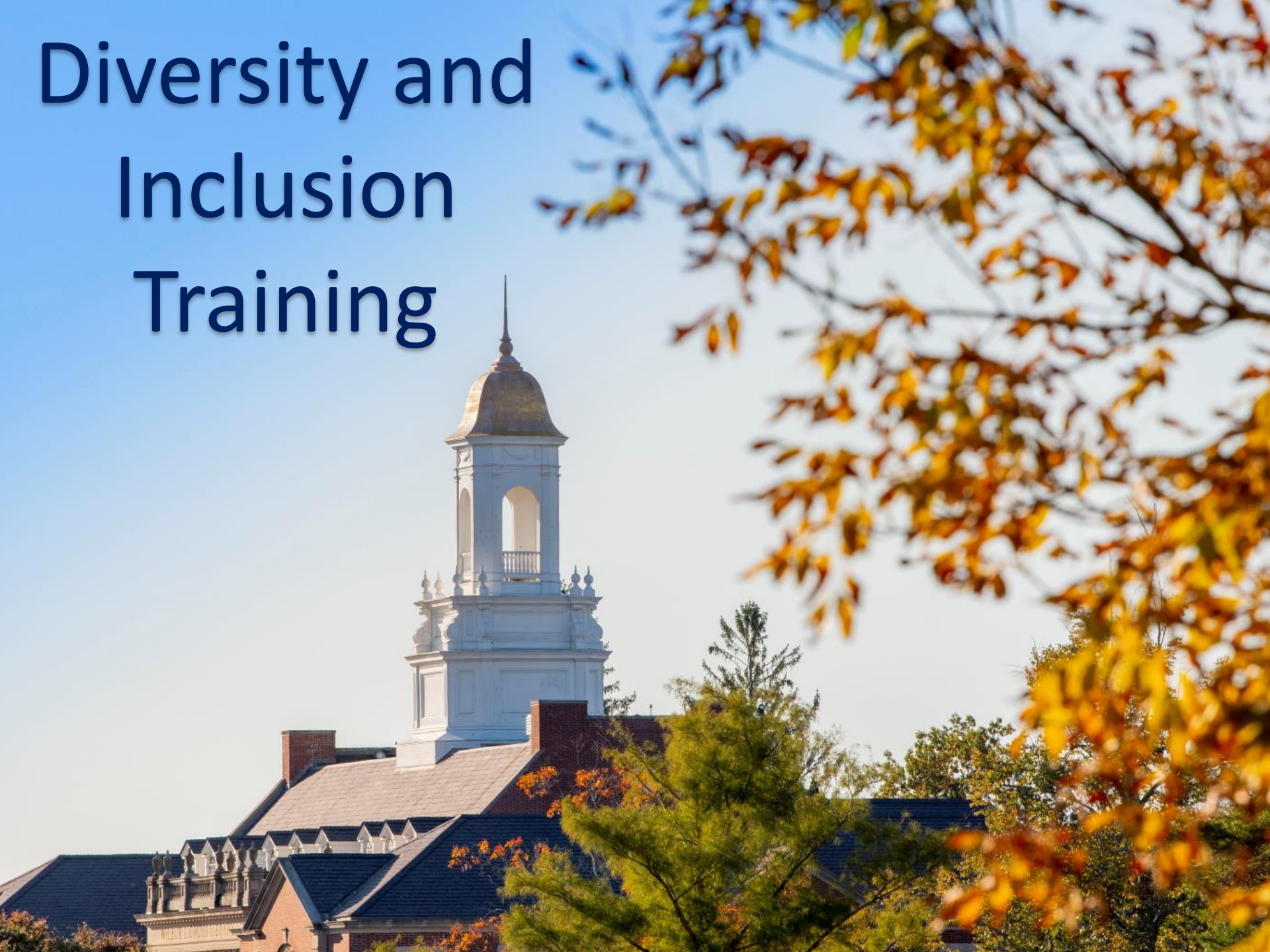


Diversity and Inclusion Training



Training Team

- ❖ Sarah Chipman, J.D., Interim Associate Vice President and Title IX Coordinator, ADA Coordinator, and Director of Investigations
- ❖ Jamila Goolgar, EEO Investigator
- ❖ Alexa Lindauer, J.D., Associate Director of Investigations
- ❖ Katherine Kenyon, Training and Search Compliance Specialist
- ❖ Cari Renn, EEO and Search Compliance Specialist

WebEx Guidelines

❖ Please stay on Mute

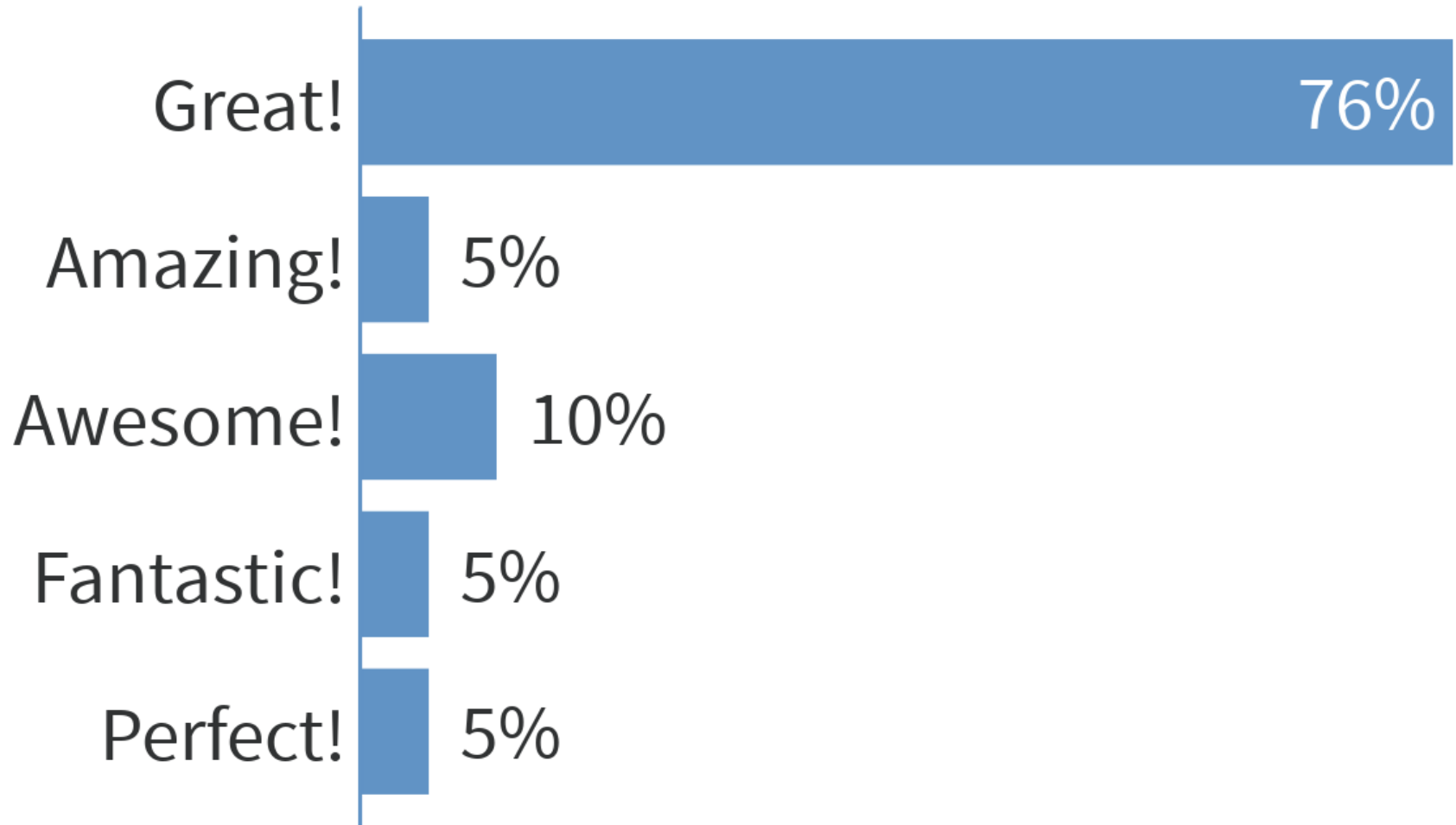
❖ Use of Poll Everywhere

❖ Chat Function

Poll Everywhere Instructions

- **By phone:**
 - Text UCONNEQUITY to 22333
- **By website:**
 - pollev.com/uconnequity

How are you?



