work

culture. It comes in many forms, including a demotion, exclusion from staff activities, or unfavorable reassignment.

## 4. 38% of women have experienced sexual harassment in the workplace.

A survey by [Stop Street Harassment](#) in 2018 showed that an alarming 81 percent of women and 43 percent of men have been harassed in their lifetime. Of the 996 women surveyed, 38% were harassed in the workplace. Whether it's assault or an offhand comment that makes somebody uncomfortable, [sexual harassment in the workplace should not be tolerated](#). Sexual harassment has a lasting effect on the harassed, affecting their routine, health, and mental state. It's important to educate your employees on what's okay to say and what's not, even as a joke.

## 5. 39% of employees aren't confident their issues will be addressed, and 46% fear retaliation.

Concerns that the [issue won't be addressed](#) and retaliation are just two reasons victims tend to endure the harassment and emotional repercussions by themselves instead of confronting their harassers. A concrete [sexual harassment policy](#) and promptly following said policy when a report is made is important to demonstrate that the organization will protect the harassed against retaliation. Protect the trust your employees have in your organization by taking claims seriously and [creating a safe space for everyone](#) to come forward.

## 6. According to victims who have reported harassment, 95% of the men go unpunished.

According to the women surveyed by ABC and Washington Post, 95% of harassers go unpunished. This is a very concerning figure, as it shows how the culture in most companies often protects the perpetrators instead of victims. Not punishing the harasser encourages them to do it again and discourages the victims from coming forward in the future.

## 7. Women have a 54% chance of becoming a victim of harassment.

Ranging from gender harassment to sexual abuse, women have more than twice the risk of becoming a victim of harassment. Women's sexual harassment charges need to be taken seriously and promptly investigated. Sexual harassment prevention efforts also need to be improved to prevent further negative effects on female employees and improve job satisfaction.

## 8. 32% of employees weren't aware that jokes could be considered sexual harassment.

This figure shown by a survey in 2019 shows that annual training is necessary to get your employees on the same page on what's considered harassment. Even if it's unintentional, sexual harassment still causes discomfort for the harassed, liability for your company, and a tarnished record for the unsuspecting perpetrator. Protect your employees from avoidable claims and unnecessary emotional distress by doing regular training on appropriate workplace behavior.

## 9. Workplace sexual harassment costs an average of \$2.6 billion in lost productivity or \$1,053 per victim.

Besides the emotional distress for everybody involved, including witnesses, investigators, and victims, workplace sexual harassment also has a significant financial cost attached to it. The loss of productivity alone costs \$1,053 per victim. Deloitte breaks this down further in [their report](#).

Component	Cost in 2018 (\$m)	Cost per person in 2018 (\$)
<b>Productivity</b>	<b>2,622.2</b>	<b>1,053</b>
Absenteeism	741.8	297
Presenteeism	426.4	171
Staff turnover	830.6	336
Manager time	623.4	250
<b>Other costs</b>	<b>936.5</b>	<b>375</b>
Health system	63.4	25
AHRC/jurisdictional agency investigations	0.8	0
Individual legal fees	290.4	116
Government justice system costs	158.4	63
Deadweight losses	423.5	170

Preventing workplace sexual harassment is in everyone's best interest. Prevention and awareness not only create a safe space for your employees but can even benefit your bottom line.

## 10. 72% of victims were harassed by someone more senior in their workplace.

[Harassment by a senior or a figure of authority](#) can be especially scary, seeing as there are threats of retaliation and office politics involved. Accusing a more powerful figure can be scarier as they seem to have more "allies" than you do in your environment, which may lead to unreported harassment. Regular education, a clear policy, and a firm hand when dealing with sexual

harassment are needed to encourage victims to come forward regardless of the perpetrator.

## 11. 68% of the LGBTQ population experience harassment in the workplace.

A survey by TUC in 2019 showed that 68% of LGBTQ employees have experienced harassment in the workplace, and worse, 12% report that they have been sexually assaulted at work. Unfortunately, prejudice against the LGBTQ community is a factor why two-thirds of the community never report harassment. According to TUC, the misconception and over-sexualization of the LGBTQ identities may be a part of the reason for the harassment.

## 12. 31% of sexual harassment or assault victims felt anxious or depressed afterward.

Severe emotional distress for sexual harassment victims is proof that every organization should consider adding mental health benefits as part of their business's health care plan. The impact will affect the victims long-term, and some may have experienced a more serious wound in their mental state, such as depression or anxiety. To help them recover, it's important to outline what kind of support you're providing for the victims in your organization's policy.

## 13. 37% of harassed women claimed harassment negatively affected their career advancement.

Victims of harassment tend to change their routine to avoid their harasser. Combined with the lasting emotional damage they might go through, victims

are more likely to be late to important meetings, have difficulty connecting with coworkers, suffer absenteeism, and even miss mentorship opportunities. Balancing professional opportunities and the fear of being sexually harassed makes it hard to think much about performance, ultimately affecting the victim's career.

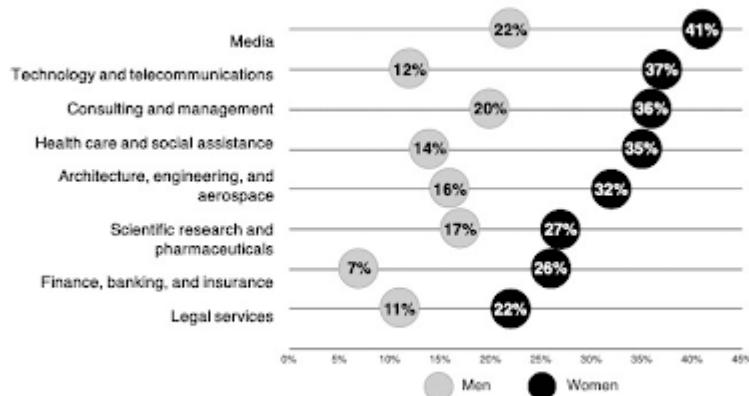
## 14. 98% of U.S. organizations have a sexual harassment policy.

While this looks like one of the more uplifting statistics, sexual harassment is still a big problem for most workplaces. HBR explored this problem, in which they find that sexual harassment isn't a problem you can solve with just having a policy since it's embedded in the culture. Regular training, effort from everyone involved in the organization, and an enforced policy are needed to protect your employees from sexual harassment.

## 15. The media industry claims the most incidents of sexual harassment at work.

This report shows that the media industry is the worst when it comes to preventing sexual harassment, followed by technology and consulting. Media includes PR/advertising, video and audio production and broadcasting, entertainment, art/design, publishing, and other communications. This may be due to the opportunistic nature of the arts and the sad fact that those in power often wield it in a way that's opportunistic for *them*.

## Employees who have been sexually harassed at work, by industry\* and gender



\*Media includes art and design services, public relations/ advertising services, video and audio production and broadcasting, entertainment, publishing, and other communications.  
 Business/ Consulting includes management, business Consulting services, business operations, and small business.  
 Scientific research and pharma includes life, physical, and social scientific research, and development and pharma.

## 16.7 in 10 people believe their companies do not take sexual harassment seriously.

A no-harassment culture isn't something you can just mention and everyone will instantly believe it. It needs to be cultivated through regular training, reinforced and relevant policies, and the overall approach you take to sexual harassment claims. If employees still think their organization doesn't take sexual harassment seriously, the workplace culture itself needs to be reviewed.

## Don't Become Part of the Statistics: Train Your Workforce with Inspired eLearning

Workplace harassment is still an issue that's prevalent in a work environment. While public discourse has helped make progress, sexual harassment is not an issue that will disappear overnight.

How will your business avoid becoming a part of the problem?

Every little bit of improvement helps, especially when it comes to preventing sexual harassment. Consider updating your anti-harassment policy and investing in effective [sexual harassment training](#) for your workforce!



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## Related Posts

[Wage & Hour for Supervisors \[HR-138-WS-01\]](#) February 13, 2019

[Ethics & Code of Conduct for All Employees \[EC-131-CC-01\]](#) February 13, 2019

[Should Harassment Training for Employees and Managers be Separate?](#)

July 23, 2019

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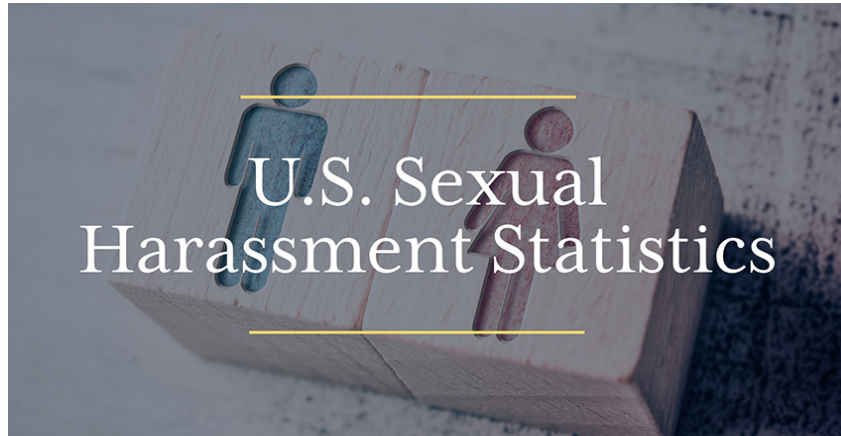
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## Sexual Harassment Statistics: An Analysis of U.S. Workplaces

[Free Case Consultation](#)

POSTED BY SESSIONS & KIMBALL | SEXUAL HARASSMENT



Unfortunately, sexual harassment is something that occurs in most, if not all, workplaces at some point, and if left unaddressed can escalate to sexual assault. Sexual harassment can range from inappropriate comments or e-mails to stalking, and sexual assault can be anything from unwanted physical touch to rape.

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sexual harassment can impact job performance, mental health, and feelings of safety and security. Below we will examine a large collection of sexual harassment statistics demonstrating the impact sexual harassment has had on workers of all genders across all industries.

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## Sexual Harassment Resources

### **Americans' Attitude Towards Sexual Harassment**

A research study conducted by [Pew Research Center](#) examined Americans' views on women's rights and the role sexual harassment plays in hindering equality in the workplace. The data collected from this study helps us to see where Americans stand on the topic of equality and sexual harassment in the workplace. The study found that Americans' view of sexual harassment varies greatly depending on gender and political views, as well as whether or not the person has experienced sexual harassment themselves.

### **Women's Rights in Relation to Sexual Harassment**

How are women's rights and sexual harassment related? Well, many Americans see sexual harassment as an obstacle for women in gaining equal treatment in the workplace. While the Women's Rights movement provided women with more freedom and power, it was not a total solution.

57% of Americans say that the country has not gone far enough in giving women equal rights.

Of this group:

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group see sexual harassment as a major obstacle.

66% of the group that sees sexual harassment as a major obstacle are republicans, while 81% of this group are democrats.

50% of Americans see men getting away with sexual harassment/assault in the workplace as a major problem, while 14% don't see this as a problem at all.

46% of Americans see women's allegations of sexual harassment/assault not being believed as a major problem compared to 18% who don't see this as a problem.

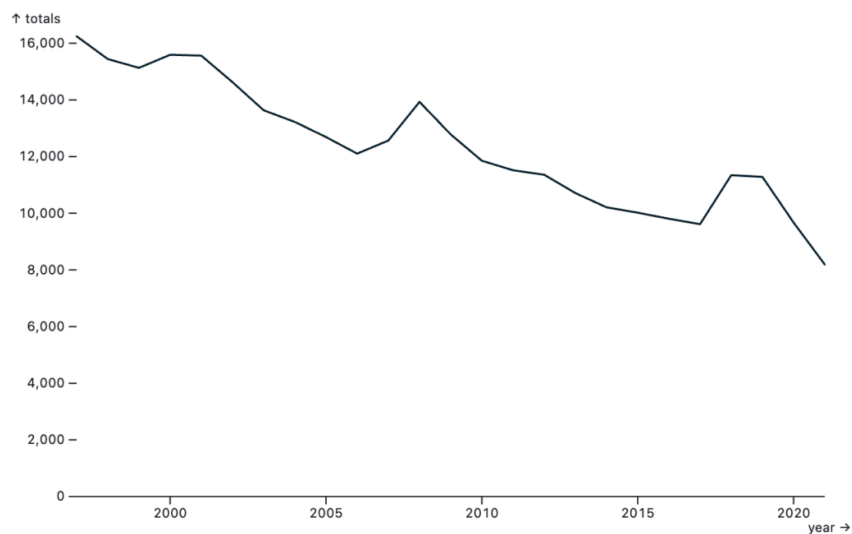
34% of Americans think employers firing men accused of sexual harassment/assault is a major issue, whereas 26% believe it is not a problem.

31% of Americans believe that women falsely claiming sexual harassment/assault is a major issue, versus 22% who don't see it as a problem.

