

# The Plus Of Us

Dynamic Diversity Training

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This book provides practical information concerning the subject matters covered. It is sold with the understanding that neither the publisher nor the author is rendering legal advice or other professional service. Some of the information provided in this publication contains a broad overview of federal and state law, which changes regularly. You should consult a competent attorney if you are in need of specific legal advice concerning any of the subjects addressed in this book.

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# Introduction

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***Educate your employees and supervisors to avoid behaviors that harass and discriminate even as you help them recognize how everyone benefits from a diverse, dynamic workforce.***

What if you woke up tomorrow and everyone looked just like you, acted just like you, ate the same foods as you,.... if everyone was essentially your clone? While the world might seem cool for a few minutes, within a very short period of time you would be bored stiff. Why? Because the monotony of sameness would strip your life of the adventure of difference..... the excitement of uniqueness.....the essential wonder of diversity.

Diversity isn't just a workplace buzzword or a legal requirement. It's an essential of an interesting life. Diversity introduces us to different perspectives and a greater variety of ideas about people, the world, and even the work we do. The fact is, the more diversity you have in your organization, the more information you have that enables you to relate to, and to better serve, your customers. Diversity is not just a fact of life; it is really the essence of life. Learning about the importance of diversity and how it effects your organization is just good business.

But how do you define diversity? Is it cultural? Based on ethnicity? Does it mostly apply to gender or religious beliefs, or can it also include other traits that define people as individuals?

The training you are going to conduct with this kit relates specifically to the way people who are different interact with each other in the workplace. Think about what makes your organization run: its people. Do they get along and appreciate each other's unique characteristics, or do they see their differences as a source of dissent and division?

Your employees are the energy of your organization. And you must keep that energy positive by creating policies and practices that encourage inclusion, acceptance, and positive relationships with co-workers. Even if your diversity policies are included in your employee handbook, taking the time to reinforce those policies will help employees understand that diversity is taken seriously..... it is critical to your organization to create a work environment in which all employees will feel appreciated, respected and valued.

# How to Conduct Training

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This manual is divided into two sections: Training for Supervisors and Training for Employees. Whichever group you are training, we suggest you begin with some of the included icebreakers to introduce the topic and to help your group focus.

The manual also contains a listing of the protected classes and several important definitions that you may wish to review with your supervisors. Keep in mind that understanding and respecting diversity is not only an important human concern, it is also a critical legal issue for your organization.

## Employee and Supervisor Videos

Play either the training video for supervisors or the training video for employees after your ice breakers. The Employee and Supervisor videos contain several brief vignettes that will give your employees and supervisors some diversity related situations to analyze and discuss. After each scene, you will see a screen that allows you to pause the video. Suggested discussion questions on each scene can be found in both the Employee and Supervisor sections of the manual. After the discussion questions, you may choose to return to the video where the video moderator will discuss the scene and some positive, proactive behaviors that can be employed to create a comfortable work environment for everyone.

Take an opportunity as well to go over your organization's EEO policy. You may call it a diversity or discrimination/harassment policy, but all of your employees need to be familiar with it. Make copies available as you review its content.

At the end of your training session, if you wish, you may choose to give your employees or supervisors the enclosed quiz based on what they've just learned. The quizzes are found at the end of both the Employee and Supervisor sections. Also, a training Certificate of Completion can be found in the Appendix of your manual that you may reproduce for participants their employee personnel files. You will also find in the Appendix a Sign-In attendance sheet for the session and a Training Assessment you may wish to give employees to assist you in gauging future training needs.

Finally, pass out to each employee a copy of the Take Home Tips that should serve as a training refresher on the important topics covered in the training. These forms can also be found, along with the Quizzes and Take-Home Tips for both supervisors and employees on the CDROM that is included with your kit.

## Full Court Pres

This video is a 18-minute "mini movie" that explores, as part of a workplace drama, the concepts of diversity, discrimination and harassment. You may choose to either incorporate the video into your training sessions or not, but this entertaining video will help your employees look at the concepts of diversity, discrimination and harassment in a different way. The Full Court Pres video removes the

“legalese” and simplifies difficult concepts while helping your employees understand why learning to appreciate diversity is good for the organization.