Agenda

- 
- Understanding Diversity and Its Definition
 - Stereotypes, Bias, and Microaggressions
 - Prejudice, Discrimination, Privilege, and Oppression
 - Applicable Federal and State Laws & University Policies
 - Remedies Available to Victims of Discrimination and Hate Crimes
 - Your Rights, Responsibilities & Obligations

Policy Against Discrimination,
Harassment, and Related
Interpersonal Violence

Affirmative Action & Equal
Employment Opportunity
Policy

Applicable University Policies

Policy Statement: People
With Disabilities

Non-Retaliation Policy

UConn's Commitment to Diversity

“It is understood that the definition of diversity is ever changing and is constantly being ratified. Diversity encompasses the presence and participation of people who differ by age, color, ethnicity, gender, national origin, race, religion, and sexual orientation; and includes those with disabilities and from various socio-economic backgrounds. It encompasses not only individuals and groups, but also thoughts and attitudes. The fabric of diversity at our University must be woven in thought and in experience, within a climate where diverse views are welcomed and respected and where there is a commonality that comes from working together to effect constructive change.”

The Report of the Diversity Action Committee of the University of Connecticut Board of Trustees, April, 16, 2015

Understanding Diversity and Inclusion

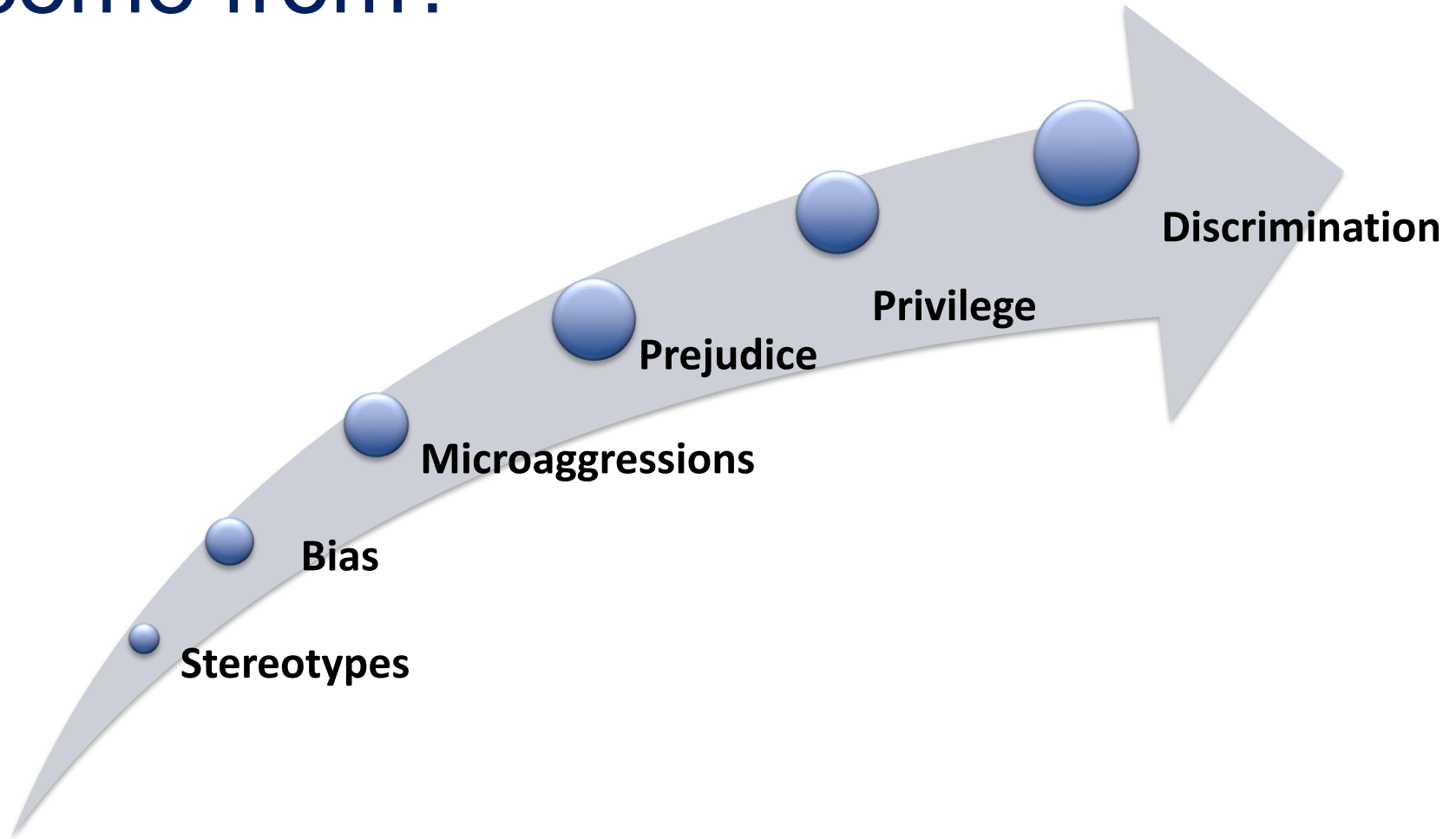
As our communities and workplaces become increasingly more diverse, understanding the perspectives of diversity will be an important requirement for relating to members of the UCONN community including visitors and people doing business with the University.

Inclusion puts the concept and practice of diversity into action by creating an environment of respect, involvement and connection where the richness of ideas, backgrounds and perspectives are utilized to create a valued environment.

PROTECTED CLASSES IN EMPLOYMENT/APPLICANTS

- Age
- Ancestry
- Color
- Covered Veteran
- Criminal Record (in state employment and licensing)
- Gender identity or expression
- Genetic Information
- Learning disability
- Marital Status
- Past or present history of a mental disability
- Intellectual disability
- National Origin
- Physical disability
- Prior protected activity
- Race
- Religion
- Sex, including pregnancy and sexual harassment
- Sexual Orientation
- Workplace hazards to the reproductive system

Where does discrimination come from?



