

The Actors Conservatory

Understanding Harassment

Taken from: <https://www.fcc.gov/owd/anti-harassment-policies-and-procedures>

Note: references to employee may also equal student

Unlawful harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964 and other federal authority. Any person unlawfully discriminated against, as described in ORS 345.240, may file a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries. Unwelcome verbal or physical conduct based on race, color, religion, sex (whether or not of a sexual nature and including same-gender harassment and gender identity harassment), national origin, age (40 and over), disability (mental or physical), sexual orientation, or retaliation (sometimes collectively referred to as “legally protected characteristics”) constitutes harassment when:

- The conduct is sufficiently severe or pervasive to create a hostile work environment; or
- A supervisor’s harassing conduct results in a tangible change in an employee’s employment status or benefits (for example, demotion, termination, failure to promote, etc.).

Hostile work environment harassment occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or offensive work environment. Anyone in the workplace might commit this type of harassment– a management official, co-worker, or non-employee, such as a contractor, vendor or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

Examples of actions that may create sexual hostile environment harassment include:

- Leering, i.e., staring in a sexually suggestive manner
- Making offensive remarks about looks, clothing, body parts
- Touching in a way that may make an employee or student feel uncomfortable, such as patting, pinching or intentional brushing against another’s body
- Telling sexual or lewd jokes, hanging sexual posters, making sexual gestures, etc.
- Sending, forwarding or soliciting sexually suggestive letters, notes, emails, or images

Other actions which may result in hostile environment harassment, but are non-sexual in nature, include:

- Use of racially derogatory words, phrases, epithets
- Demonstrations of a racial or ethnic nature such as a use of gestures, pictures or drawings which would offend a particular racial or ethnic group
- Comments about an individual’s skin color or other racial/ethnic characteristics
- Making disparaging remarks about an individual’s gender that are not sexual in nature
- Negative comments about an employee’s religious beliefs (or lack of religious beliefs)
- Expressing negative stereotypes regarding an employee’s birthplace or ancestry
- Negative comments regarding an employee’s age when referring to employees 40 and over
- Derogatory or intimidating references to an employee’s mental or physical impairment

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A claim of harassment generally requires several elements, including:

- The complaining party must be a member of a statutorily protected class;
- The complaining party was subjected to unwelcome verbal or physical conduct related to his or her membership in that protected class;
- The unwelcome conduct complained of was based on his or her membership in that protected class;
- The unwelcome conduct affected his or her performance and/or created an intimidating, hostile or offensive environment.

What is Not Harassment?

The anti-discrimination statutes are not a general civility code. Thus, federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.

Reporting Harassment or Misconduct

Students who experience harassment or any other misconduct should report the incident or problem to the Director of Student Services, Erin Jackson and Managing Director, Karen Rathje. If a student, instructional staff member or other school personnel have been found to have engaged in discriminatory behavior, an official report will be kept in the employee's or student's file and will be required to meet with TAC management. If a second complaint is filed, the employee or student may risk termination or expulsion.