## **How Many Sexual Harassment Charges are Filed Every Year?**

Data collected by the [Equal Employment Opportunity Commission](#) (EEOC) illustrates the enormity of sexual harassment claims in the workplace in America. We examined sexual harassment claims data from each state for the last 25 fiscal years. From 1997 to 2021, there were 305,888 sexual harassment charges filed with the EEOC in the

## EEOC Sexual Harassment Charges from 1997 - 2021



Source: U.S. Equal Employment Opportunity Commission

While there are far fewer charges filed now than there were 25 years ago, sexual harassment still occurs. It is also important to keep in mind that the data provided is based on *reported* instances of sexual harassment, but not all incidents are reported. Many who experience sexual harassment or assault at work do not report their claims for fear of retaliation, or lack of knowledge or resources. The EEOC estimates that only about 6-13% of sexual harassment victims ever file a complaint. So numbers are likely significantly higher than the reported data available.

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work were numbers one, two, and three respectively.

The map below shows the states with the highest share of total charges filed.

## 25 Years of EEOC Sexual Harassment Charge Data For Each State

*\*use the drop-down to view different five-year ranges*

2017-2021 

map = RuntimeError: invalid module

Source: [EEOC Sexual Harassment Data](#)

The top 10 states with the most reports in the last 25 years are:

1. Texas - 29,282
2. Florida - 23,292
3. New York - 20,463
4. Illinois - 17,958
5. California - 12,613
6. Pennsylvania - 12,601
7. Georgia - 12,005
8. Missouri - 10,292

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1. Vermont - 380
2. West Virginia - 511
3. North Dakota - 539
4. South Dakota - 555
5. Wyoming - 688
6. Montana - 885
7. Alaska - 896
8. Rhode Island - 945
9. Delaware - 1,271
10. Massachusetts - 1,298

**Data Table: EEOC Sexual Harassment Charges  
from 1997-2021**

State	1997 - 2001	2002 - 2006	2007 - 2011	2012 - 2016	2017 - 2021	25 Year Total
Alabama	2,254	1,704	1,529	1,241	1,075	7,803
Alaska	205	182	173	199	137	896
Arizona	2,225	2,240	1,869	1,561	1,236	9,131
Arkansas	947	861	689	589	524	3,610
California	3,046	2,322	2,558	2,233	2,454	12,613
Colorado	1,591	1,199	1,249	1,060	1,072	6,171

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Delaware	247	373	282	218	151	1,271
District Of Columbia	349	348	399	277	228	1,601
Florida	6,175	4,447	4,765	3,969	3,936	23,292
Georgia	2,915	2,623	2,300	2,019	2,148	12,005
Hawaii	415	370	367	246	290	1,688
Idaho	486	458	457	287	240	1,928
Illinois	4,653	4,020	3,545	2,813	2,927	17,958
Indiana	2,780	2,249	1,804	1,432	1,010	9,275
Iowa	1,136	967	877	792	745	4,517
Kansas	1,165	882	865	648	826	4,386
Kentucky	662	618	607	473	362	2,722
Louisiana	1,406	1,073	1,009	772	773	5,033
Maine	445	355	270	248	210	1,528
Maryland	1,428	1,060	1,112	1,012	917	5,529
Massachusetts	552	138	185	210	213	1,298
Michigan	995	1,329	1,448	1,241	1,152	6,165
Minnesota	1,141	1,002	685	488	409	3,725
Mississippi	1,002	657	683	744	627	3,713
Missouri	2,379	2,183	2,026	1,753	1,951	10,292
Montana	228	197	207	105	148	885
Nebraska	664	435	358	344	378	2,179
Nevada	1,100	1,211	1,181	1,046	1,060	5,598

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New Jersey	950	804	655	567	601	3,577
New Mexico	1,087	1,094	953	766	577	4,477
New York	4,367	3,741	4,399	3,960	3,996	20,463
North Carolina	1,939	1,608	1,879	1,464	1,411	8,301
North Dakota	83	102	107	146	101	539
Ohio	2,282	1,951	1,756	1,344	1,366	8,699
Oklahoma	1,059	1,056	1,117	810	522	4,564
Oregon	1,158	950	745	655	606	4,114
Pennsylvania	3,315	2,597	2,635	1,977	2,077	12,601
Rhode Island	268	215	176	149	137	945
South Carolina	1,349	1,212	1,028	906	1,007	5,502
South Dakota	139	146	115	83	72	555
Tennessee	2,090	2,106	1,954	1,514	1,384	9,048
Texas	7,838	6,358	5,836	4,799	4,451	29,282
Utah	779	800	625	597	405	3,206
Vermont	132	77	69	44	58	380
Virginia	1,390	1,198	1,358	1,217	1,045	6,208
Washington	1,172	967	773	677	685	4,274
West Virginia	195	114	104	58	40	511
Wisconsin	1,468	1,301	1,036	872	931	5,608
Wyoming	183	170	119	108	108	688

\*Charge data is reported per fiscal year.

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affect job performance and overall satisfaction in one's job. Curiously enough, while most states require some form of sexual harassment training to be completed upon hire, this does not always deter it from happening.

### **Impact of Sexual Harassment on Work Performance**

Sexual harassment can have devastating impacts on employees in the workplace. When a once enjoyable work environment no longer feels safe or comfortable, job performance and employee morale are bound to drop. Studies have shown that 56% of both men and women who have not experienced sexual harassment in the workplace are satisfied with their jobs, compared to only 39% of men and 48% of women who have experienced sexual harassment in the workplace and still feel satisfied with their jobs.

### **Industries with the Most Sexual Harassment Claims**

Restaurant and hospitality, health care, academia, and the military are among the top industries with the most reports of sexual harassment. Some industries not only deal with sexual harassment from internal aggressors (like co-workers or managers) but also from external offenders (like customers or patients).

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**Sexual Harassment Charges Filed by Industry:  
2005 - 2015**

Rank	Industry	% of Charges
1	Accommodation and Food Services	14.23 percent
2	Retail Trade	13.44 percent
3	Manufacturing	11.72 percent
4	Health Care and Social Assistance	11.48 percent
5	Administrative/Support/Waste Management/Remediation	6.92 percent
6	Public Administration	6.48 percent
7	Professional/Scientific/Technical Services	5.73 percent
8	Transportation and Warehousing	4.94 percent
9	Finance and Insurance	3.98 percent
10	Educational Services	3.98 percent

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12	Information	2.87 percent
13	Construction	2.52 percent
14	Wholesale Trade	2.27 percent
15	Real Estate Rental and Leasing	1.95 percent
16	Arts/Entertainment/Recreation	1.61 percent
17	Agriculture/Forestry/Fishing/Hunting	0.83 percent
18	Management of Companies and Enterprises	0.65 percent
19	Utilities	0.63 percent
20	Mining	0.61 percent

Let's take a look at the various statistics on the occurrence of sexual harassment in these top four industries.

### **Sexual Harassment in the Restaurant and Hospitality Industry**

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14% of all the sexual harassment claims filed are made by women in the leisure and hospitality industries.

90% of women who work in restaurants say they encounter being hit on, and half of these say it happens to them on a weekly basis.

70% of men in the restaurant industry report experiencing some type of sexual harassment.

Tipped workers who earn a \$2.13 subminimum wage are twice as likely to report sexual harassment as tipped workers who earn a guaranteed wage.

34% of women who formerly worked as tipped workers quit their jobs because they were experiencing unwanted sexual harassment in the workplace.

## **Sexual Harassment in the Nursing Field**

86% of nurses in the US are female and 14% are male.

69.9% of nurses are White, 11.4% are Black or African American, 8.8% are Hispanic or Latino, and 7.9% are Asian

62% of female nurses and 51% of male nurses say they have experienced sexual harassment.

60% of nurses say they've experienced sexual harassment at work, however, only 27% of them

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50% of nurses say they have witnessed a colleague being harassed at work.

56% of nurses experience verbal harassment, 37% say they experience physical harassment, and 29% experience visual harassment (i.e., winking or other inappropriate gestures).

58% of nurses have been harassed by a patient.

26% of nurses are harassed by medical colleagues, and 24% are harassed by nursing colleagues.

19% of nurses report harassment from patients' families or friends.

### **Prevalence of Sexual Harassment in Academia**

49.8% of college professors are women, compared to 50.2% of male professors:

69.4% of college professors are White, 10.9% are Asian, 9.8% are Hispanic or Latino and 7.2% are Black or African American

58% of those in the academic workplace (students, faculty, and staff) experience sexual harassment.

30-40% of students who experience sexual harassment have developed mental health problems.

One survey of college students found:

12% of college students report harassment

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7% didn't think reporting it would help

7% were afraid of retaliation

2% didn't want the harasser to get in trouble

A study conducted by The Pennsylvania State University System revealed that:

19% of undergraduate students experienced sexual harassment from faculty or staff

20% of graduate students experienced sexual harassment from faculty or staff

36% of medical students experienced sexual harassment from faculty or staff

59% of sexual harassment that graduate students encounter involves sexually offensive language or gestures

6.4% includes unwanted sexual attention

4.7% involved unwanted physical contact or touching

3.5% included subtle or explicit threats or bribes

Women, ages 18-24 who are enrolled in college, are 3 times more likely to be victims of sexual assault than any other group of women.

## **Occurrence of Sexual Harassment in the Military**

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harassment or assault.

Among active duty personnel:

23% of women report sexual harassment and  
6.1% report sexual assault

4% of men report sexual harassment and 1.2%  
report sexual assault

60% of sexual harassment violations are  
committed by a supervisor or leader.

1/3 of those who were sexually assaulted say they  
were sexually harassed by the offender prior to the  
assault.

52% of the women who reported a sexual assault  
experienced some type of retaliation, either social  
or professional.

1.5% of men and 7% of women in the Navy  
experience sexual assault.

Almost 50% of women who were deployed to  
Afghanistan report having been sexually harassed,  
and about 1/4 say they were sexually assaulted.

### **Sexual Harassment Based on Gender: Men are also Victims of Sexual Harassment**

Sexual harassment is not limited to one gender; both  
men and women can experience sexual harassment  
on the job and outside of work. While women may be  
more susceptible to sexual harassment and assault

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## Statistics for Harassment of Women



59% of women say they have been sexually harassed

14% of these women say the harassment occurred at work

30% say it occurred outside of work

55% say it has occurred in both settings

34% of female employees report having been sexually harassed at work

13% say they were harassed by another woman, while 97% report being harassed by a man

37% are Latina, 37% are White, 25% are Black, and 23% are Asian

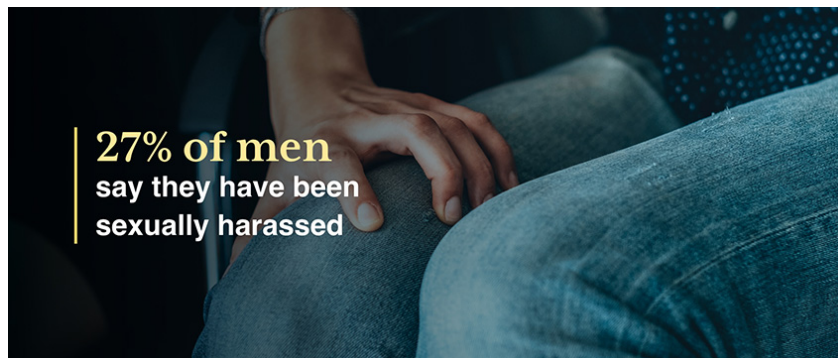
43% are LGBTQ

72% report having been sexually harassed by someone senior to them, 49% by someone at the same level, and 16% by someone junior to them

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## Sexual Harassment Statistics for Men



27% of men say they have been sexually harassed

19% of these men say the harassment occurred at work

38% say it occurred outside of work

42% say it has occurred in both settings

13% of male employees report sexual harassment at work

68% were harassed by women, while 57% reported being harassed by another man

21% are Black, 13% are Asian, 13% are Latino, and 13% are White

23% are LGBTQ

59% were sexually harassed by someone senior to them, 55% by someone at the same level, and 22% by someone junior to them

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## **How Often Does Sexual Assault Occur?**

When sexual harassment is not taken seriously or dealt with properly it can escalate to sexual assault. Sexual assault can be seen as a more aggressive, physical manifestation of sexual harassment. It is estimated that:

Every 68 seconds, someone in America is sexually assaulted.

On average, there are 463,634 sexual assaults yearly in the US.

## **Statistics for Sexual Assault on Women at Work**

7% of women report having been sexually assaulted at work

19% were assaulted by another woman, while 94% were assaulted by a man

7% are Black, 6% are Asian, 6% are Latina, and 6% are White

10% are LGBTQ

52% report being sexually assaulted by someone senior to them, 50% by someone at the same level as them, and 15% by someone junior to them

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## **Sexual Assault on Men at Work**

5% report having been sexually assaulted while working

76% were assaulted by women while 38% reported being assaulted by another man

7% are Latino, 7% are Black, 6% are Asian, and 4% are White

9% are LGBTQ

45% report being sexually assaulted by someone at the same level as them, 44% by someone senior to them, and 22% by someone junior to them

One in eight men has suffered sexual harassment, and one in 20 has suffered assault. Men are twice as likely to report being assaulted by a woman than they are to report being assaulted by a man (76% likely compared to 38% likely)

## **Sexual Harassment Resources**

If you have experienced or are actively experiencing sexual harassment, you are not alone and you can find help. If it is not safe or you do not feel comfortable reporting harassment to your manager or HR, here is a list of resources that can help you.