Stereotypes and Bias

Characteristics attributed to categories of people

Rooted in the history of relations between groups

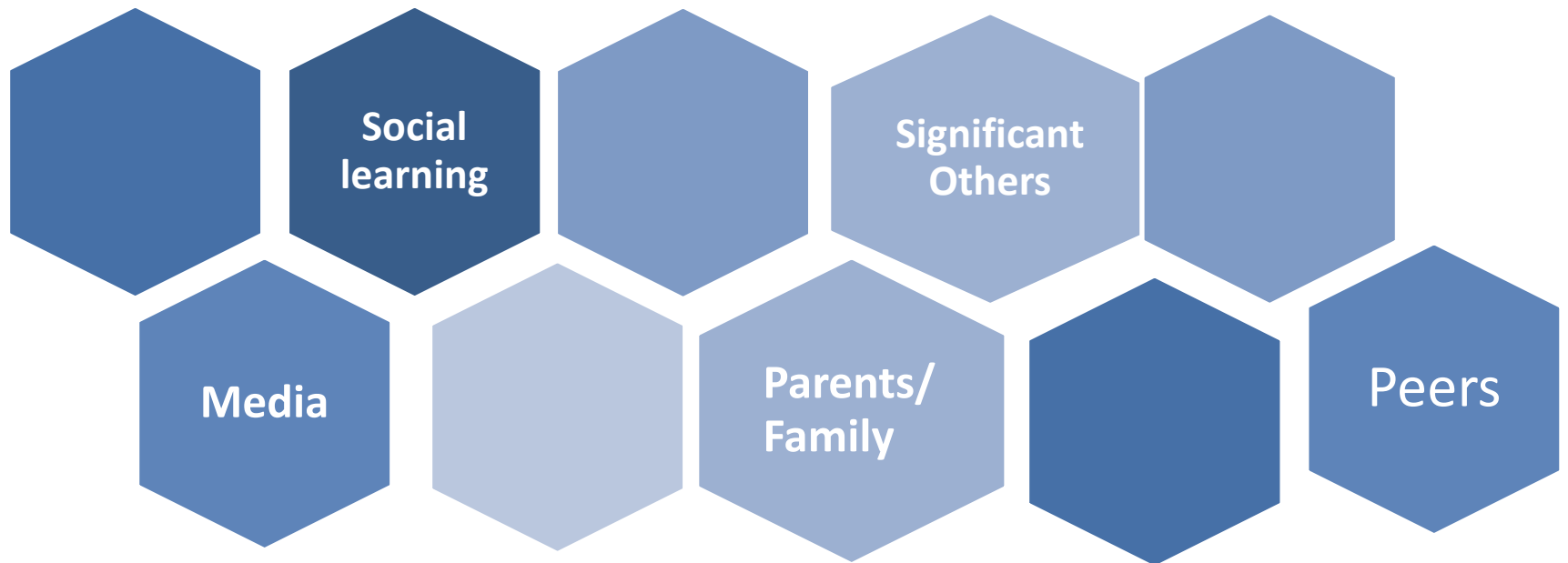
Often overgeneralized, inaccurate and negative

Stereotypes

Why do
stereotypes exist?

How does it feel to be
judged by a group
stereotype rather than
as an individual?

Origin of Stereotypes





Why do stereotypes exist?



How does it feel to be judged by a stereotype rather than as an individual?

Implicit Bias

Attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

Microaggressions



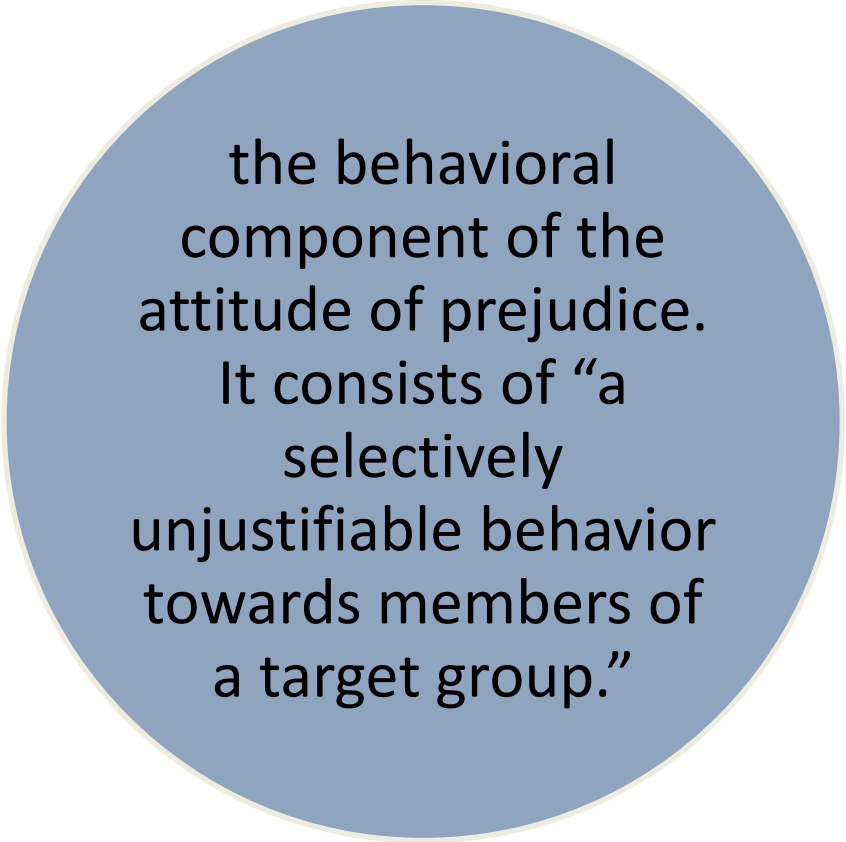


First impressions of video?

Prejudice

Negative attitudes towards social groups. Prejudice occurs when individuals are prejudged and disliked based on their group memberships. Prejudice can be founded on any group-based characteristics

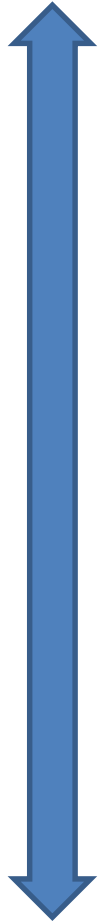
Discrimination



the behavioral
component of the
attitude of prejudice.
It consists of “a
selectively
unjustifiable behavior
towards members of
a target group.”

Handbook of Research on Multicultural Education

Cultural Competence



Cultural Proficiency: Culturally proficient individuals prioritize cultural competency in their work, research, teaching, etc.

Cultural Competence: Cultural differences are accepted and respected.


Cultural Pre-competence: Weaknesses in working with various cultures are acknowledged and some effort to improve interactions with diverse populations.

Cultural Blindness: Color or culture is assumed to make no difference and all people are assumed to be fundamentally the same.

Cultural Incapacity: Although they do not intentionally seek to cause harm, individuals in this stage believe in the superiority of their own racial or ethnic group and assume a paternalistic posture toward the “lesser” group.

Cultural Destructiveness: Individuals see cultural differences as problematic.

Intersectionality



Intersectionality promotes an understanding of human beings as shaped by the interaction of different social locations (e.g., 'race'/ethnicity, Indigeneity, gender, class, sexuality, geography, age, disability/ability, migration status, religion).

These interactions occur within a context of connected systems and structures of power (e.g., laws, policies, state governments and other political and economic unions, religious institutions, media).

