NOTES OUTLINE FOR ASSIGNED PAGES OF CHAPTER 6

I. RACIAL HARASSMENT
   a. ["hostile work environment" created when conduct regarding a protected category, like race or sex, is severe and pervasive so that it makes it more difficult than not to work in the environment if one is a member of the "target" race, gender, etc.]
   b. Managers must not condone nor permit such conduct as a "first defense" to liability for racial harassment
   c. Must take all racial harassment complaints seriously and conduct an investigation
   d. Take prompt corrective action if necessary after the investigation
   e. [refrain from and prevent retaliation against employees for raising concerns].
   f. Daniels p. 209
      i. Note how claims of negligence and other torts may accompany a harassment claim
      ii. Note employers' steps: did not prevent litigation, but reduces exposure to liability.
         1. include anti-harassment/discrimination clause in e-mail policy.
         2. discipline offenders.

II. Color discrimination
   a. "color" is protected category under Title VII
   b. Walker
      i. Personality conflict does not equal disparate treatment under Title VII
         1. [if you were the judge, what facts might have led you to decide in favor of the plaintiff in this case?]
         2. [Supervisors with personality conflicts with employees: Managers should take prompt and effective action to intervene and prevent adverse employment action that might be appear to be "illegal discrimination."]
3. [EEOC recently settled case of restaurant worker who was harassed by other African-American employees based on his dark skin color]

4. Patterson p. 213 was overturned by Civil Rights Act of 1991
   a. Performance of employment contract may be grounds for Section 1981 claim of racial discrimination

III. Management Tips
   a. Treat claims of racial discrimination and harassment as seriously as sexual harassment claims: act promptly, investigate fairly and thoroughly, and take effective action to correct situation.
   b. Avoid such claims with proper training and prompt intervention in upholding anti-harassment/discrimination policies