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Contact an attorney who has experience handling  
**sexual harassment claims**

The attorneys at Sessions & Kimball LLP have extensive experience fighting for compensation for those you have been sexually harassed at work. We will fight for the best outcome for you so that you can focus on your needs. You can count on the attorneys at Session & Kimball LLC to handle your case professionally and efficiently. Contact us today, [online](#) or at [\(800\) 774-7494](#) for a free consultation.

**Sources:**

Center for American Progress (CAP): [\*\*Not Just the Rich and Famous\*\*](#)

Harvard Business Review: [\*\*Sexual Harassment Is Pervasive in the Restaurant Industry. Here's What Needs to Change\*\*](#)

Marker: [\*\*The Shocking Data Behind Sexual Assault and Harassment in the Workplace\*\*](#)

National Academies: [\*\*Sexual Harassment of Women\*\*](#)

Nursing Times: [\*\*Exclusive: Survey reveals majority of nurses have experienced sexual harassment\*\*](#)

Pew Research Center: [\*\*A Century After Women Gained the Right To Vote, Majority of Americans See Work To Do on Gender Equality\*\*](#)

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[Harassment in the Workplace](#)

Restaurant Opportunities Centers United: [Take Us Off the Menu](#)

Science Direct: [Military Sexual Trauma Among Recent Veterans: Correlates of Sexual Assault and Sexual Harassment](#)

US Equal Employment Opportunity Commission: [EEOC & FEPA Charges Filed Alleging Sexual Harassment, by State & Gender FY 1997 - FY 2021](#)

Washington Post: [The industries with the worst sexual harassment problem](#)

Zippia: [Nurse Demographics and Statistics in the US](#)

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**Asian American ('Asian - European American' IAT).** This IAT requires the ability to recognize White and Asian-American faces, and images of places that are either American or Foreign in origin.

Asian IAT (/implicit  
/Launch?study=  
/user/education/asianam  
/asianam.expt.xml)

**Disability ('Disabled - Able' IAT).** This IAT requires the ability to recognize symbols representing abled and disabled individuals.

Disability IAT (/implicit  
/Launch?study=  
/user/education  
/disability  
/disability.expt.xml)

**Weapons ('Weapons - Harmless Objects' IAT).** This IAT requires the ability to recognize White and Black faces, and images of weapons or harmless objects.

Weapons IAT (/implicit  
/Launch?study=  
/user/education  
/weapons  
/weapons.expt.xml)

**Race ('Black - White' IAT).** This IAT requires the ability to distinguish faces of European and African origin. It indicates that most Americans have an automatic preference for white over black.

Race IAT (/implicit  
/Launch?study=  
/user/education  
/race/demo.race.0004  
/race.expt.xml)

**Gender - Career.** This IAT often reveals a relative link between family and females and between career and males.

Gender-Career IAT  
(/implicit  
/Launch?study=  
/user/education  
/gendercareer  
/gendercareer.expt.xml)

**Age ('Young - Old' IAT).** This IAT requires the ability to distinguish old from young faces. This test often indicates that Americans have automatic preference for young over old.

Age IAT (/implicit  
/Launch?study=  
/user/education  
/age/age.expt.xml)

```
Weight IAT (/implicit
/Launch?study=
/user/demo.us
/demo.weight.0003
/weightdemo.expt.xml)
```

**Weight ('Fat - Thin' IAT).** This IAT requires the ability to distinguish faces of people who are obese and people who are thin. It often reveals an automatic preference for thin people relative to fat people.

```
Sexuality IAT (/implicit
/Launch?study=
/user/education
/sexuality
/sexuality.expt.xml)
```

**Sexuality ('Gay - Straight' IAT).** This IAT requires the ability to distinguish words and symbols representing gay and straight people. It often reveals an automatic preference for straight relative to gay people.

```
Arab-Muslim IAT
(/implicit
/Launch?study=
/user/education
/Arab/arab.expt.xml)
```

**Arab-Muslim ('Arab Muslim - Other People' IAT).** This IAT requires the ability to distinguish names that are likely to belong to Arab-Muslims versus people of other nationalities or religions.

```
Skin-tone IAT (/implicit
/Launch?study=
/user/education
/skin/skin.expt.xml)
```

**Skin-tone ('Light Skin - Dark Skin' IAT).** This IAT requires the ability to recognize light and dark-skinned faces. It often reveals an automatic preference for light-skin relative to dark-skin.

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# TEACHING TOLERANCE

A PROJECT OF THE SOUTHERN POVERTY LAW CENTER

## Test Yourself for Hidden Bias

Psychologists at Harvard, the University of Virginia and the University of Washington created "Project Implicit" to develop Hidden Bias Tests — called Implicit Association Tests, or IATs, in the academic world — to measure unconscious bias.

To take Project Implicit's Hidden Bias Tests, [click here](#). You may be asked to register.

### About Stereotypes and Prejudices

Hidden Bias Tests measure unconscious, or automatic, biases. Your willingness to examine your own possible biases is an important step in understanding the roots of stereotypes and prejudice in our society.

The ability to distinguish friend from foe helped early humans survive, and the ability to quickly and automatically categorize people is a fundamental quality of the human mind. Categories give order to life, and every day, we group other people into categories based on social and other characteristics.

This is the foundation of stereotypes, prejudice and, ultimately, discrimination.

### Definition of terms

A *stereotype* is an exaggerated belief, image or distorted truth about a person or group — a generalization that allows for little or no individual differences or social variation. Stereotypes are based on images in mass media, or reputations passed on by parents, peers and other members of society. Stereotypes can be positive or negative.

A *prejudice* is an opinion, prejudgment or attitude about a group or its individual members. A prejudice can be positive, but in our usage refers to a negative attitude.

Prejudices are often accompanied by ignorance, fear or hatred. Prejudices are formed by a complex psychological process that begins with attachment to a close circle of acquaintances or an "in-group" such as a family. Prejudice is often aimed at "out-groups."

*Discrimination* is behavior that treats people unequally because of their group memberships. Discriminatory behavior, ranging from slights to hate crimes, often begins with negative stereotypes and prejudices.

### How do we learn prejudice?

Social scientists believe children begin to acquire prejudices and stereotypes as toddlers. Many studies have shown that as early as age 3, children pick up terms of racial prejudice without really understanding their significance.

Soon, they begin to form attachments to their own group and develop negative attitudes about other racial or ethnic groups, or the "out-group". Early in life, most children acquire a full set of biases that can be observed in verbal slurs, ethnic jokes and acts of discrimination.

### How are our biases reinforced?

Once learned, stereotypes and prejudices resist change, even when evidence fails to support them or points to the contrary.

People will embrace anecdotes that reinforce their biases, but disregard experience that contradicts them. The statement "Some of my best friends are \_\_\_\_\_" captures this tendency to allow some exceptions without changing our bias.

### How do we perpetuate bias?

Bias is perpetuated by conformity with in-group attitudes and socialization by the culture at large. The fact that white culture is dominant in America may explain why people of color often do not show a strong bias favoring their own ethnic group.

Mass media routinely take advantage of stereotypes as shorthand to paint a mood, scene or character. The elderly, for example, are routinely portrayed as being frail and forgetful, while younger people are often shown as vibrant and able.

Stereotypes can also be conveyed by omission in popular culture, as when TV shows present an all-white world. Psychologists theorize bias conveyed by the media helps to explain why children can adopt hidden prejudices even when their family environments explicitly oppose them.

### About Hidden Bias

Scientific research has demonstrated that biases thought to be absent or extinguished remain as "mental residue" in most of us. Studies show people can be consciously committed to egalitarianism, and deliberately work to behave without prejudice, yet still possess hidden negative prejudices or stereotypes.

"Implicit Association Tests" (IATs) can tap those hidden, or automatic, stereotypes and prejudices that circumvent conscious control. [Project Implicit](#) — a collaborative research effort between researchers at Harvard University, the University of Virginia, and University of Washington — offers dozens of such tests.

We believe the IAT procedure may be useful beyond the research purposes for which it was originally developed. It may be a tool that can jumpstart our thinking about hidden biases: Where do they come from? How do they influence our

actions? What can we do about them?

### **Biases and behavior**

A growing number of studies show a link between hidden biases and actual behavior. In other words, hidden biases can reveal themselves in action, especially when a person's efforts to control behavior consciously flags under stress, distraction, relaxation or competition.

Unconscious beliefs and attitudes have been found to be associated with language and certain behaviors such as eye contact, blinking rates and smiles.

Studies have found, for example, that school teachers clearly telegraph prejudices, so much so that some researchers believe children of color and white children in the same classroom effectively receive different educations.

A now classic experiment showed that white interviewers sat farther away from black applicants than from white applicants, made more speech errors and ended the interviews 25% sooner. Such discrimination has been shown to diminish the performance of anyone treated that way, whether black or white.

Experiments are being conducted to determine whether a strong hidden bias in someone results in more discriminatory behavior. But we can learn something from even the first studies:

- Those who showed greater levels of implicit prejudice toward, or stereotypes of, black or gay people were more unfriendly toward them.
- Subjects who had a stronger hidden race bias had more activity in a part of the brain known to be responsible for emotional learning when shown black faces than when shown white faces.

### **Leading to discrimination?**

Whether laboratory studies adequately reflect real-life situations is not firmly established. But there is growing evidence, according to social scientists, that hidden biases are related to discriminatory behavior in a wide range of human interactions, from hiring and promotions to choices of housing and schools.

In the case of police, bias may affect split-second, life-or-death decisions. Shootings of black men incorrectly thought to be holding guns — an immigrant in New York, a cop in Rhode Island — brought this issue into the public debate.

It is possible unconscious prejudices and stereotypes may also affect court jury deliberations and other daily tasks requiring judgments of human character.

People who argue that prejudice is not a big problem today are, ironically, demonstrating the problem of unconscious prejudice. Because these prejudices are outside our awareness, they can indeed be denied.

### **The Effects of Prejudice and Stereotypes**

Hidden bias has emerged as an important clue to the disparity between public opinion, as expressed by America's creed and social goals, and the amount of discrimination that still exists.

Despite 30 years of equal-rights legislation, levels of poverty, education and success vary widely across races. Discrimination continues in housing and real estate sales, and racial profiling is a common practice, even among ordinary citizens.

Members of minorities continue to report humiliating treatment by store clerks, co-workers and police. While an African American man may dine in a fine restaurant anywhere in America, it can be embarrassing for him to attempt to flag down a taxi after that dinner.

A person who carries the stigma of group membership must be prepared for its debilitating effects.

Studies indicate that African American teenagers are aware they are stigmatized as being intellectually inferior and that they go to school bearing what psychologist Claude Steele has called a "burden of suspicion." Such a burden can affect their attitudes and achievement.

Similarly, studies found that when college women are reminded their group is considered bad at math, their performance may fulfill this prophecy.

These shadows hang over stigmatized people no matter their status or accomplishments. They must remain on guard and bear an additional burden that may affect their self-confidence, performance and aspirations. These stigmas have the potential to rob them of their individuality and debilitate their attempts to break out of stereotypical roles.

### **What You Can Do About Unconscious Stereotypes and Prejudices**

Conscious attitudes and beliefs can change.

The negative stereotypes associated with many immigrant groups, for example, have largely disappeared over time. For African-Americans, civil rights laws forced integration and nondiscrimination, which, in turn, helped to change public opinion.

But psychologists have no ready roadmap for undoing such overt and especially hidden stereotypes and prejudices.

### **Learned at an early age**

The first step may be to admit biases are learned early and are counter to our commitment to just treatment. Parents, teachers, faith leaders and other community leaders can help children question their values and beliefs and point out subtle stereotypes used by peers and in the media. Children should also be surrounded by cues that equality matters.

In his classic book, *The Nature of Prejudice*, the psychologist Gordon Allport observed children are more likely to grow up tolerant if they live in a home that is supportive and loving. "They feel welcome, accepted, loved, no matter what they do."

In such an environment, different views are welcomed, punishment is not harsh or capricious, and these children generally think of people positively and carry a sense of goodwill and even affection.

**Community matters**

Integration, by itself, has not been shown to produce dramatic changes in attitudes and behavior. But many studies show when people work together in a structured environment to solve shared problems through community service, their attitudes about diversity can change dramatically.

By including members of other groups in a task, children begin to think of themselves as part of a larger community in which everyone has skills and can contribute. Such experiences have been shown to improve attitudes across racial lines and between people old and young.