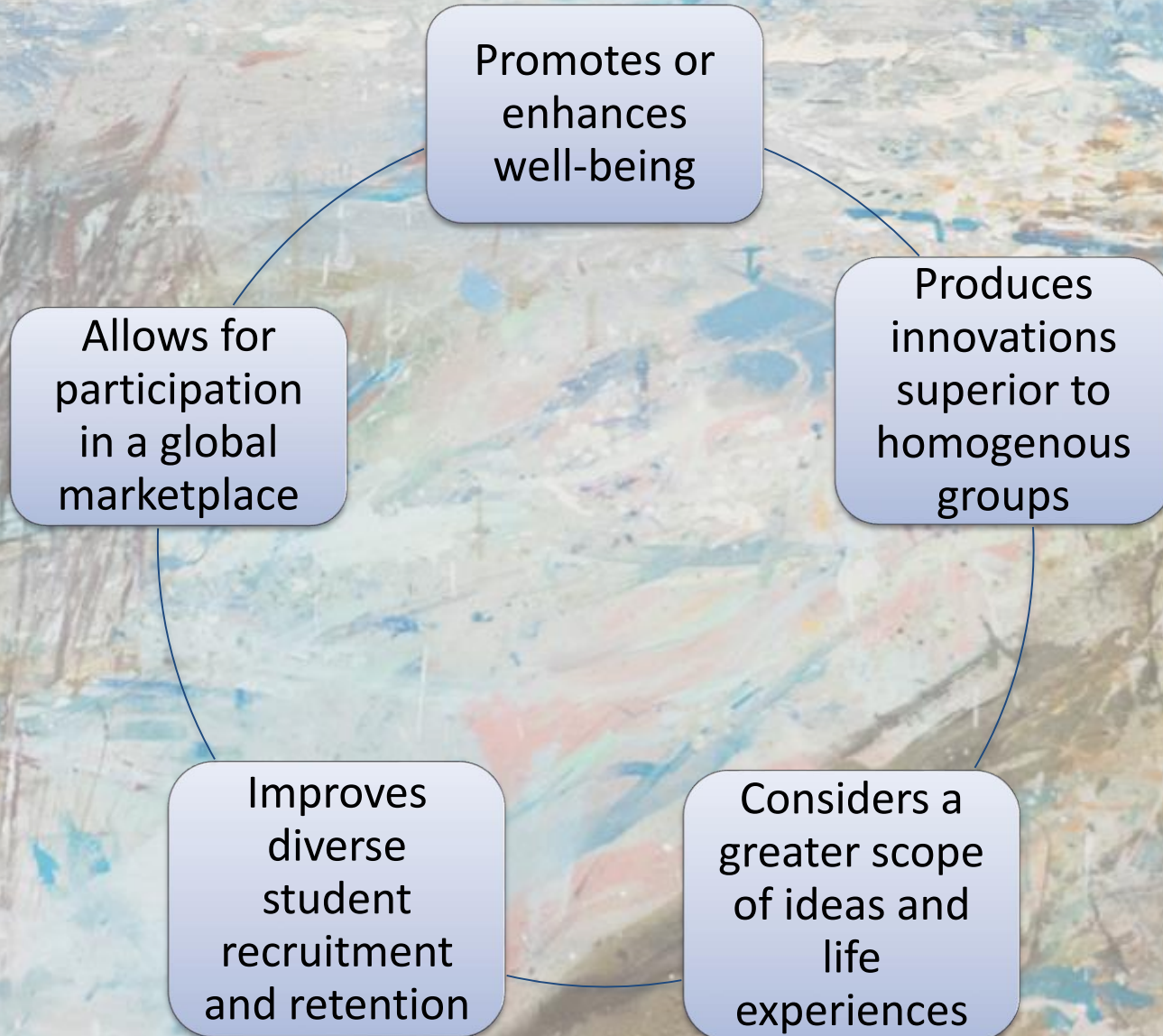
Through such processes, interdependent forms of privilege and oppression shaped by colonialism, imperialism, racism, homophobia, ableism and patriarchy are created.

Privilege and Oppression

A system that maintains advantage and disadvantage based on social group memberships and operates, intentionally and unintentionally, on **individual** (social group), **institutional** (policies, laws, rules, norms, & customs), and **cultural** (social norms, roles, rituals, language, music, art) levels.



Benefits of a Diverse Workplace

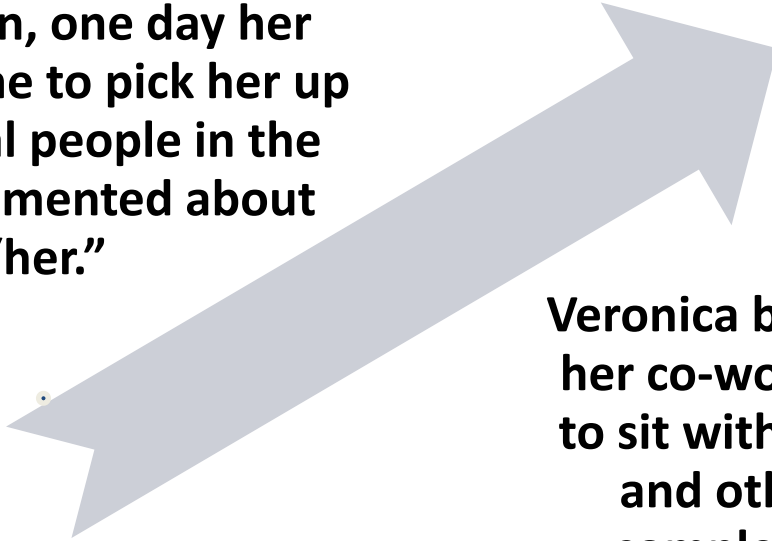


Skills & Strategies



Consider This . . .

Veronica, a gay Latinx woman, is a new academic counselor working for the University of Connecticut. She heard that UConn was a great place to work. Then, one day her partner came to pick her up and several people in the office commented about “her.”



Veronica began to notice that her co-workers did not want to sit with her at lunch time, and others ignored her completely or suddenly stopped talking to her.



What are the critical issues in this scenario?





What might be some underlying causes of these problems?



How would you handle this situation?



What is likely to happen if nothing is done?



00:00

Let's Take A Break!

Ted Talk



Applicable Federal and State Laws

Americans with Disabilities Act of 1990 (ADA) as amended 2009

The Age Discrimination in Employment Act of 1967 (ADEA)

Civil Rights Act of 1964 (Title VI and Title VII)

Executive Order of 11246 of 1965

Equal Pay Act (EPA)

Applicable Federal and State Laws

Title IX of the Education Amendments of 1972

Section 504 of Rehabilitation Act of 1973

Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA)

Genetic Information Non Discrimination Act of 2008 (GINA)

Connecticut General Statutes

Violence Against Women Act (VAWA)

Policy Against Discrimination,
Harassment, and Related
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Discrimination

Discrimination is any unlawful distinction, preference, or detriment to an individual that is based upon protected class.

- excludes them from participation,
- denies them benefits,
- treats them differently or
- adversely affects a term or condition of their employment, education, living environment or participation in a University program or activity.

Examples of an Adverse Action

Any adverse action impacting the terms and conditions of employment that is based on a protected classification

- Failure to Hire/Promote
- Termination
- Unsuitable Reassignment
- Hours/Assignment

Discriminatory Harassment

Discriminatory harassment consists of verbal, physical, electronic, or other conduct based upon an individual's protected class that interferes with that individual's education or employment opportunities, participation in University programs or activities, or receipt of legitimately requested services.

Types of Harassment

Quid Pro Quo:

Submission to or rejection of unwelcome conduct is used as the basis for employment or academic decisions

Hostile Environment:

Harassment based on a protected class that is so severe, persistent or pervasive that it unreasonably interferes with, limits, deprives, or alters the conditions of education, employment, or participation in a University program or activity.

Supervisory Employee Reporting Obligations

EMPLOYEES WHO SUPERVISE OTHER EMPLOYEES have a “heightened” duty to receive and report allegations of discrimination including sexual harassment.

Deans, Directors, Department Heads and Supervisors are obligated to report any discrimination, harassment or inappropriate amorous relationship to OIE as soon as it becomes known to them.