After the video, you will find a list of discussion questions in your Trainers manual that will help your employees focus on the issues raised by the video. You may choose to use these questions or you may prefer to simply open the floor and allow employees to talk freely about issues raised in the video. Be sure to communicate to employees and supervisors that they are safe to discuss candidly, although respectfully, their attitudes and questions about diversity.

## New Employee Orientation

You may wish to use *The Plus of Us* in orientation with new employees to communicate your company’s diversity and discrimination policies. By stressing the importance of inclusion and teamwork early, you help your new hires understand that you take the issue of respect in the workplace seriously.

*The Plus of Us* can easily be worked into your new employee orientation by using some or all of the available parts and it can be tailored to fit any timeframe. Whether you show the mini-film alone, just the vignettes, or decide to incorporate the ice breakers and quiz, *The Plus of Us* can help get your new hires off to a great start with their co-workers by helping them feel secure that they are coming to work in an organization that values and respects all employees.

This manual and all the forms in it are available on the included CD-ROM for your convenience. You may wish to customize the forms found in the appendix to suit your training needs.

# Suggested Session Schedules

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Whether you have hours to train or only 30 minutes, *The Plus of Us* can be customized to meet your needs, regardless of time constraints. Below are two lesson plan options for your training sessions. Of course, you know your people and your time limitations - feel free to use or omit whatever parts of this kit you feel will best accommodate your schedule and employees.

## Option 1 (Thirty minutes to an hour)

- Have all employees sign in on the attendance form provided in the appendix or use one of your own creation.
- You may or may not choose to open with the Icebreakers. If pressed for time, you may want to limit or even skip this exercise. Icebreakers are found in either the Employee or Supervisor section, depending on the group you are training.
- Show either the Employee or Supervisor video of the diversity training scenes (again, depending upon who you are training.)
- Using the discussion questions found in your training manual, lead a discussion on each diversity training scene when you see the “Pause and Discuss” screen in the video.
- For Supervisor Training: Consider reviewing some or all of the Important Definitions with your group, especially your supervisors, to ensure that everyone understands the critical terms that may be discussed. These are found on pages 13 and 14 of your training manual.
- Go over your organization’s policies on diversity/discrimination/harassment. Consider passing copies out to participant.
- Give each employee a copy of the Take Home Tips (included in your training manual).
- Have participants take the quiz included in the manual. You may choose to either go over the answers after the quiz is completed or collect the quizzes for your own assessment and/or employees’ files.
  - Preserve a few minutes for a short Q&A to ensure that participants that all of their important questions have been addressed, if possible. If you don’t have an answer, let the participant know you will check on it and get back to him or her with a response.
- Have each employee sign the Acknowledgment form found in the appendix. The acknowledgment should be kept in the employee’s personnel file.
- You may wish at this time to have your participants fill out the training assessment form included in the manual to help you assess future training needs.

- Thank your participants for coming and for their willingness to learn about the important topic of diversity. Pass out the Training Certificates to everyone who has completed the session. Remind them that if they have any issues or questions about anything covered in the training, they are welcome to speak with HR (or their supervisor).