There also is preliminary evidence that unconscious attitudes, contrary to initial expectations, may be malleable. For example, imagining strong women leaders or seeing positive role models of African Americans has been shown to, at least temporarily, change unconscious biases.

**'Feeling' unconscious bias**

But there is another aspect of the very experience of taking a test of hidden bias that may be helpful. Many test takers can "feel" their hidden prejudices as they perform the tests.

They can feel themselves unable to respond as rapidly to (for example) old + good concepts than young + good concepts. The very act of taking the tests can force hidden biases into the conscious part of the mind.

We would like to believe that when a person has a conscious commitment to change, the very act of discovering one's hidden biases can propel one to act to correct for it. It may not be possible to avoid the automatic stereotype or prejudice, but it is certainly possible to consciously rectify it.

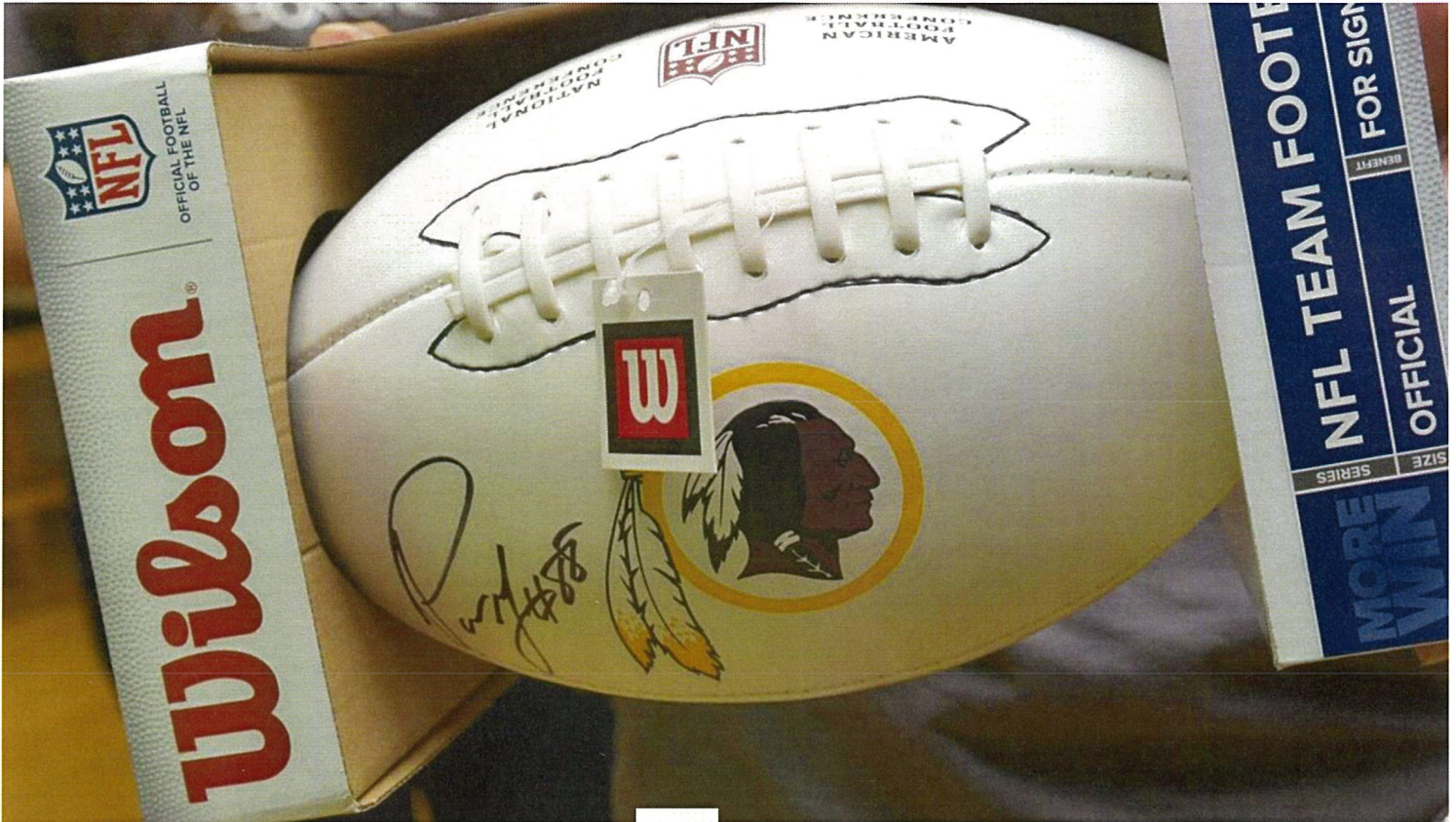
**Committing to change**

If people are aware of their hidden biases, they can monitor and attempt to ameliorate hidden attitudes before they are expressed through behavior. This compensation can include attention to language, body language and to the stigmatization felt by target groups.

Common sense and research evidence also suggest that a change in behavior can modify beliefs and attitudes. It would seem logical that a conscious decision to be egalitarian might lead one to widen one's circle of friends and knowledge of other groups. Such efforts may, over time, reduce the strength of unconscious biases.

It can be easy to reject the results of the tests as "not me" when you first encounter them. But that's the easy path. To ask where these biases come from, what they mean, and what we can do about them is the harder task.

Recognizing that the problem is in many others — as well as in ourselves — should motivate us all to try both to understand and to act.



LIFE

## 8 HIGH SCHOOL MASCOTS YOU WON'T BELIEVE STILL EXIST

CHEERING FOR THESE TEAMS JUST SEEMS AWKWARD.

BRENNA EHRLICH

09/15/2014

High school is horrible for myriad reasons: popular kids, school lunch, finals, the chewed-up gum mummifying under every desk. (Welcome back, by the way!) Imagine, if you will, having to -- on top of all that -- root for a team called "**The Arabs.**" Yeah, that just upped the suck factor fourfold.

While many high schools have gotten more progressive over the years, eradicating



Check out some of the top offenders below:

## 1.) The Maniacs



The word "maniac" isn't really offensive on its own -- especially when it's meant to be **interpreted** as "person who is extremely enthusiastic about something" -- but the image of **Orofino High School's** mascot is a bit...troubling. That "maniac" doesn't look "extremely enthusiastic," he looks "violent and mentally ill."

Throw in the fact that the school is located in pretty close proximity to a **psychiatric hospital**. and... Oof.





The dictionary defines "midget" as a "sometimes offensive" term for "a very small person." We'd amend that it's "always offensive" when paired with a mascot that looks like **Freeburg Community High School's**.

### 3.) The Cotton Pickers



**Robstown Cotton Picker Baseball**  
High School

Timeline About Photos Reviews Likes

PEOPLE

★★★★★  
1.898 likes



**Robstown Cotton Picker Baseball**  
June 25

<http://www.kiiiiv.com/story/25850910/robstowns-mike-velasquez-sings-with-your-appreciation>

Sure, **Robstown High School's** team name could be an homage to Eli Whitney, but it still makes us uncomfortable.

#### 4.) The Redskins

Football

[Neshaminy High School](#) > [Athletics](#) > [Football](#)

Overview

### 2014 NESHAMINY REDSKINS



Neshaminy High School students are just one group trying to eradicate this way outmoded and offensive team name.

### 5.) The Orphans



Centralia High School's mascot was voted the **most original** in the U.S. We think it could also win the award for "saddest," as it calls to mind, oh, you know, *children whose parents have died*.

## 6.) The Arabs

Coachella Valley High School **recently changed** its mascot name from the "Arabs" to the "Mighty Arabs" and updated its highly offensive hook-nosed mascot -- it also retired a belly-dancing genie who was trotted out at games.

Despite the change, however, it still seems strange to name one's team after an entire group of people -- even if the word "mighty" is used as a describer.

## 7.) The Savages



# BUSINESS INSIDER

## 15 Racist Brand Mascots And Logos That Make The Redskins Look Progressive

AARON TAUBE AND KATIE RICHARDS  
JUN. 19, 2014, 3:09 PM

On Wednesday, the U.S. Patent and Trademark Office [canceled six trademarks](#) belonging to the Washington Redskins after finding the name disparaged Native Americans.

But while the Redskins ownership continues to defend the legitimacy of its name and logo, other major American brands have backed away from offensive mascots like the Frito Bandito, a stereotypically Mexican, armed robber who hawked Fritos in the 1960s.

We've taken a look at some of the more offensive logos and mascots in history.

*Kim Bhasin and Karlee Weinmann contributed reporting to this story.*

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# 15 racist brands, mascots, and logos that were considered just another part of American life

Marguerite Ward and Melissa Wiley Updated Feb 3, 2022, 9:54 AM MST



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...clusionary the Washington Redskins leadership team announced it would change its name

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## Washington Commanders.

The word "redskin" is a racial slur for Native Americans.

America's racial reckoning has forced other brands reconsider their names and logos.

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Redskins announced Wednesday the NFL team would officially change to the Washington Commanders. The word "redskin" is racist slang for Native American people.

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Roger Gooden had previously defended the use of the word and the logo, which depicts a Native American.

The Washington Commanders were founded in 1932 as the Boston Braves. The team changed its name to the Redskins in 1933. For the past 18 months, the team was temporarily called The Washington Football Team.

The football team is certainly not the only popular American brand with a problematic past. Here are 14 other racist names and depictions that were once considered household staples.

*Katie Richards, Kim Bhasin, Aaron Taube, and Karlee Weinmann contributed to an earlier version of this article, which published in 2014.*

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## Aunt Jemima, 1889 to 2021



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...subsidiary of PepsiCo, announced in June 2020 that it would retire its brand of syrup and pancake mix, saying the company recognizes that its origins are based on a racial stereotype." The company is now called the [Company Name] company.

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STAND UP FOR THE GOOD OF THE NATION. A SONG PERFORMED BY MINISTERS OF THE CHURCH.

former slave named Nancy Green was later hired to portray Aunt Jemima as a "mammy," a racist caricature that depicts female slaves as smiling, happy homemakers for white families.



## Aunt Jemima Ad

"We recognize Aunt Jemima's origins are based on a racial stereotype," Kristin Kroepfl, vice president and chief marketing officer of Quaker Foods North America, said in a press release. "As we work to make progress toward racial equality through several initiatives, we also must take a hard look at our portfolio of brands and ensure they reflect our values and meet our consumers' expectations."

Kroepfl said the company has worked to "update" the brand over the years to be "appropriate and respectful," but it realized the changes were insufficient.

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**946-2020**

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**A bag of Uncle Ben's rice is seen on a store shelf on June 17, 2020 in Washington, DC.** Eva Hambach/AFP/Getty Images

Ben's Original, formerly Uncle's Ben's, is a rice and grains company dating back to 1946.

Uncle Ben has a "contentious history," Stuart Elliott wrote in a 2007 New York Times piece cited by Delish. "White Southerners once used 'uncle' and 'aunt' as honorifics for older blacks because they refused to say 'Mr.' and 'Mrs.,'" he said.

Earlier in June 2020, hours after it was announced that Aunt Jemima's logo would be changed, Uncle Ben's parent company Mars announced that it will be "evolving" its

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the voices of consumers, especially in the Black community, and to the

operates worldwide, we recognize that now is the right time to evolve the

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## Eskimo Pie, 1921-2020



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[By mayhem on Flickr](#)

The ice cream treat named for a North American tribe became the subject of controversy in 2009 when a Canadian Inuit woman said the product name insulted her heritage. A slow-moving and largely unpublicized battle in North America's northland has quietly raged on against the use of the word "Eskimo" to describe people with Inuit and Yupik heritage.


The word "Eskimo" has derogatory connotations stemming from non-native settlers who colonized areas of the Arctic, Insider reported.

Recently, it was announced that Eskimo Pie, a Dreyer's Grand Ice Cream product, will change its name and marketing after acknowledging its problematic origins, The New York Times reported. It will be called Edy's Pie, per USA Today.

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**orth, 1961-Present**



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**Mrs. Butterworth's products are displayed on supermarket shelves on June 17, 2020, in New York, NY.** Ron Adar/SOPA Images/LightRocket/Getty Images

Syrup and pancake-mix company Mrs. Butterworth's adopted the personality of "Mrs. Butterworth" in 1961. In June 2020, the company announced the product will be undergoing a "brand and packaging review."

For years, the shape of Mrs. Butterworth's syrup bottles has been a point of contention. "Critics have long associated the shape of the Mrs. Butterworth's bottle with the mammy, a caricature of Black women as subservient to white people," Maria Cramer wrote.

Conagra Brands, the parent company of Mrs. Butterworth's syrup and pancake mixes,

Jump to [a statement](#) saying that they have started a review of the brand and

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Butterworth's brand, including its syrup packaging, is intended to evoke the

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wholly inconsistent with our values," they said.