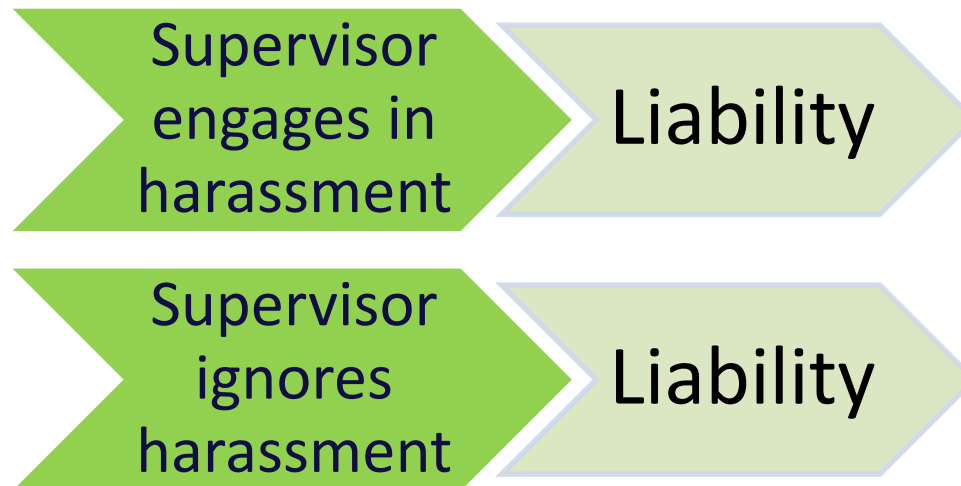
Failure to report any known incidents is a policy violation

Complaints about student misconduct are addressed through OIE and/or Community Standards. ‘Student’ includes student-employees

Supervisory Employee Reporting Obligations

Why Do We Have to Report?

If an employer knew or should have known about the harassment, the employer's failure to appropriately respond to that harassment may result in liability for the employer.



Other Discriminatory Practices

Third
Parties

- Third Parties may also file complaints

Members
of the
Same
Class

- Victims and Harassers can belong to the same class

Neutral Policies

Some employment policies or practices may exclude protected classes in significantly greater percentages than others. If business necessity exists for the practice and there is no equally effective alternative, the practice will be **lawful** despite its impact.

If there is not a business necessity for the practice or the business need could readily be met in a way that has less impact, the practice will be **unlawful**.

Neutral Policies

Fire Departments have a physical ability requirement of applicants being able to lift, carry, raise and lower a 45 pound weight a certain distance in 36 seconds.



“The employer must be able to demonstrate the need for its employees to meet these physical demands in order to fulfill the essential functions the job.”

Race/Color Discrimination

Title VII does not contain a definition of “race.”

Race discrimination includes discrimination on the basis of one’s ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features.

Color discrimination occurs when a person is discriminated against based on his/her skin pigmentation (lightness or darkness of the skin, complexion, shade or tone).

Religious Discrimination

Employers must reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship.

Accommodations may include:

- flexible scheduling
- voluntary substitutions or swaps
- job reassignments and lateral transfers
- modification of grooming requirements or other workplace practices, policies and/or procedures

Religious Accommodation

Religious Accommodation Policy

Implemented August 2018

University's process for responding to requests from students and employees for religious accommodations

Reasonable change in the work or academic environment that enables a student or employee to practice or otherwise observe a sincerely held religious practice or belief without undue hardship on the University.

Students should
request
accommodations
directly from instructor.

Employees should
request
accommodations
directly from
supervisor.

Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964.

Discrimination on the basis of pregnancy, child birth or related medical conditions constitutes unlawful sex discrimination.

Employees have the right to be free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to a reasonable accommodation to the known limitations related to pregnancy.

Pregnancy Discrimination

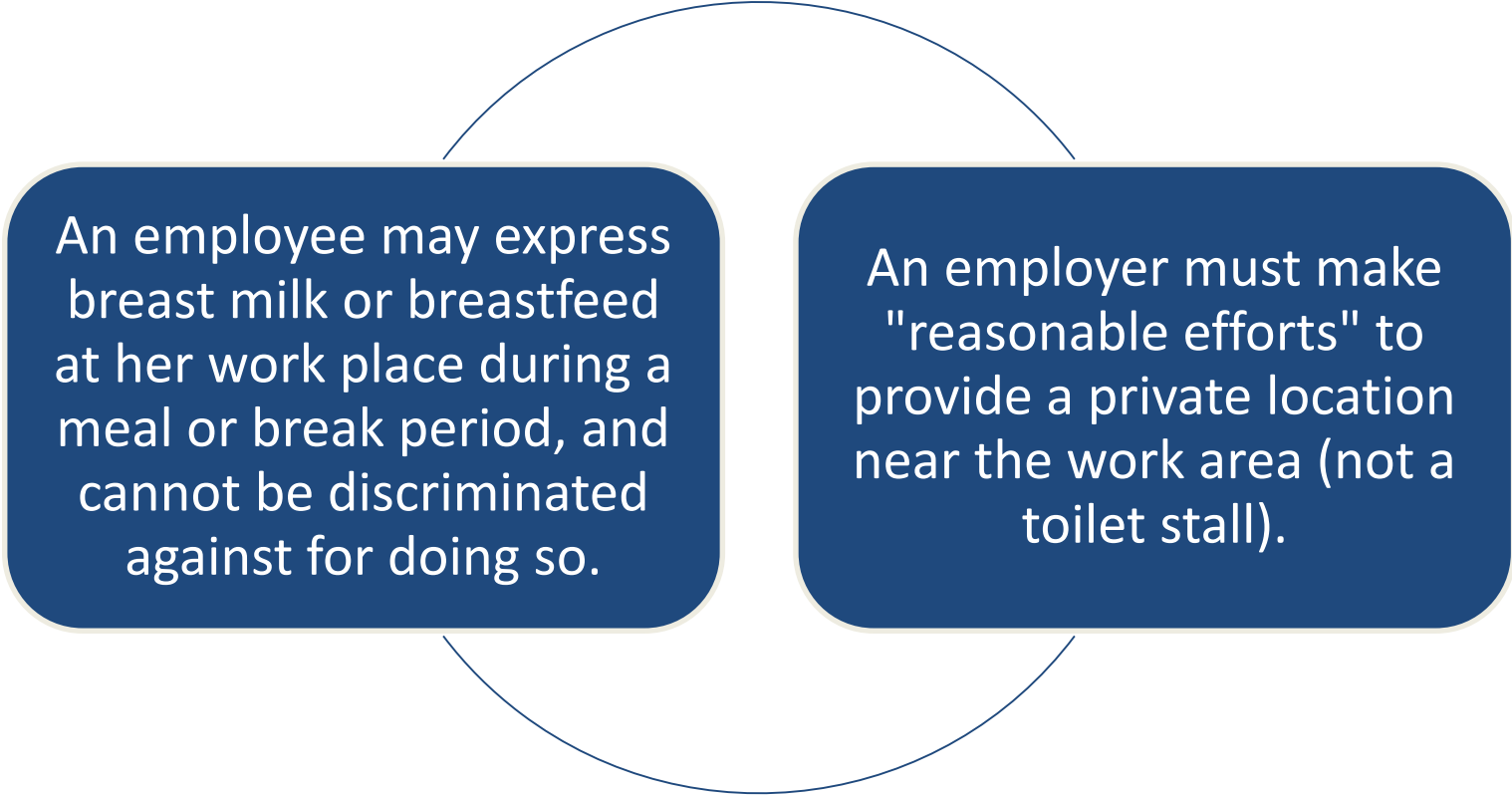
Pregnant employees must be treated the same as any other temporarily disabled person

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work.