## Option 2 (90 minutes – 2 hours)

- Have all participants sign in with the attendance form provided in the appendix or choose to create your own form.
- Open with the icebreakers in either the Employee or Supervisor section, depending on the group you are training.
- Show the video “Full Court Pres”.
- Using the discussion questions found in your training manual, lead a discussion on the important learning points of the video with your trainees. You will see pause points throughout the video where you can stop the DVD and discuss until you are ready to move on.
- Consider reviewing some or all of the Important Definitions with your group, especially your supervisors, to ensure that everyone understands the critical terms that may be discussed. These are found on pages 13 and 14 of your training manual.
- Show either the Employee or Supervisor version of the training discs (again, depending upon who you are training.)
- Using the discussion questions found in your training manual, lead a discussion on each diversity training scene when you see the “Pause and Discuss” screen in the video.
- Go over your organization’s policies on diversity/discrimination/harassment. Consider passing copies out to each participant.
- Give each employee a copy of the Take Home Tips (included in your training manual).
- Have participants take the quiz included in the manual. You may choose to either go over the answers after the quiz is completed or collect the quizzes for your own assessment and/or employees’ files.
  - Preserve a few minutes for a short Q&A to ensure that all of the important questions raised by participants have been addressed, if possible. If you don’t have an answer, let the participant know you will check on it and get back to him or her with a response.
- Have each employee sign the Acknowledgment form found in the appendix. The acknowledgment should be kept in the employee’s personnel file.

- You may wish at this time to have your participants fill out the training assessment form included in the manual to help you assess future training needs.
- Thank your participants for coming and for their willingness to learn about the important topic of diversity. Pass out the Training Certificates to everyone who has completed the session. Remind them that if they have any issues or questions about anything covered in the training, they are welcome to speak with HR (or their supervisor).

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# Ice Breakers

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You may find it helpful to use an ice breaker or two with your groups to focus them on the topic of diversity. Here are some questions you can ask at the beginning of your training session to stimulate discussion.

- ☐ Whose favorite kind of food is Italian? Whose favorite kind of food is Mexican? Chinese? Thai? Indian? Other? What if all the restaurants that served your favorite kind of food left town? *(Wait for a show of hands after each question or consider writing them on a white board)*

What if, in fact, all the restaurants in town left except for one, and it only served one kind of food?

Variety, *diversity*, is a good thing. We're surrounded by it every day, almost to the point that we sometimes don't even think about it, until there's conflict, or until we miss it.

- ☐ Ask participants to think of a time when they saw a friend or acquaintance being picked on or made fun of because they didn't fit in. Or maybe some of your participants have experienced that first hand. If they feel comfortable, ask them to briefly share or describe the situation. Ask participants to think about the following:
  - How did the person who was the target of the teasing react?
  - How did they feel when they witnessed the teasing?
  - Why do they think the person doing the teasing decided to do it?

**For Supervisors** (in addition to the above activities)

- ☐ Embracing diversity is not only the right thing to do in the workplace, it can have legal ramifications if people feel they are being discriminated against. What are the legally protected classes? Why do you think Congress decided to pass a law identifying protected classes of people? *(Write these on a white board or easel if available. Refer to page 16 of your trainers guide for a list of protected classes.)*

# Training Preparation

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## Training Checklist

As you prepare to train on the topics of diversity, discrimination, and harassment, please give some consideration to the following pretraining checklist:

- Have you chosen a location of adequate size and comfort to accommodate your training class?
- Have you checked your TV monitor and DVD player to ensure they are working properly?
- Will all training participants be able to see the TV and hear the audio?
- Do you have sufficient copies of your organization's EEO/discrimination and harassment policies to distribute for discussion?
- Do you have the Training Attendance Sheet (available in the appendix, page 65) ready for participant sign in?
- Have you prepared sufficient copies of the **Take Home Tips** (available on page 33 and 59) for participants?
- Have you scheduled sufficient time for your training session, including employee discussion?

## Training Introduction

1. Will your CEO or another officer be involved in introducing the training? If so, ask them to emphasize (a) respect for diversity in the workplace, and (b) that following your EEO and discrimination and harassment policies is critical to the success of your organization.
2. Support from the top of your organization is critical to help participants understand that diversity training is crucial to the long-term well-being of your business.
3. Training goals for your session may, among others, include:
  - Understanding what the term “**diversity**” means
  - Understanding why it's important for everyone in your organization to **respect** diversity at work

- Understanding and discussing your organization's **EEO/discrimination and harassment policies**
- Understanding the types of conduct that may violate your policies
- Understanding how and why people **discriminate** against, or **harass**, others based on personal characteristics
- Understanding and identifying the types of **positive behaviors** that:
  - exhibit respect for personal differences, and
  - comply with your organization's EEO policies.