## Chief Blackjack, 1928-1987



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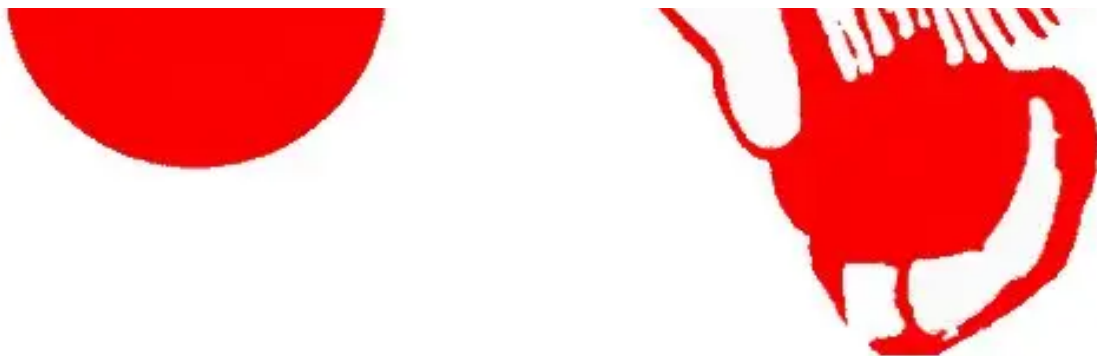
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[SportsLogos.net](https://SportsLogos.net)

The Queens, New York-based college began calling its sports teams the Redmen in the early 1920s and adopted the Chief Blackjack mascot in 1928 when two students found a statue of him outside a cigar store.

The school used a variant of the logo you see here up until 1987, finally ditching the Redmen name in 1994 after pressure from Native American groups. The school's teams are now known as the Red Storm.

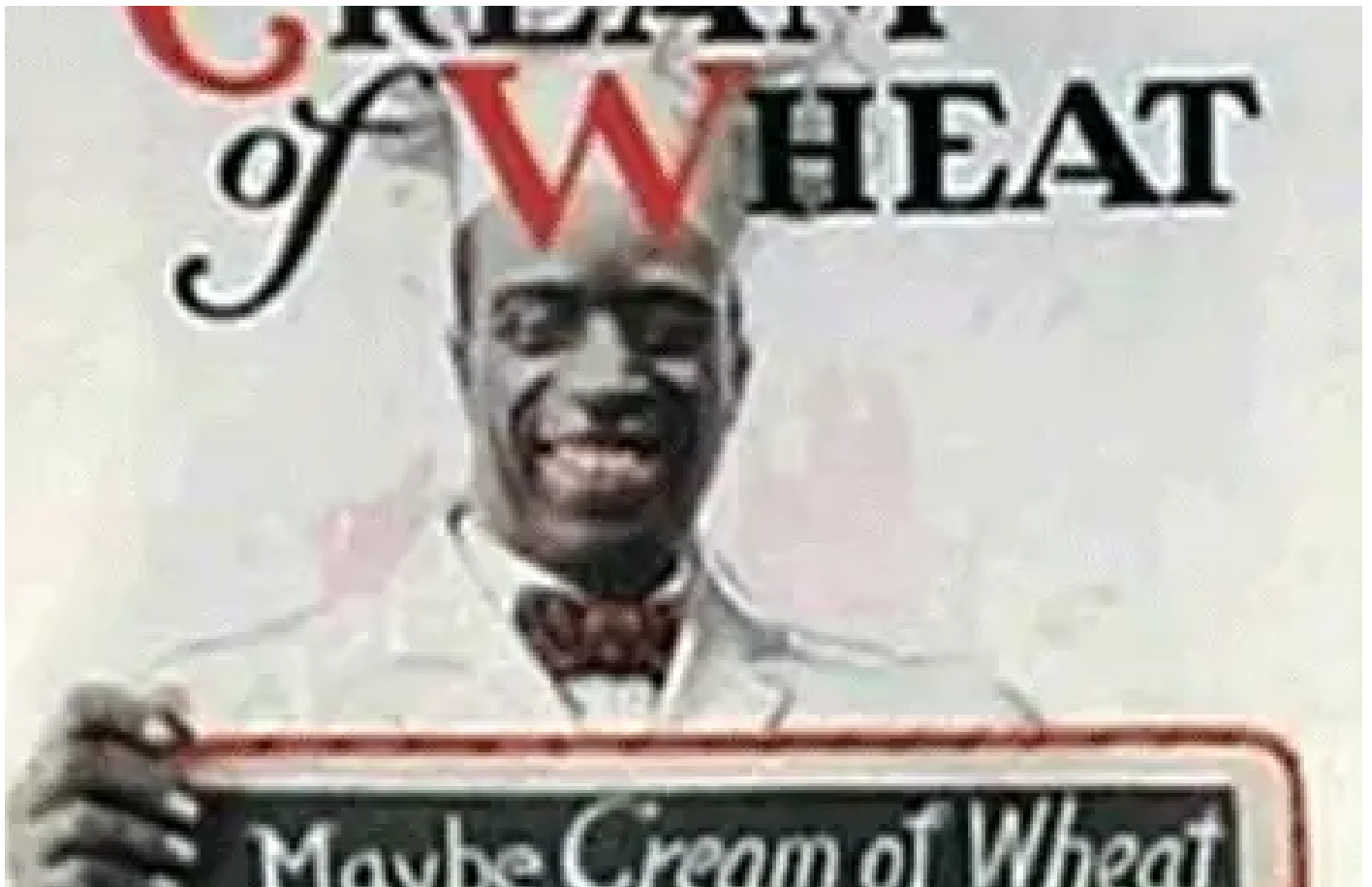
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**1925**

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Wikimedia Commons

Since the 1880s, "Rastus" has been widely considered a pejorative term associated with Black men. Through advertisements from the first part of the 20th century, the smiling chef is depicted as childlike and uneducated.

Cream of Wheat took Rastus off the box in 1925 in favor of a portrait of Frank L. White, a Chicago chef who remains on the box to this day (pictured above).

In June 2020, B&G Foods, the parent company of Cream of Wheat, issued a statement announcing its plans to conduct an immediate review of the brand's packaging.

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There are concerns regarding the Chef image, and we are committed to reviewing the packaging and will proactively take steps to ensure that we and our products do not inadvertently contribute to systemic racism. B&G Foods unequivocally

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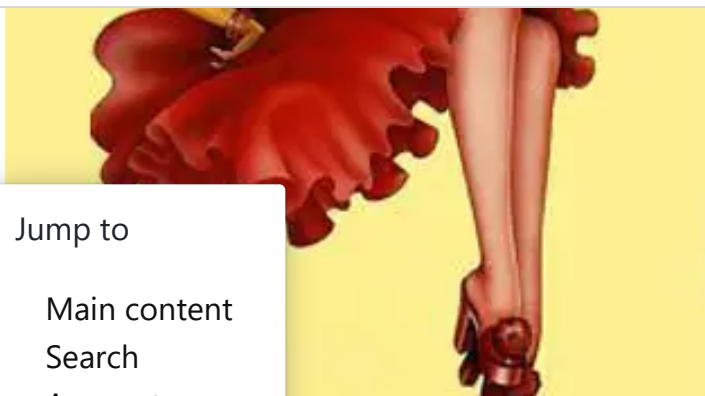
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## Miss Chiquita, 1944-Present



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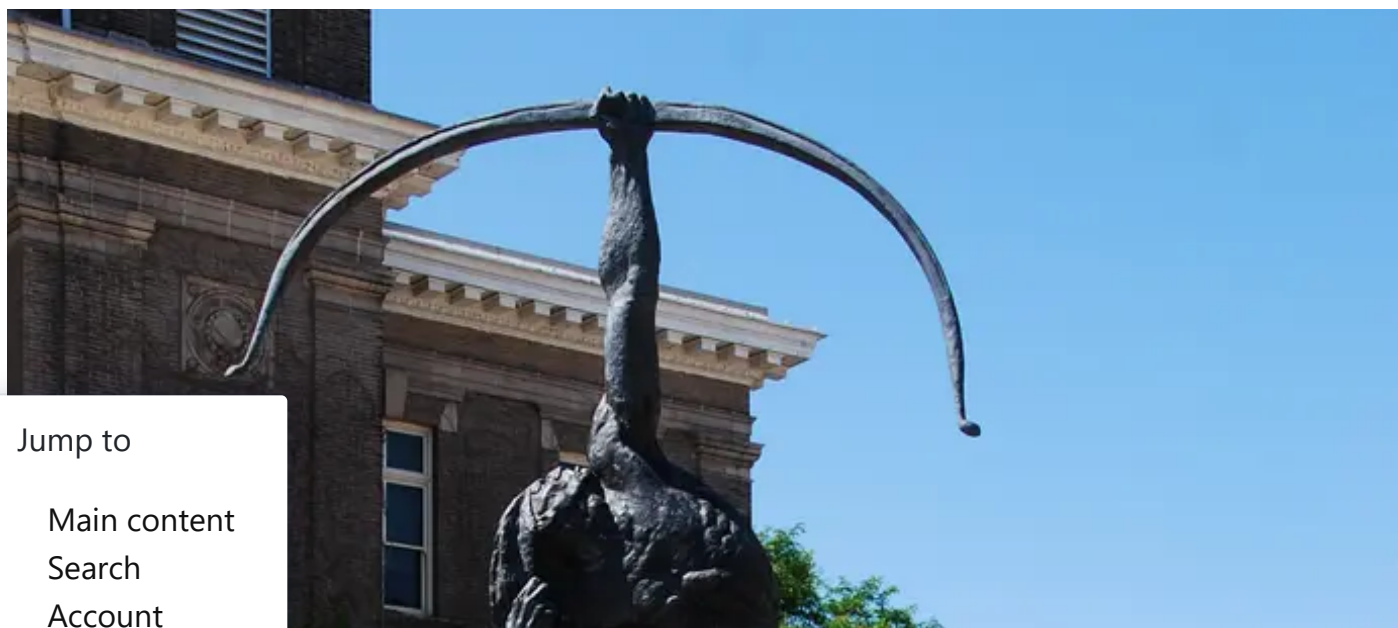
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idealized image of the tropics. Miss Chiquita was depicted as a banana until the late 1980s, when artist Oscar Grillo, the creator of the Pink Panther, updated the logo to be a woman, per [the company's website](#). The logo has since been updated to feature the woman's face and fruit hat.

## Syracuse University's Big Chief Bill Orange, 1931-1978



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[Felipe Ortega Flickr, cc](#)

Before the private university looked to Otto the Orange for a boost of school spirit, Syracuse University's mascot was Big Chief Bill Orange, the Saltine Warrior.

A statue of the Saltine Warrior was erected on the campus in 1951 and still stands today. In 1978, students in the Syracuse community and members of a Native-American organization protested the use of this mascot.

Eventually the Saltine Warrior was retired along with the costume worn by the mascot.

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## Frito Bandito, 1967-1971



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English and robbing unsuspecting bystanders, the Frito Bandito was

a conman with a disheveled look and a gold tooth

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snack-food giant cleaned up Frito Bandito's look. But combed hair and a friendlier expression didn't quite cut it. The same month the lawsuit was reported, Frito-Lay finally retired the Frito Bandito, per [Mashed.com](https://www.mashed.com).

## Land O'Lakes butter, 1928-2020



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REUTERS/Brendan McDermid

In 2020, Land O'Lakes changed the packaging for its consumer products to remove the image of a Native American woman with a feather in her hair.

The new packaging is very similar to the original, save for the removal of the Native American woman.

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**1947-2018**

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By soul\_motor on Flickr

The MLB's Cleveland Indians changed their name to the Cleveland Guardians in 2021. The move came after the team removed the problematic logo of Chief Wahoo, the grinning, red-faced caricature, from its uniforms in 2018.

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## Sambo, 1957-1981



By Thomas Hawk on Flickr

When restaurateurs Sam Battistone and Newell Bohnett launched Sambo's, they insisted its name had nothing to do with a children's book of the time, "The Story of Little Black Sambo."

When capitalized on the association, with "Little Black Sambo"-inspired

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the chain had 1,200 locations in 47 states. After some backlash, a name

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## Funny Face Drink Mix, 1964-1965



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When Kool-Aid started dominating the refreshment market, Pillsbury decided to create its own competing brand: Funny Face.

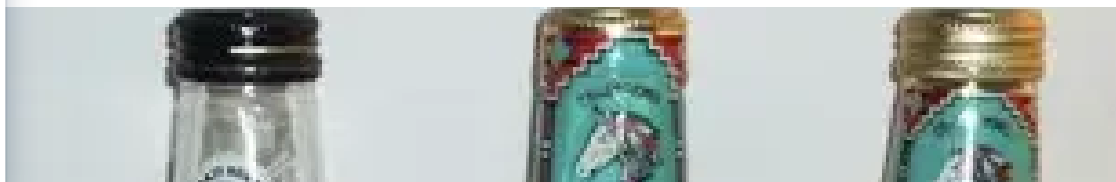
Injun Orange and Chinese Cherry are actual varieties of Funny Face. Caricatures accompanied each of the flavors.