Pregnant employees must be permitted to work as long as they are able to perform their jobs.

An employer 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.

CT Law Protects Breastfeeding



An employee may express breast milk or breastfeed at her work place during a meal or break period, and cannot be discriminated against for doing so.

An employer must make "reasonable efforts" to provide a private location near the work area (not a toilet stall).

Pregnancy And Breastfeeding Resources

Pregnant and Parenting Working Group

UConn Lactation Policy

- Effective December 2016
- Provides employees and students who are breastfeeding a private place and reasonable break time to express breast milk for their nursing child.
- Consistent with relevant laws and regulations regarding breastfeeding in the workplace.

Age Discrimination

The Age Discrimination in Employment Act generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements.

A job notice or advertisement may specify an age limit **only** in the rare circumstances where age is shown to be a “bona fide occupational qualification” reasonably necessary to the normal operation of the business.

Age Discrimination Act of 1975

Mandates that “no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity receiving [f]ederal financial assistance.”

Any University Official may raise a concern about a student’s access to or participation in any University program, service, or activity based on that student’s age to UConn’s Age Act Committee

When a concern is submitted, the Age Act Committee will gather facts, deliberate and issue a decision on the student’s access or participation

National Origin Discrimination

Treating someone less favorably because:

- They come from a particular place
- Of ethnicity or accent
- It is believed they have a particular ethnic background

National Origin Discrimination

ACCENT DISCRIMINATION

- An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance.

ENGLISH FLUENCY

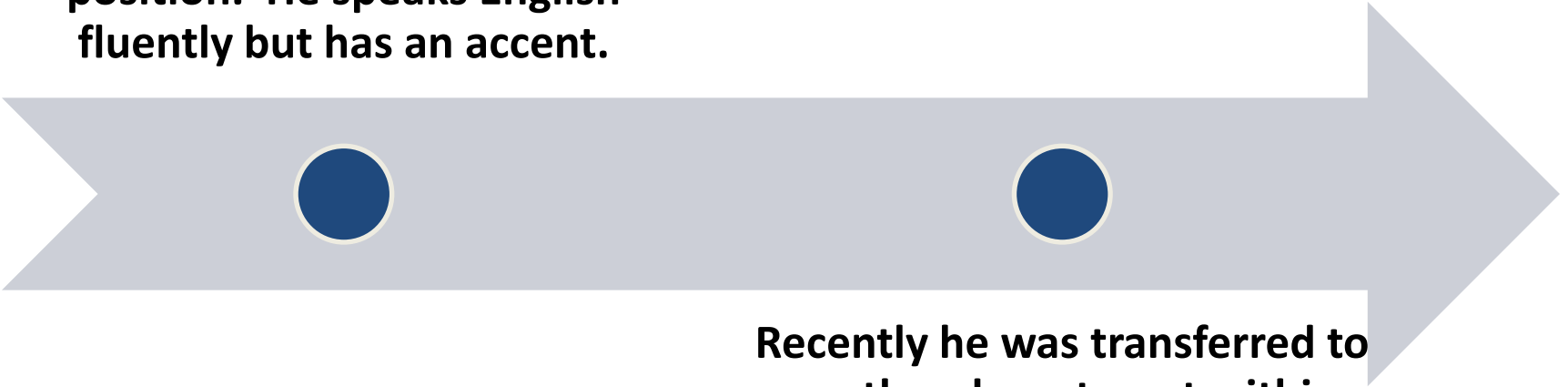
- A fluency requirement is only permissible if required for the effective performance of the position for which it is imposed.

SPEAK ENGLISH- ONLY RULES

- English only rules must be adopted for non-discriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business. (Limited application)

Consider This . . .

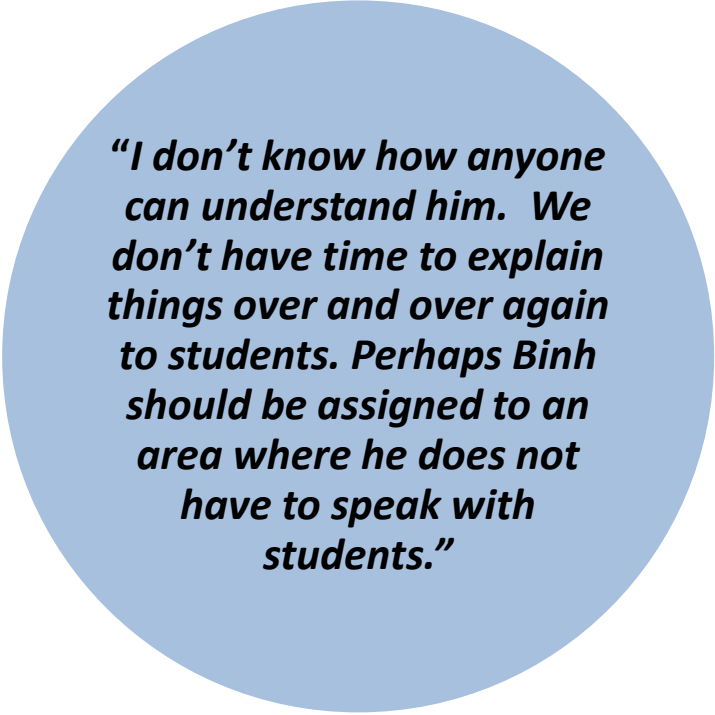
Binh, a Vietnamese American employee, has been working for the University for several years in an administrative position. He speaks English fluently but has an accent.



Recently he was transferred to another department within the University. Whenever Binh is assisting students, one of his co-workers runs over and “helps out” by answering the students’ questions.

Consider This . . .

At first, Binh thought his co-worker was trying to be helpful, but one day Binh overheard his co-worker tell the other staff:



"I don't know how anyone can understand him. We don't have time to explain things over and over again to students. Perhaps Binh should be assigned to an area where he does not have to speak with students."



What are the issues from each of the parties involved in this scenario?





What should be done to help Binh?



What should be done to help his co-worker?



Have you had similar experiences at your workplace? How was it handled?

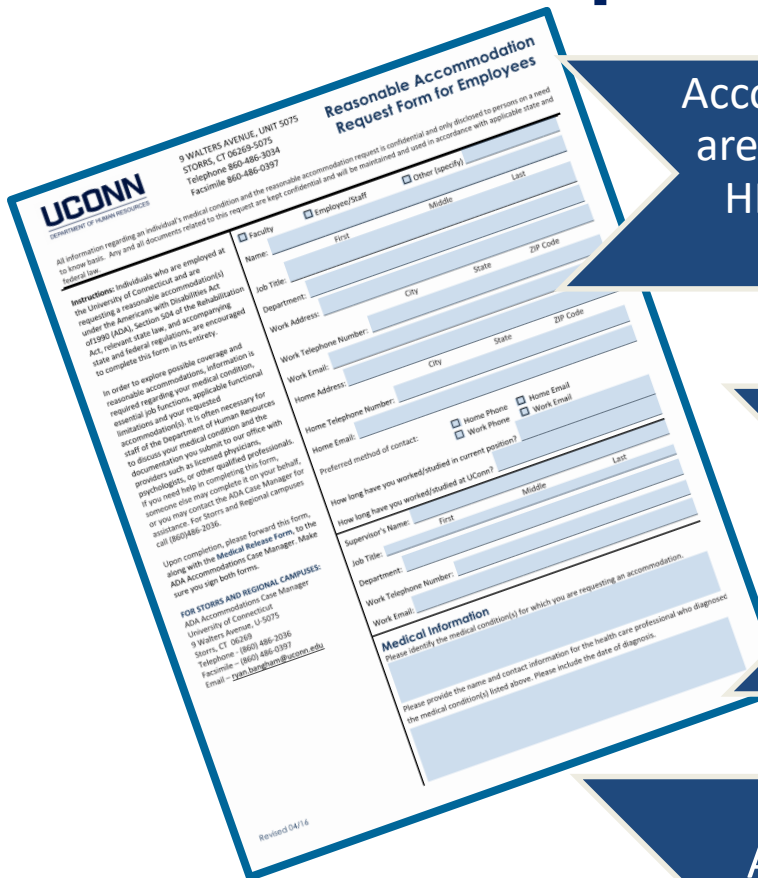
Disability Discrimination

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee.