## Important Diversity Related Terms and Concepts

Set forth below are some important diversity related terms and concepts that are explored in both the video "Full Court Pres" and in the accompanying training vignettes. Draw upon these definitions if training participants need assistance in understanding the critical terms and concepts addressed in the video, vignettes, or in your discussions.

- **Adverse employment action:** Negative changes to a person's employment circumstances due to an act of discrimination, harassment, or retaliation, (e.g., typically a material change in employment such as a demotion, loss of a promotion, discharge, etc.). The adverse action must be more than a mere inconvenience or minor disruption in the workplace and it must actually interfere with the person's employment relationship.
- **Age discrimination or harassment:** Illegal discrimination or harassment based on the person's age. Under federal law, the person must be 40 years of age or older. State civil rights laws may prohibit discrimination at a younger age.
- **Disability discrimination or harassment:** Illegal discrimination or harassment based on a substantial physical or mental impairment despite the fact that the person is qualified and able to perform the essential duties of the position, with or without a reasonable accommodation. A person with a disability has a substantial limitation of a major life activity when compared to an average person in the general population. Disabling conditions in remission are also covered. Major life activities include, among others, walking, talking, standing, seeing, hearing, lifting, speaking, reading, breathing, thinking, caring for oneself, learning, and working.
- **Discrimination:** Treating another employee less favorably in a term or condition of employment because of that person's protected class standing.
- **Diversity:** Diversity refers to all of the personal differences that make each employee unique. Diverse personal characteristics can include race, national origin, gender, age, disability, color,

religions and other legally protected classes as well as a wide variety of other unique personal characteristics such as a person's size, shape, sense of humor, or even differences such as hobbies, dress and food preferences.

- **Gender discrimination or harassment:** Illegal discrimination or harassment based upon a person's sex.
- **Harassment:** Creating a hostile, offensive, or abusive work environment and/or adversely affecting the terms and conditions of another person's employment by severe or pervasive and unwelcome verbal, physical, or visual conduct based on the person's protected class standing. Generally, a single verbal or visual affront is not considered harassment.
- **National origin discrimination or harassment:** Illegal discrimination or harassment based on a person's (or his/her ancestors') country of origin, including the physical characteristics, customs, language, and cultural practices common to the country of origin.
- **Race, color, or ethnic discrimination or harassment:** Illegal discrimination based on a person's race, color, or ethnicity. The wrongful conduct must be motivated "because of" the person's race, skin color, or ethnicity.
- **Reasonable person:** Fictitious standard created by the courts and agencies evaluate the severity and pervasiveness of alleged harassing conduct. As an example, in order for conduct toward a woman to be considered sexual harassment, the unwelcome sex-based conduct must generally be considered hostile and offensive to an objective "reasonable woman" (i.e., a fictitious reasonable woman created by the courts) as well as to the actual person victimized by the alleged harassment.
- **Retaliation:** Action taken that adversely affects a term or condition of employment because the person previously exercised a protected right by reporting a policy violation or illegal act or because the person participated in an investigation or complaint on behalf of another employee. Material employment action taken that would adversely impact employment or that would reasonably tend to "chill" the affected employee's interest in reporting acts of harassment or discrimination or from participating in an investigation of such conduct.
- **Severe and pervasive harassment:** Unwelcome conduct that is ongoing, substantial, and/or repetitive as opposed to isolated, infrequent or mild.
- **Sexual orientation and gender identity discrimination or harassment:** Discrimination or harassment based on a person's attraction to the same or opposite sex or the actual or perceived appearance, expression, identity or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
- **Totality of the circumstances:** Test used by the courts and agencies to determine if alleged harassing conduct is truly severe or pervasive. Requires the fact finder to examine all of the relevant circumstances to determine if the conduct is truly illegal or perhaps just unprofessional.

- **Unwelcome conduct:** Conduct that is unwanted - not condoned or accepted by another person - and which creates a hostile, offensive, or abusive work environment for the person.