In July of 1965, Pillsbury swapped out its original varieties for Jolly Olly Orange and Choo Choo Cherry.

## Crazy Horse malt liquor, 1992-2001

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[4OzMaltLiquor.com](http://4OzMaltLiquor.com)

Crazy Horse was a Lakota war leader of the Oglala Sioux Tribe in the 19th century. Stroh Brewery used his likeness in its advertising for years.

The company had to backpedal after its product inspired [a lawsuit](#) from Crazy Horse's estate and the Rosebud Sioux Tribe. In 2001, Stroh apologized in a ceremony on the Rosebud Reservation. The product is now called Crazy Stallion.

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New Mexico News

# See how many Confederate memorials still exist in New Mexico

WRITTEN BY:  
Stacker

April 4, 2022

JNix // Shutterstock

## See how many Confederate memorials still exist in New Mexico

**D**ozens of Confederate memorials around the United States were taken down on the heels of a 2015 mass shooting at a church in Charleston, South Carolina, carried out by American white supremacist Dylann Roof, who murdered nine Black parishioners including the church's pastor.



Two years later, in defiance of plans to take down a statue of Confederate Gen. Robert E. Lee in Charlottesville, Virginia, hundreds of self-described neo-Nazis and white supremacists gathered for a "Unite the Right" rally. Clashes at that rally with counter-protesters peaked when a [man drove his car into a crowd of counter-protestors](#), injuring 19 people and killing one woman named Heather Heyer. At the end of the August event, [three were dead](#), dozens injured, and the ongoing debate over whether Confederate monuments ought to be protected or removed remained unresolved.

The debate gained renewed fervor in 2020 following the May 25 [murder of George Floyd](#). Protests in cities and small towns around the country and world included acts of civil disobedience such as covering Confederate monuments in graffiti or toppling Confederate statues and other monuments perceived as symbols of oppression and slavery. Across the United States, pressure mounted to take such monuments away and out of the public eye, with dozens of municipalities taking action to do so.

There remain more than 2,000 Confederate monuments in the U.S., according to the "Whose Heritage?" data project by the [Southern Poverty Law Center](#). Stacker analyzed the SPLC's research and ranked states according to which have the most Confederate memorials, including statues, parks, schools, streets, highways, or practically any structure which, in one way or another, honors a Confederate figure or the whole coalition of seceded states. Data was last updated Jan. 21, 2022 (released Feb. 1).

Keep reading to find out how many Confederate monuments still stand in your state, and to learn about recent debates over what to do with them, or read the national story [here](#).

### **New Mexico by the numbers**

- Total number of Confederate symbols: 2
- City with the most Confederate symbols: Fort Craig, Mesilla (1 symbol each)
- Number of symbols removed since 1880: 3

A [Confederate monument several miles from the Fort Craig National Historic Site](#) in New Mexico was erected by the Texas Division of the United Daughters of the Confederacy in 1936. The monument purports to be in memory of Confederate



soldiers known and unknown who died in the Battle of Valverde during the Civil War on Feb. 21, 1862.

The [Confederacy won the Battle of Valverde](#), but not without 36 deaths, 150 injuries, and the loss of supply wagons that were burned. Confederate troops from that battle went on to capture Albuquerque and Santa Fe before being defeated by Union soldiers at Glorieta Pass March 26–28, 1862.

In addition to battles over Confederate monuments, Native Americans in New Mexico in June successfully pushed for the [removal of two statues depicting Spanish conquistadors](#).

The first half-dozen [Confederate monuments went up as soon as the Civil War ended](#) in 1865. From then until 1900, most years saw between two and six monuments go up. Then, installations surged: In 1911 alone, 49 Confederate monuments were erected around the country, according to the SPLC. 1911 also coincides with the peak of Jim Crow laws designed to disadvantage Blacks and perpetuate segregation. Other surges appear throughout the first half of the 20th century, with pronounced increases in Confederate monuments going up throughout the civil rights movement and smaller increases at the turn of the 21st century and immediately following the election of President Barack Obama in 2008.

Various groups stand by claims that these memorials serve as important historical markers; others argue the memorials glorify white supremacists and ignore those who were hurt, enslaved, and killed by the scourge of racism in this country. Some historians suggest looking at how post-war Germany has handled its past: [Concentration camps serve as museums](#) that detail the horrors that occurred therein so people never forget what happened; with nary a Hitler or SS statue to be found. Instead, statues and monuments memorialize victims who were lost as well as those who survived.

Continue below to see which states have the most Confederate memorials in the country.

### States with the most Confederate memorials



- #1. Virginia: 290 Confederate symbols (107 removed since 1880)
- #2. Georgia: 285 Confederate symbols (26 removed since 1880)
- #3. Texas: 242 Confederate symbols (65 removed since 1880)
- #4. South Carolina: 224 Confederate symbols (4 removed since 1880)
- #5. North Carolina: 176 Confederate symbols (31 removed since 1880)

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# Activists have long said a Santa Fe monument celebrated the killings of Native Americans. Crowds toppled it this week

By [Christina Maxouris](#), CNN

Published 4:38 AM EDT, Tue October 13, 2020



Stephanie Korupp/Instagram

Protesters tear down obelisk in Santa Fe

**(CNN)** — At least two people were arrested in Santa Fe, New Mexico, Monday after a crowd toppled a monument that Native American community members have long called on to be removed.

Demonstrations around the monument – an obelisk found in the middle of the city’s Plaza Park that activists say celebrated the killings of Native Americans – began Saturday, Santa Fe Mayor Alan Webber said, when protesters chained themselves on the obelisk.

A crowd swarmed the plaza Monday while city council members held an emergency meeting, the mayor said, and began tearing down the fence surrounding the monument before destroying the obelisk. One person was arrested for battery on a peace officer and resisting an officer and a second person was arrested for resisting an officer and criminal trespass.



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These states are ditching Columbus Day to observe Indigenous Peoples' Day instead

The monument's destruction took place as New Mexico celebrated Indigenous People's Day and comes following a summer of racial reckoning and unrest during which protesters have torn down other statues and monuments honoring controversial figures and racist parts of the country's past.

Webber condemned Monday's violence and said it was "not only a violation of the law, it is a violation of the ties between people in our community."

"There is no place for people taking the law into their own hands. There is no place for people destroying historic monuments on their own," Webber said.

Monday's actions come months after the mayor announced he was calling for the removal of the monument – along with two others – saying it was "long overdue."

That was in June, when Webber said he would create a commission to review different monuments in the city and evaluate whether "they cause pain" and "tell an honest version of history," he said. That commission would decide "how each should be treated," he had



AudioLive TV

Responding to the mayor's June announcement, Pueblo of Acoma Governor Brian D. Vallo had said he was grateful for the decision that included the "the obelisk with an inscription referencing Pueblo people as 'Savage Indians' located in the center of the historic plaza."



#### RELATED ARTICLE

More than 240 schools in US are named after a Confederate leader. About half serve majority Black or nonwhite students

"There is absolutely no place for these symbols that glorify the mass killing of our people," Vallo said in a June statement. "It is clear that times have changed and there is a new openness to discuss how to better memorialize our shared history in a way that promotes

openness to discuss how to better memorialize our shared history in a way that promotes deeper understanding and cooperation. Our Pueblo stands ready to participate in these conversations, and we thank Mayor Webber for his leadership on this matter.”

Following the statue’s destruction on Monday, city officials said in a statement there were “a variety of legal issues under review” by the city attorney’s office related to the obelisk.

“Everyone should acknowledge that these situations are complex and the issues we’re engaged with are complicated,” a news release from the city said.

“We know individuals want to be heard. There is work underway to review the legal issues surrounding the removal or preservation of statues and monuments that are in public places. There is also work going on to review different approaches to a task force or working group that can undertake a community-wide discussion around statues and monuments, histories and cultures,” the release said.

A recommendation should be coming out soon, it said.

---

CNN’s Jenn Selva contributed to this report.

**PAID CONTENT**

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## TV SCOOP

### NEWS/ John Oliver Delivers Passionate Transgender Rights Segment and You Must Watch It

by CHRIS HARNICK Mon, Jun 29, 2015 10:19 AM

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Emily Shur/HBO

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TV Spoilers & Exclusives




**John Oliver** is at it again. Hold on a second, we're not done applauding his latest segment.

On *Last Week Tonight with John Oliver*,



TV SCOOP,  
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2016 in the game

TV Spoilers & Exclusives  the comic took on transgender rights, the same weekend cities around the world celebrated LGBT Pride and the Supreme Court ruled in favor of marriage equality.

Yes, we have [Laverne Cox](#) winning awards, getting a wax figure and landing on magazine covers. [Caitlyn Jenner](#) made history on the cover of *Vanity Fair* and by amassing millions of Twitter followers in record time. But despite all that, "let's not get too complacent about how far we've come because they still face a lot of obstacles," Oliver said.

**CLICK: [How the Internet celebrated marriage equality](#)**



In the nearly 17-minute segment, Oliver addressed the news media's inability to move past certain topics, like genitalia, when it comes to transgender people and the public's hesitance in calling people by their preferred pronoun.

"Call them whatever they want to be called. You can do it. We do it all the time," Oliver said. "Think of it this way: David Evans woke up one day and said, 'Everyone call me **The Edge**.' We all went, 'Fine, The Edge, are we talking the noun or the verb?'" And then there's **Sean Combs**: Puff Daddy, P. Diddy, Diddy. Puffy...you get it.

During the segment, Oliver addressed the military's stance on transgender serviceman and women and whether the policies are enforced depend on a seemingly random basis. And then there are the bathroom issues and several bills that don't respect gender identity.

"Official rules can end up legitimizing prejudice," Oliver said after sharing the story of a transgender teen who faced bullying after his school wouldn't allow him to use his desired restroom.



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"This is a civil rights issue, if you are not willing to support transgender people for their own sake, at least do it for your own. We've been through this before. We know how this thing ends. If you take the anti-civil rights side and deny people access to something they're entitled to, history is not going to be kind to you," Oliver said.

*Orange Is the New Black's* Cox took to [Twitter](#) to praise Oliver for his segment. "This video excites me so much cause it feels like @iamjohnoliver really gets it. when someone really gets u,the best," she shared.

**Janet Mock** also shared the segment and [added](#), "Yup, @IAmJohnOliver slays w/ an extensive, funny & poignant #trans101 primer."

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### PHOTOS: LGBT TV history



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## John Oliver Shows Just How Far We Have To Go On Transgender Rights

06/29/2015 11:12 am ET | Updated Jun 29, 2015

1.5 K



Andy McDonald  
Comedy Editor, The Huffington Post



FC

## Examples of Microaggressions in the Classroom

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*Microaggressions: everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership.*

- Derald Wing Sue, Ph.D.

Microaggressions may be based on socioeconomic status, disability, gender, gender expression or identify, sexual orientation, race, ethnicity, nationality, or religion. These insults or insensitivities may be exhibited by students or adults within the school community – keep that in mind when considering each example. *As reported and documented by students*, the following are offered as examples for reflection in an effort to raise awareness and sensitivity toward creating more inclusive and supportive classroom and school environments.

- Failing to learn to pronounce or continuing to mispronounce the names of students after they have corrected you.
- Scheduling tests and project due dates on religious or cultural holidays.
- Disregarding religious traditions or their details. (Ex. Impacts of fasting)
- Setting low expectations for students from particular groups, neighborhoods, or feeder patterns.
- Calling on, engaging and validating one gender, class, or race of students while ignoring other students during class.
- Assigning student tasks or roles that reinforce particular gender roles or don't allow all students flexibility across roles and responses.
- Anticipating students' emotional responses based on gender, sexual orientation, race or ethnicity.
- Using inappropriate humor in class that degrades students from different groups.
- Expressing racially charged political opinions in class assuming that the targets of those opinions do not exist in class.
- Using the term "illegals" to reference undocumented students.
- Hosting debates in class that place students from groups who may represent a minority opinion in class in a difficult position.
- Singling students out in class because of their backgrounds.
- Expecting students of any particular group to 'represent' the perspectives of others of their race, gender, etc. in class discussions or debates.
- Denying the experiences of students by questioning the credibility and validity of their stories.
- Assigning class projects or creating classroom or school procedures that are heterosexist, sexist, racist, or promote other oppressions, even inadvertently.
- Using sexist language.
- Using heteronormative metaphors or examples in class.
- Assuming the gender of any student.
- Continuing to misuse pronouns even after a student, transgender or not, indicates their preferred gender pronoun.