An employer is not required to lower quality, production or conduct standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Requests for Reasonable Accommodations are explored on a case-by-case basis through an interactive process.

Workplace Accommodations



The image shows a 'Reasonable Accommodation Request Form for Employees' from the University of Connecticut (UConn). The form is titled 'Reasonable Accommodation Request Form for Employees' and includes the UConn logo. It contains sections for 'Instructions', 'Employee Information', 'Accommodation Request', and 'Medical Information'. The 'Employee Information' section includes fields for Name (First, Middle, Last), Job Title, Department, City, State, ZIP Code, Work Address, Work Telephone Number, Home Address, Home Telephone Number, Home Email, and Work Email. The 'Accommodation Request' section includes a 'Preferred method of contact' and a 'How long have you worked/studied at UConn?' field. The 'Medical Information' section includes a 'Supervisor's Name' and a 'Job Title' field. The form also includes a 'Medical Information' section with a 'Please provide the name and contact information for the health care professional who diagnosed the medical condition(s) listed above. Please include the date of diagnosis.' field. The form is dated 'Revised 04/16'.

Accommodations are reviewed by HR ADA Case Manager

Request Form and Authorization for Disclosure and Release of Medical Information Form

The HR ADA Case Manager will facilitate a discussion with the employee's manager to determine what is reasonable.

After interactive dialogue, HR ADA Case Manager assists to determine agreed upon accommodation(s).

Supervisor Best Practices

What to do upon receiving a request for an accommodation?

Contact HR ADA
Case Manager
for assistance

Ask for
clarification
from employee,
if needed

Act quickly
upon receiving
a request

Implement the
approved
accommodation

Maintain
communication
to ensure needs
are met

Animals on Campus Policy

Service Animals

- Any dog (or miniature horse) specifically trained to perform a task for the benefit of an individual with a disability
- Allowable in most spaces
- Prior permission not required but students residing on campus encouraged to contact Residential Life in advance; employees HR
- Service animals in training treated as pets under policy

Emotional Support Animals

- Any animal specifically designated by a qualified medical provider that alleviates one or more identified symptoms of an individual's disability
- Prior permission to bring into buildings or controlled spaces is required

Animals on Campus Policy

Inquiries about service animal are strictly limited. When the task or work a service animal provides is not obvious, only two questions are allowed:

1. Is the animal required because of a disability? (ask only if the disability is not visibly apparent)

2. What work or task has the animal been trained to do?

For questions or additional information contact OIE or refer to the Animals on Campus Policy and FAQ available through policy.uconn.edu

Animals in Clinical Areas

UConn Health welcomes service animals assisting people with disabilities.

Patients and visitors **are** allowed to bring service animals to all non-restricted areas without advance approval or authorization.

- Prior authorization required from appropriate medical staff for restricted areas.
- Some exceptions for service animals in training, emotional support animals, and inpatient visits by pets. - review the Animals in Clinical Areas Procedures for much more detailed information.

Animals in Clinical Areas

General Rules

- Handlers (or designee) must have full control of animal at all times.
- UConn Health reserves the right to remove animals under certain circumstances.
- UConn Health staff are not responsible for providing care for the animal. (such as walks, feeding)

UConn Health Prohibits Discrimination from Patients

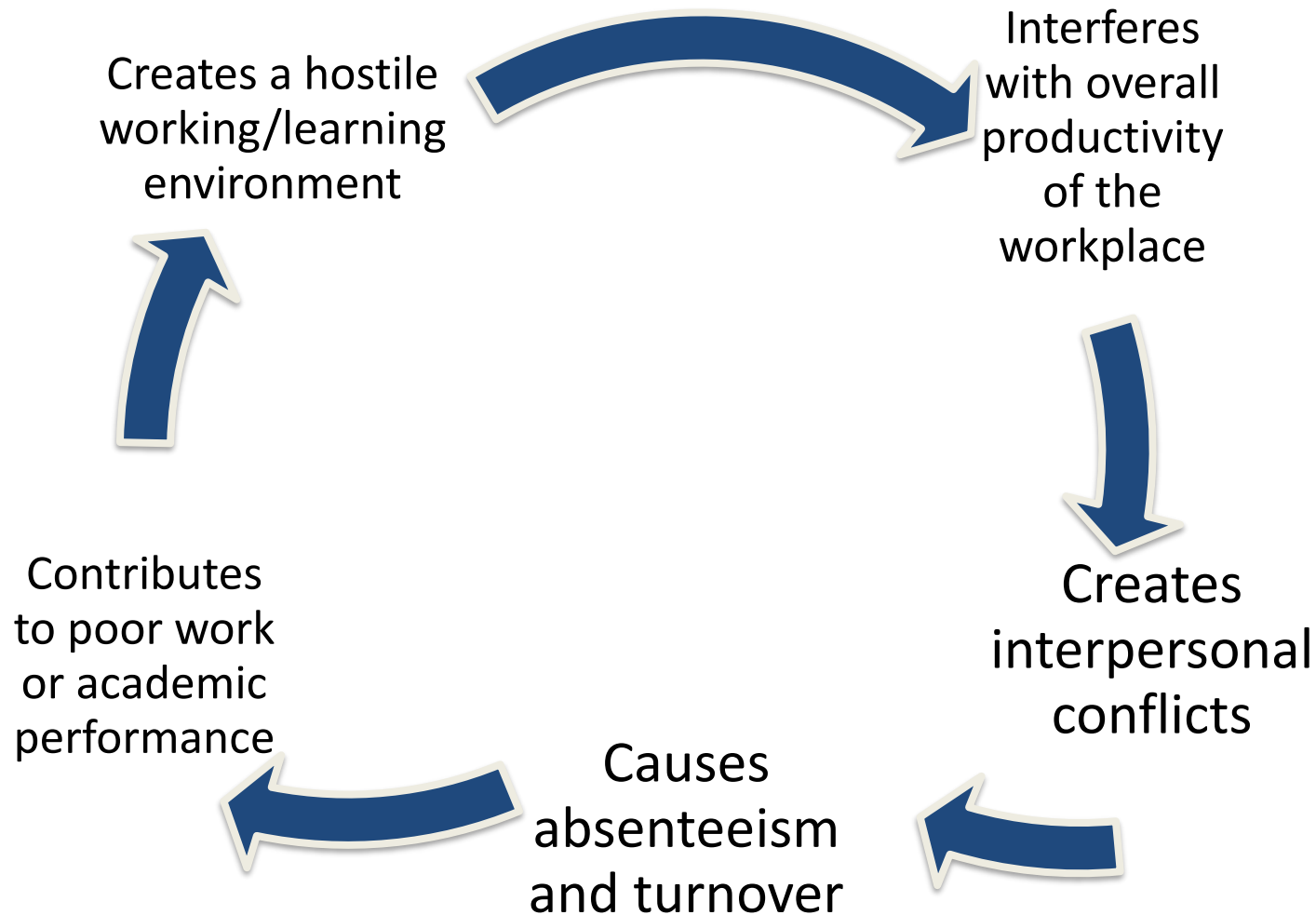
New
policy in
effect
2019

Employees are not
expected to tolerate
discrimination or
harassment in the
workplace from
patients.