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# Protected Classes

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When training your supervisors, you may choose to include mention of the legally protected classes. In the context of diversity, harassment, discrimination or retaliation based on any of these conditions could be a recipe for legal action against the company, and in some cases, against an individual supervisor.

Title VII prohibits discrimination on account of:

- Race or Color
- National Origin
- Sex or Gender
- Religion
- Pregnancy

In addition, some states have laws that also protect employees from discrimination on the basis of sexual orientation and/or gender identity.

The *Age Discrimination in Employment Act* (ADEA) protects individuals who are 40 years of age or older.

The *Americans with Disabilities Act* (ADA) is a federal law that prohibits discrimination against employees on the basis of disability. In this case, disability covers any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

# The Plus Of Us

Dynamic Diversity Training

Employee Section

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# Vignettes Discussion Questions

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The training vignettes focus on real life diversity related situations that illustrate how exclusionary, disrespectful, and unprofessional behaviors can violate your organizational policies and even the law.

Stop the DVD at the **Pause and Discuss** section of each vignette. Ask your training participants to focus not only on the problems raised by the vignette but also on some simple proactive behaviors that could have been used in the vignette to:

- Understand and accept personal differences
- Avoid discriminatory, harassing, and exclusionary conduct at work
- Promote a positive work environment for all employees
- Better understand the needs of your diverse customers

*The Moderator will discuss some suggested positive behaviors after the “Pause and Discuss” section of each vignette.*

## Vignette #1: Fragrance Flirtation

**Question #1:** Is this sexual harassment?

- Same-sex harassment is just as illegal as opposite sex harassment.
- Generally, a single offensive act or statement is insufficient to create a hostile work environment. However, a single physical touch might create a hostile work environment, depending on the circumstances.
- Here, the coworker was clearly offended by the touch. We don't know if she would claim this single touch actually made her work environment hostile. However, if the conduct was repeated or if Sally engaged in other sexually hostile conduct, it is possible that same-sex harassment might be a concern.

**Question #2:** Could this conduct be considered a violation of our workplace policies?

- Review your EEO policies on sexual harassment, including any definitions of improper conduct, such as physical touching.
- Help employees understand that any offensive and unwelcome physical conduct could become a sexual harassment problem.

**Question #3:** If Sally wanted to comment about the perfume Mayte was wearing, how could she have handled the situation in a more professional manner?

- She could have asked to see the bottle, or she might have asked Mayte to write down the name of the brand.
- She should have thought, in advance, about how her touching conduct might be perceived by Mayte or by a reasonable third party witnessing her conduct.

## Vignette #2: Generational Partners?

**Question #1:** Does this scene illustrate evidence of age discrimination or harassment?

- Age discrimination occurs when a person is denied an employment opportunity or suffers an adverse term or condition of employment based on that person's age (over 40 under the federal Age Discrimination in Employment Act (ADEA)).
- It might be argued that Trent, the younger employee, was "harassing" Bob because his statements implied that Bob was too old to:
  - relate to young kids;
  - know how to use the latest communications technology; or
  - be available at all times because of his elder care duties in the evenings.
- Trent's comments were certainly a "putdown" of Bob and he was not being inclusive and respectful.

**Question #2:** Is there any evidence of disability discrimination or harassment?

- Individuals can be victims of discrimination or harassment based on protected class standing even if they are not members of a protected class if they suffer discrimination or harassment because they are "associated" with a protected class member.
- Here, Bob said that he would have to juggle his time because he needed to care for his disabled mother outside of normal working hours. If he is denied an employment opportunity because of his need to care for a disabled person, he may be a victim of disability discrimination.

**Question #3:** How could Trent have better handled this situation?

- Trent should have been more respectful toward Bob. He should avoid statements tending to stereotype older employees like Bob as being unable to relate to younger people or as out of touch with the latest technology.
- Even if Trent had concerns about Bob leading the project, he could have spoken with the supervisor individually rather than embarrassing Bob in the meeting.