- Assigning projects that ignore differences in socioeconomic class status and inadvertently penalize students with fewer financial resources.
- Excluding students from accessing student activities due to high financial costs.
- Assuming all students have access to and are proficient in the use of computers and applications for communications about school activities and academic work.
- Assuming that students of particular ethnicities must speak another language or must not speak English.
- Complimenting non-white students on their use of “good English.”
- Discouraging students from working on projects that explore their own social identities.
- Asking people with hidden disabilities to identify themselves in class.
- Forcing students with non-obvious disabilities to “out” themselves or discuss them publically.
- Ignoring student-to-student microaggressions, even when the interaction is not course-related.
- Making assumptions about students and their backgrounds.
- Featuring pictures of students of only one ethnicity or gender on the school website.
- Having students engage in required reading where the protagonists are always white.

---

Most examples taken, with slight adaptations, from [Microaggressions in the Classroom](#)  
University of Denver, Center for Multicultural Excellence,  
by former students Joel Portman, Tuyen Trisa Bui and Javier Ogaz; and Dr Jesús Treviño, former Associate Provost for  
Multicultural Excellence

Additional examples from recommended resource:  
[Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation](#),  
by Derald Wing Sue, Ph.D.

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# Baltimore County Police: Antisemitic flyers have been circulating in the Parkville area



BY JESSICA ALBERT  
FEBRUARY 28, 2023 / 8:12 PM / CBS BALTIMORE



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... has received reports that  
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Several incidents of propaganda-sharing have ...

Howard Libit, the executive director of the Baltimore Jewish Council, said that several incidents of propaganda-sharing have occurred in the area over the past few days.

"These flyers are basically an attempt to intimidate and harass the Jewish community, Jewish residents," Libit said.

Paul Simpson, who lives in the Parkville area, said he was in shock after finding the antisemitic flyers in front of his home.

He said he found them last Saturday morning.

"It's disturbing," he said of the jarring discovery. "I don't like this kind of hate speech."

Libit told WJZ that he believes the flyers might be connected to a "day of hate," which



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and an extra precaution, spent more

the flyers and is investigating the

In: **Baltimore County**  
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**Jessica Albert**

Jessica Albert joined the WJZ family in September 2021. She has been a huge fan of WJZ for years and is excited to be a part of the team.



*First published on February 28, 2023 / 8:12 PM*

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# Antisemitic propaganda distributed to business owners in Northside

Updated: 10:29 PM EST Mar 5, 2023

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## WLWT Digital Staff

WLWT Digital Staff

**CINCINNATI** — Business owners in Northside are trying to find the person responsible for distributing antisemitic fliers in their community this weekend.

Terry Donald, co-owner of Castaways Recycled Style on Hamilton Avenue, said a woman dropped off the fliers on Saturday, saying she was doing some "political activism."

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Donald said he and his wife spoke to the business owner next door, who had also received the anti-Jewish propaganda.

The fliers spread misinformation about Jewish people.

Donald said it was not a message he expected to see in his community.

"I've heard of this happening before," Donald said. "I'm kind of surprised it happened here in Northside. We're a very diverse, very friendly community. I just hope that somebody's not trying to recruit people for some kind of organization. It's the last thing we need in Northside and it's the last thing we need in Cincinnati."



## **College Hill residents wake up to anti-Semitic messages found in neighborhood**

This is the second time in less than a month that businesses in Cincinnati have been given antisemitic messages. The latest time happened back in February in College Hill.

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# Antisemitic fliers found on cars near Bozeman elementary school



Photo by: Whittier Elementary / Facebook

By: MTN News

Posted at 1:21 PM, Mar 02, 2023 and last updated 12:03 PM, Mar 03, 2023

In a letter to school families, Whittier Elementary Principal Cale VanVelkinburgh confirmed that antisemitic fliers were found on cars parked

near the school on Thursday morning, March 2, 2023.

Bozeman Public Schools Superintendent Casey Bertram shared the letter in a press release on Thursday.

VanVelkinburgh said in the letter that the fliers are related to the NSM, a known hate group and neo-nazi white supremacist organization based in the United States.

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"Once notified, we tried our best to remove the fliers and notified our School Resource Officer," VanVelkinburgh wrote to Whittier families. He continued:

*Hate has no place at our school, in our school district, or in our community. As a school district, we reject any form of racist and hateful behavior. District Policy #3210 speaks to our commitment to equal education and non-discrimination: The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity,*

*language barrier, religious belief, physical or mental handicap or disability, economic or social condition, actual or potential marital or parental status, gender, or sexual orientation. No student will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.*

*Additionally, District Policy #3226 addresses our stance on bullying/harassment/intimidation/hazing: The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not be tolerated.*

Anyone with information about the fliers is asked to call the Bozeman Police Department at 406-582-2000, and select option 6.

Superintendent Bertram said VanVelkinburgh's letter served as the school district's formal response to the incident.

Bertram said the school district would not be accepting media requests for interviews "so as to not provide a forum that draws attention to the hate portrayed in the fliers."

We will update you if we get further information.

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NEW MEXICO NEWS

# Advocacy group receives mail with anti-Semitic symbols, unknown substance

by: [George Gonzales](#)

Posted: Oct 28, 2022 / 06:33 PM MDT

Updated: Oct 29, 2022 / 08:50 AM MDT

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[SANTA FE, N.M. \(KRQE\)](#) – A hate-filled message appearing to target Democratic Representative Nathan Small with a mysterious substance in it showed up at the Santa Fe offices of the Conservation Voters of New Mexico. The group promotes conserving New Mexico’s resources and supports representative Small.

### [Albuquerque police provides details on two officer-involved shootings](#) ➤

A spokesperson for CVNM says on Wednesday an employee received an envelope in the mail. When they looked inside they saw a mailer which had been sent out in support of representative Small. “We have never experienced this kind of vicious act and we have never received a substance that is potentially deadly and could harm us so this was extremely frightening, very terrifying for all of us,” said CVNM, Executive Director Demis Foster.

Foster says that the envelope included anti-semitic symbols and a photo of Representative Small, as well as an unknown substance. “It was a brown substance that was kind of in the form of a grainy powder,” Foster added.

*Story continues below:*


- **Crime:** [2 New Mexico teens face methamphetamine trafficking charges in North Carolina](#)
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- **Albuquerque:** [Wells Park expansion project gains steam](#)

CVNM Executive director says the building was immediately evacuated and authorities called. As for Democratic Representative Small he says he will not stand for the act. “This only makes it that much more clear and important of why being out there and doing this work, serving our community working with folks from all perspectives is more important than ever. We will not be intimidated, we will carry out and we will be out there for a violence-free and peaceful election,” said Small.

The FBI says the unknown substance in the envelope was tested and turned out to not be harmful. They say the incident is still under investigation and ask anyone with information to contact the FBI. Conservation voters of New Mexico say the envelope did not have a return address but was mailed through the post office. Mailing threatening communications is a federal offense.

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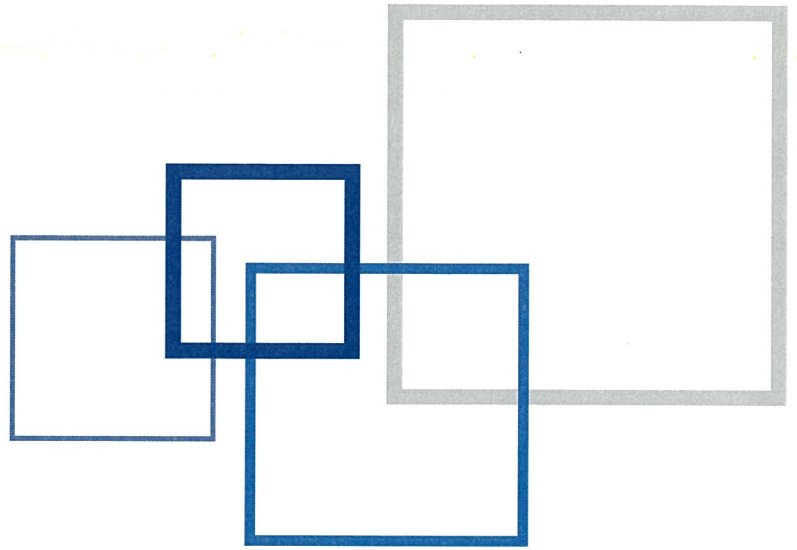
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# EXECUTIVE SUMMARY

December 2016

# Experiences in Schools

- **More than three-quarters (77%)** of those who were out or perceived as transgender at some point between Kindergarten and Grade 12 (K–12) **experienced some form of mistreatment**, such as being verbally harassed, prohibited from dressing according to their gender identity, disciplined more harshly, or physically or sexually assaulted because people thought they were transgender.
- **Fifty-four percent (54%)** of those who were out or perceived as transgender in K–12 **were verbally harassed, nearly one-quarter (24%) were physically attacked, and 13% were sexually assaulted in K–12 because of being transgender.**
- **Seventeen percent (17%)** faced such severe mistreatment as a transgender person **that they left a K–12 school.**
- **Nearly one-quarter (24%)** of people who were out or perceived as transgender in college or vocational school **were verbally, physically, or sexually harassed.**



## Experiences of people who were out as transgender in K–12 or believed classmates, teachers, or school staff thought they were transgender

EXPERIENCES	% OF THOSE WHO WERE OUT OR PERCEIVED AS TRANSGENDER
Verbally harassed because people thought they were transgender	54%
Not allowed to dress in a way that fit their gender identity or expression	52%
Disciplined for fighting back against bullies	36%
Physically attacked because people thought they were transgender	24%
Believe they were disciplined more harshly because teachers or staff thought they were transgender	20%
Left a school because the mistreatment was so bad	17%
Sexually assaulted because people thought they were transgender	13%
Expelled from school	6%
<b>One or more experiences listed</b>	<b>77%</b>



The 2015 U.S. Transgender Survey (USTS) is the largest survey examining the experiences of transgender people in the United States, with 27,715 respondents nationwide. The USTS was conducted by the National Center for Transgender Equality in the summer of 2015. Of respondents in the USTS, 213 were New Mexico residents.<sup>1</sup> This report discusses the experiences of respondents living in New Mexico.

## Income and Employment Status

- 38% of respondents in New Mexico were unemployed.<sup>2</sup>
- 40% were living in poverty.<sup>3</sup>

## Employment and the Workplace

- 28% of respondents who have ever been employed reported losing a job in their lifetime because of their gender identity or expression.
- In the past year, 26% of those who held or applied for a job during that year reported being fired, being denied a promotion, or not being hired for a job they applied for because of their gender identity or expression.
- Respondents who had a job in the past year reported being verbally harassed (13%) and sexually assaulted (1%) at work because of their gender identity or expression.
- 27% of those who had a job in the past year reported other forms of mistreatment based on their gender identity or expression during that year, such as being forced to use a restroom that did not match their gender identity, being told to present in the wrong gender in order to keep their job, or having a boss or coworker share private information about their transgender status with others without their permission.

## Education

- 84% of those who were out or perceived as transgender at some point between Kindergarten and Grade 12 (K–12) experienced some form of mistreatment, such as being verbally harassed, prohibited from dressing according to their gender identity, disciplined more harshly, or physically or sexually assaulted because people thought they were transgender.
  - 67% of those who were out or perceived as transgender in K–12 were verbally harassed, 26% were physically attacked, and 23% were sexually assaulted in K–12 because of being transgender.
  - 16% faced such severe mistreatment as a transgender person that they left a K–12 school.
- 24% of respondents who were out or perceived as transgender in college or vocational school were verbally, physically, or sexually harassed because of being transgender.

## Housing, Homelessness, and Shelter Access

- 36% of respondents experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender.
- 41% have experienced homelessness at some point in their lives.
- 26% experienced homelessness in the past year because of being transgender.
- 20% of respondents who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person.

## Public Accommodations

- Respondents reported being denied equal treatment or service, verbally harassed, or physically attacked at many places of public accommodation—places that provide services to the public, like retail stores, hotels, and government offices.
- Of respondents who visited a place of public accommodation where staff or employees thought or knew they were transgender, 33% experienced at least one type of mistreatment in the past year. This included 9% who were denied equal treatment or service and 28% who were verbally harassed because of being transgender.

## Restrooms

- 11% of respondents reported that someone denied them access to a restroom in the past year.
- In the past year, respondents reported being verbally harassed (15%), physically attacked (4%), and sexually assaulted (4%) when accessing a restroom.
- 58% of respondents avoided using a public restroom in the past year because they were afraid of confrontations or other problems they might experience.
- 36% of respondents limited the amount that they ate or drank to avoid using the restroom in the past year.

## Police Interactions

- 50% of respondents said they would feel uncomfortable asking the police for help if they needed it.

## Health

- 29% of respondents experienced a problem in the past year with their insurance related to being transgender, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.
- 44% of those who saw a health care provider in the past year reported having at least one negative experience related to being transgender. This included being refused treatment, verbally harassed, or physically or sexually assaulted, or having to teach the provider about transgender people in order to get appropriate care.

- In the past year, 34% of respondents did not see a doctor when they needed to because of fear of being mistreated as a transgender person, and 35% did not see a doctor when needed because they could not afford it.
- 45% of respondents experienced serious psychological distress in the month before completing the survey (based on the Kessler 6 Psychological Distress Scale).<sup>4</sup>
- 13% of respondents reported that a professional, such as a psychologist, counselor, or religious advisor, tried to stop them from being transgender.