Refer
instances
and
concerns to
your
supervisor.

Additional
information/training
upcoming in 2020.

Effects of Discrimination



Charge Statistics - Nationally

Equal
Employment
Opportunity
Commission
(EEOC)

Received A Total
of 72,675*
Charges
FY 2019

- 39,110 charges of **retaliation**
- 24,238 charges of **disability** discrimination
- 23,976 charges of **race** discrimination
- 23,532 charges of **sex-based** discrimination
- 15,573 charges of **age** discrimination
- 7,514 charges of **sexual harassment**
- 7,009 charges of **national origin** discrimination
- 3,415 charges of **color-based** discrimination
- 2,725 charges of **religious** discrimination
- 1,117 charges of **Equal Pay Act** discrimination
- 209 charges of **Genetic Information** discrimination

Retaliation for Protected Activity

An individual may not be fired, demoted, harassed or otherwise “retaliated” against for:

reporting or filing a charge of discrimination

participating in a discrimination proceeding

or otherwise opposing discrimination

“Any conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination.”
Burlington Northern v. White

Hate Crimes/Bias-Related Incidents

HATE CRIMES

Congress has defined, a hate crime as a “**criminal offense** against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin or sexual orientation.”

BIAS-RELATED INCIDENTS

Bias-related incidents are **non-criminal activities** that harm another because of that person’s race, national origin, age, ancestry, color, sex, gender identity or expression, sexual orientation, disability (physical or mental), religion, height, weight, marital status and veteran status.

Hate Crimes/Bias-Related Incidents

HATE CRIMES

Painting racial slurs on the side of a building

Assaulting another person because of perceived sexual orientation

Throwing a rock through someone's window while yelling derogatory comments about the person's religion

BIAS-RELATED INCIDENTS

Writing a racial epithet in erasable marker on someone's dry-erase board

Making fun of another person because of the person's language or accent

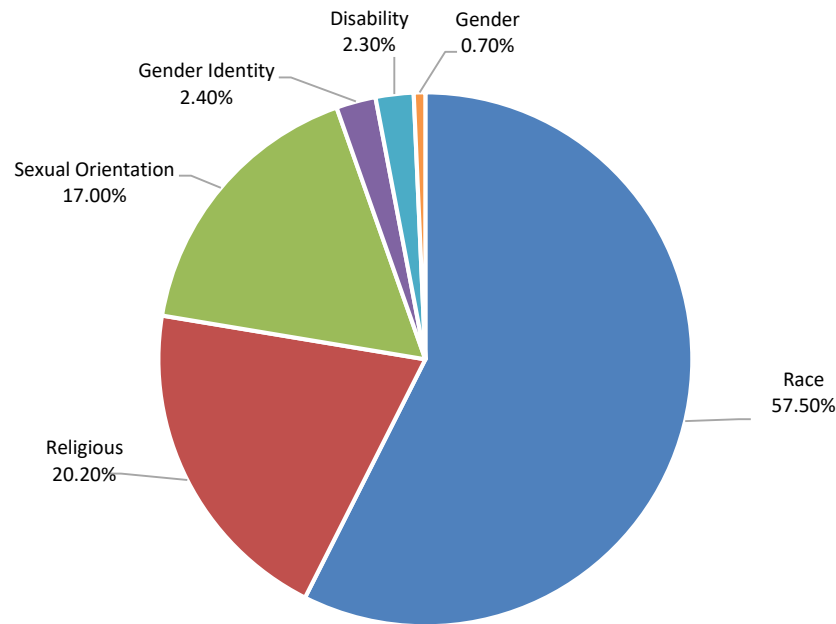
Making insulting comments about someone's traditional manner of dress or geographic origin

Hate Crimes Statistics - 2018

7,036 single-bias incidents reported to the United States Department of Justice Federal Bureau of Investigation (FBI).

81 in the State of Connecticut.

4 at UConn.
2 – Race
1 – Religious
1 – Sexual Orientation



Internal Reporting – Storrs/Regionals

Office of Institutional Equity

Claims by/against University employees

(860) 486-2943 – Case Management

equity@uconn.edu

UConn Police Department

911 – Emergencies

(860) 486-4800 - Routine calls

publicsafety.uconn.edu

University Compliance

(860) 486-2530

Internal Reporting – UConn Health

Office of Institutional Equity

Claims by/against University employees

(860) 679-3563 – Case Management

equity@uconn.edu

UConn Police Department

7777 or 911 – Emergencies

(860) 679-2121 - Routine calls

publicsafety.uconn.edu

University Compliance

(860) 679-3501

What You Can Expect If You File A Complaint



All complaints are taken seriously

Confidentiality is maintained to the extent possible
by law and consistent with adequate investigation

Prohibition of retaliation will be enforced

Other University Assistance Storrs/Regionals

- Department of Human Resources
(860) 486-3034
- Employee Assistance Program (EAP) (Confidential)
(860) 486-1307
- Union Representative (if applicable)

Other University Assistance – UConn Health

- Department of Human Resources
(860) 679-2426
- Employee Assistance Program (EAP) (Confidential)
(860) 679-2877
- Union Representative (if applicable)

External Reporting

Commission on Human Rights & Opportunities (CHRO)

450 Columbus Blvd., Hartford, CT 06106

(860) 541-3400 // (800) 477-5737

TTY: (860) 541-3459

Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building

475 Government Center, Boston, MA 02203

(617) 565-3200 // (800) 669-4000

TTY: (800) 669-6820

Office of Civil Rights (OCR)

U.S. Department of Education - Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW, Washington, DC 20202-1100

800-421-3481 // 202-453-6012 TDD: (800) 877-8339

Email: OCR@ed.gov

External Reporting

CHRO

(State)

- Formal written complaint filed within **300** days of the alleged discriminatory act.

EEOC

(Federal)

- Formal written complaint filed within **300** days of the alleged discriminatory act.

Consequences & Risks

Individuals who commit acts of discrimination may face disciplinary action (verbal counseling, letters of warning, suspension or termination).

Deans, Directors, Department Heads and Supervisors are obligated to report any discrimination, harassment or inappropriate amorous relationship to OIE as soon as it becomes known to them.

Individuals may face civil & criminal penalties.

Employees can be held personally liable if acting outside the scope of his/her employment.

Remedies Available

Verbal counseling

Letters of
warning

Suspension or
termination

Hiring, promotion
or reinstatement

Back pay

Front pay

Attorney's Fees

Punitive Damages
(\$ 1983 Claims)

Cease and desist
orders (injunctive
relief)

Compensatory
damages

Frequently Asked Questions

Will I lose my job if I file a complaint?

- No. Filing a complaint is protected activity. Firing you for doing so would be retaliation, which is prohibited by University policy.

Can I file an anonymous/confidential complaint?

- Yes, but it makes it difficult for OIE to investigate the concerns completely.

What if my supervisor is aware of the harassment and does nothing?

- Report the harassment to his/her supervisor and/or contact OIE.

What should I do if my supervisor is the one responsible for the harassment?

- Report the harassment to his/her supervisor and/or contact OIE.

What should I do if the behavior only happened once and there were no witnesses?

- Make notes of what happened and when, there may be a pattern of behavior. Call OIE.

Diversity Awareness Training

QUESTIONS??