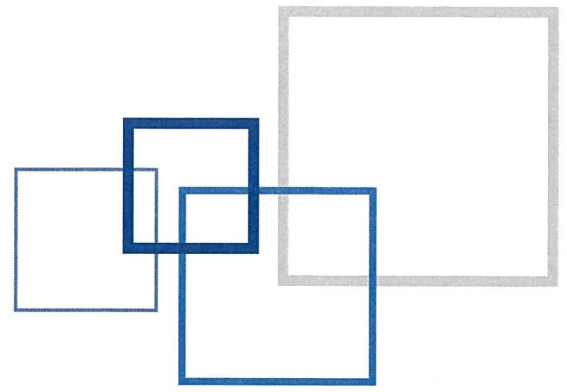
## Identity Documents

- Only 16% of respondents reported that *all* of their IDs had the name and gender they preferred, while 58% reported that *none* of their IDs had the name and gender they preferred.
- The cost of changing IDs was one of the main barriers respondents faced, with 31% of those who have not changed their legal name and 30% of those who have not updated the gender on their IDs reporting that it was because they could not afford it.
- 37% of respondents who have shown an ID with a name or gender that did not match their gender presentation were verbally harassed, denied benefits or service, asked to leave, or assaulted.

## ENDNOTES | NEW MEXICO STATE REPORT

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1. The number of respondents in New Mexico (n=213) is an unweighted value. All reported percentages are weighted. For more information on the weighting procedures used to report 2015 U.S. Transgender Survey data, see the full survey report, available at [www.USTransSurvey.org](http://www.USTransSurvey.org).
2. For reference, the U.S. unemployment rate was 5% at the time of the survey, as reported by the Bureau of Labor Statistics. See the full report for more information about this calculation.
3. For reference, the U.S. poverty rate was 12% at the time of the survey. The research team calculated the USTS poverty measure using the official poverty measure, as defined by the U.S. Census Bureau. USTS respondents were designated as living in poverty if their total family income fell under 125% of the official U.S. poverty line. See the full report for more information about this calculation.
4. For reference, 5% of the U.S. population reported experiencing serious psychological distress during the prior month as reported in the 2015 National Survey on Drug Use and Health. See the full report for more information about this calculation.



# 2015 U.S. Transgender Survey

## New Mexico State Report

October 2017



The full report and Executive Summary of the 2015 U.S. Transgender Survey are available at [www.USTransSurvey.org](http://www.USTransSurvey.org).

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[USTransSurvey.org](http://USTransSurvey.org) | [TransEquality.org](http://TransEquality.org)

BIG STORY 10

AUGUST 15, 2019 / 10:37 PM / 7 MONTHS AGO

## Barred, bullied, depressed: life for many U.S. trans students

Rachel Savage



LONDON (Thomson Reuters Foundation) - Barred from the bathroom, harassed on campus and suspended from school, transgender students report a host of problems at U.S. colleges. They also run a higher risk of suicide, according to research released on Friday.

A study in the American Journal of Preventative Medicine said trans students were more than four times as likely as their peers to suffer at least one mental health condition.

The study comes as President Donald Trump's government rolls back LGBT+ rights, banning trans people from enrolling in the military and proposing that firms with federal contracts can shun LGBT+ candidates on religious grounds.

In colleges, students who are trans or identify as neither man nor woman have been barred from using the bathroom of their choice, turfed out of dorms and called before disciplinary hearings to explain their gender reassignment. All that alongside a daily diet of abuse and isolation, according to a trans student interviewed by the Thomson Reuters Foundation.

"I would hear various transphobic jokes," said Yanna Awtrey, who was suspended last week from Welch College, a Christian institution in Tennessee, after undergoing a double mastectomy.

"That prompted me to not form any... close friendships with people at the college, which made me spend a lot of time in my dorm or simply working, which would of course negatively affect any person's mental health," the 21-year-old said by phone from Tennessee.

Awtrey is one of an estimated 139,000 trans students enrolled in U.S. colleges and universities, a tiny if growing number in a 19.9 million-strong student population.

As trans role models have gained prominence, advocates have celebrated victories in some areas.

Gillian Branstetter of the National Center for Transgender Equality cited a federal Equality Act, seeking to expand existing protections to LGBT+ Americans, as “a real public education effort” after it passed the House of Representatives.

Last week a judge ruled it unconstitutional for a Virginia district to ban a male trans pupil from the boys’ bathroom.

In May, the U.S. Supreme Court upheld a Pennsylvania school district’s policy accommodating transgender students, declining to hear a challenge backed by a conservative Christian group.

## MENTAL HEALTH CRISIS

Isolation and discrimination on college campuses can breed severe mental health problems for trans students.

“Within the campus mental health crisis... transgender college students are one of the very most vulnerable groups,” said Sarah Ketchen Lipson, an assistant professor at Boston University who was lead author of the study.

“There needs to be an urgency around creating campus environments that are inclusive of transgender students.”

One in four students who were openly, or perceived to be, trans were harassed at college, according to a 2015 survey of more than 24,000 trans people by the National Center for Transgender Equality.

Of those, 16% dropped out because the harassment was so bad, while 244 students were expelled or forced to leave.

Students who cannot access bathrooms and accommodation that fit their gender identity are more likely to try suicide, found a 2016 study by Kristie Seelman of Georgia State University.

“The suicide rates for trans people are absolutely devastating,” said Schuyler Bailar, a trans man who graduated from Harvard in May and competed for the men’s swimming team.

## ADVERTISEMENT

“It makes me angry that people who are supposed to be protecting kids and college students don’t,” said the psychology graduate, who had good memories of college.

## PERVERSION

Things couldn’t have been more different for Awtrey, who was told on the day of his surgery that he had to vacate his dorm, according to an email from Welch College seen by the Thomson Reuters Foundation.

At a disciplinary hearing days after his surgery, Awtrey was told he had violated a student ban on “sexual perversion” and suspended for two terms, according to a recording of the meeting he made and sent to the Thomson Reuters Foundation.

“The College holds that God created humanity in two distinct and complementary sexes: male and female,” Matt Pinson, the president of Welch College, said in an emailed statement.

“The College also believes that attempting to alter one’s bodily identity constitutes a rejection of God’s design for humanity.”

“We at Welch love Yanna and have shown her that love in a way that accords with our deeply held religious beliefs.”

Awtrey does not plan to reapply to Welch.

Discrimination against people on the grounds of sexual orientation or gender identity is not illegal in Tennessee.

Religious schools can get an exemption to national rules against such discrimination in educational institutions that receive federal funding.

It is not clear if Welch has applied for one.

“In general, students attending religiously affiliated institutions are vulnerable to discrimination based on gender identity and sexual orientation,” said Graciela Gonzales of Lambda Legal, an advocacy group.

In April, singer Taylor Swift donated \$113,000 to an LGBT+ group in Tennessee to fight laws that would roll back gay and trans rights, including a law around school toilets.

Reporting by Rachel Savage @rachelmsavage; Editing by Lyndsay Griffiths. Please credit the Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women's and LGBT+ rights, human trafficking, property rights, and climate change. Visit <http://news.trust.org>

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FBI National Press Office  
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March 13, 2023

## FBI Releases Supplemental 2021 Hate Crime Statistics

Today, the FBI's Uniform Crime Reporting (UCR) Program released a 2021 hate crime statistics supplement about bias-motivated incidents throughout the nation. For the 2021 data year, the UCR Program accepted Summary Reporting System (SRS) hate crime data submissions and additional National Incident-Based Reporting System (NIBRS) hate crime reports from 3,025 agencies that covered a combined population of 87,239,467 to help compile this special report. The supplemental data was combined with that submitted via NIBRS, which has been converted to the SRS format. This supplement allows for a more complete representation of reported hate crimes in the US for 2021. Nationally, reported hate crime incidents increased 11.6% from 8,120 in 2020 to 9,065 in 2021.

The updated dataset for 2021 includes all law enforcement agency hate crime incident reporting regardless of the number of months or quarters. While the NIBRS 2021 hate crime dataset reported 7,262 incidents and 8,673 related offenses as being motivated by bias toward race, ethnicity, ancestry, religion, sexual orientation, disability, gender, and gender identity, the supplemental hate crime dataset reports involve 10,840 incidents and 12,411 related offenses. The supplemental reporting figure is higher as it represents a larger population as more agencies were able to submit via the SRS system. (Due to rounding, percentage breakdowns may not add up to 100 percent.)

### Victims of Hate Crime Incidents

- Over 10,500 single-bias incidents involved 12,411 victims.
  - A percent distribution of victims by bias type shows that
  - 64.5% of victims were targeted because of the offenders' race/ethnicity/ancestry bias,
  - 15.9% were targeted because of the offenders' sexual-orientation bias,
  - 14.1% were targeted because of the offenders' religious bias,
  - 3.2% were targeted because of the offenders' gender identity bias,
  - 1.4% were targeted because of the offenders' disability bias, and
  - 1.0% were targeted because of the offenders' gender bias.
- There were 310 multiple-bias hate crime incidents that involved 411 victims.

### Offenses by Crime Category

- Of the 8,327 hate crime offenses classified as crimes against persons in the updated 2021 dataset,
  - 43.2% were intimidation,
  - 35.5% were simple assault, and
  - 20.1% were aggravated assault.
  - 19 rapes and 18 murders were reported as hate crimes.
  - The remaining 70 hate crime offenses classified as crimes against persons were reported in the category of other.
- Of the 3,817 hate crime offenses classified as crimes against property, 71.2% were acts of destruction/damage/vandalism.
- 267 additional offenses were classified as crimes against society. This crime category represents society's prohibition against engaging in certain types of activity such as gambling, prostitution, and drug violations. These are typically victimless crimes in which property is not the object.

The 2021 supplemental release demonstrates the FBI's commitment to provide meaningful data sets to the American public to reflect a national picture of the hate crime trend.

*Hate Crime Statistics, 2021*, is available as a downloadable on the FBI's Crime Data Explorer at [cde.ucr.cjis.gov](https://cde.ucr.cjis.gov).

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**NEW MEXICO**

# Hate Crimes Incidents in 2021

42 of 128 law enforcement agencies (33%) provided hate crime data.

## What is a Hate Crime?

**Hate Crimes:** At the federal level, a crime motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability.

**Bias or Hate Incident:** Acts of prejudice that are not crimes and do not involve violence, threats, or property damage.

For additional information on hate crimes resources visit <https://www.justice.gov/hatecrimes>.

## How do I report a hate crime?

If you believe you are the victim of a hate crime or believe you witnessed a hate crime:

For emergencies **Dial 911**

**OR**

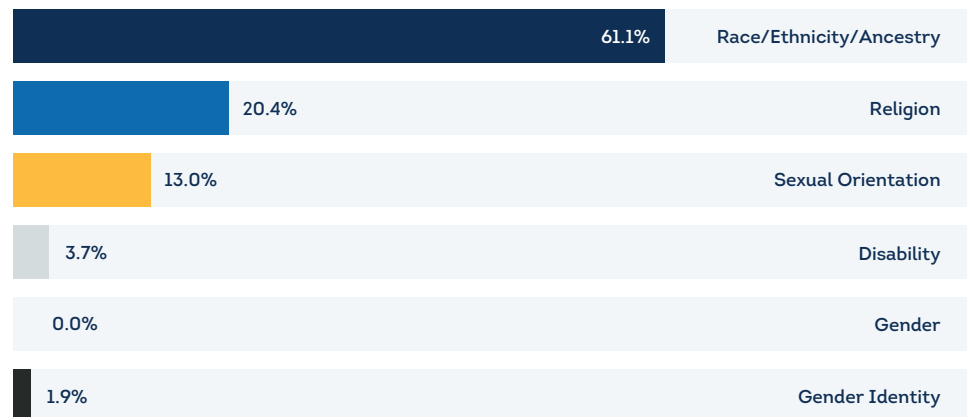
**Step 1:** Report the crime to your local police.

**Step 2:** Quickly follow up this report with a tip to the Federal Bureau of Investigation's (FBI) tip line at 1-800-225-5324.

## Types of Crime

Crimes against Persons	38	63.3%
Crimes against Property	22	36.7%
Crimes against Society	0	0.0%

## Bias Motivation Categories



Bias Motivation Categories	2019	2020	2021
Race/Ethnicity/Ancestry	30	35	33
Religion	8	6	11
Sexual Orientation	8	9	7
Disability	1	1	2
Gender	0	3	0
Gender Identity	3	2	1

For additional statistics, visit the FBI Crime Data Explorer at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

2021 was the first year crime statistics were reported entirely through the National Incident-Based Reporting System (NIBRS). As a result of the shift, law enforcement agency participation fell significantly from 2020 to 2021. This may limit the reliability of hate crime statistics in states with low participation.