### Vignette #3: Culture ‘n Cuisine

**Question #1:** Is Todd’s conduct evidence of race or national origin discrimination or harassment?

- Race discrimination is treating another employee less favorably in a term or condition of employment based on ethnicity or race.
- National origin discrimination is treating another employee less favorably in a term or condition of employment based on their or their ancestor’s country of origin.
- Harassment is creating an offensive or hostile work environment for another employee based on that person’s protected class standing, such as race or national origin, by making the person the target of unwelcome conduct that is severe or ongoing. A “reasonable person test” would be used to assess whether Todd’s conduct was harassing under the circumstances.
- Todd’s hostile conduct toward Kai was apparently based on Kai’s preference for sushi . . . a food preference some might argue is associated with his race or national origin.

**Question #2:** Do you think Todd handled the situation well even if he simply didn’t like Kai’s lunch choices?

- Clearly, Todd was being exclusionary. Though he didn’t refer to Kai’s race or national origin, he rejected Kai in a way that might create an inference of racial or national origin bias.
- Remember that choices in food, music, clothing, language, and other cultural identifiers can often be tied to a person’s race or national origin. As such, think about how your comments about these lifestyle choices will be perceived by others. Statements that are critical and demeaning could lead to discrimination or harassment concerns.

## Vignette #4: Welcome to My Bad Day!

**Question #1:** What protected class is the subject of this vignette?

- Disability discrimination or harassment. Discrimination based on disability can occur if a qualified person with a substantially limiting impairment who is able to do the essential duties, with or without reasonable accommodations is treated less favorably or is subjected to a hostile or offensive work environment because of his or her condition.
- George knew about Sam's back condition and the reason he was assigned to the seated station. Nonetheless, he hassled Sam about his condition and his sitting accommodation. If George's conduct was repetitive and if both Sam and a reasonable person would find it hostile and offensive, we could have a disability harassment problem.

**Question #2:** When George went after Sam, what did the coworker, Rico, do?

- Nothing . . . Rico just smiled. He shouldn't have stood by idly as George started to harass Sam. Either he should have asked George to stop or she should have considered reporting the probable policy violation to a supervisor.

**Question #3:** According to EEO policies, how should this situation have been handled?

- George shouldn't give Sam a hard time when he knows that he may have a disability that requires him to sit down.
- Rico shouldn't have stood by idly as George started to harass Sam. Either he should have asked George to stop or he should have considered reporting the disrespectful conduct to his supervisor. Our policies prohibit harassing conduct, and employees are urged to report it if it is observed.

## Vignette #5: "Golf Anyone?"

**Question #1:** How did the other employees treat Kai when he identified his religious conflict with the department golf outing?

- They essentially ignored his religious concerns.
- They made fun of him for his unwillingness to participate.
- They were not respectful of his sincerely held religious beliefs.

**Question #2:** Could the coworkers' conduct be considered harassment?

- If their conduct was severe, repetitive, and unwelcome, it might be considered harassment if Kai's work environment became hostile and offensive due to their actions.
- At the very least, the conduct of the coworkers was exclusionary and disrespectful.
- One employee's comments could have also been interpreted as demeaning based on national origin (*i.e.*, "your people . . .").

**Question #3:** How could this situation have been handled more respectfully?

- The coworkers could have been respectful of Kai's concerns and helped him consider options to possibly resolve his conflict.

### **Vignette #6: "Service with a Smile"**

**Question #1:** Was the outside vendor representative, Mark, engaging in sexually harassing conduct?

- His words weren't clearly sexual but the context and manner of delivery implied a sexual meaning as did Sally's response to him. Clearly, Sally was not offended by the conduct, but her coworker was upset.
- If his conduct was repetitive and severe, Mark might be harassing Alicia, who was a third party to his statements.

**Question #2:** How should this situation have been handled to avoid any possible harassment concerns?

- Both Mark and Sally should keep their comments and conduct professional and appropriate to the work setting.
- Both the outside vendor and employee should be aware of their surroundings to avoid any sexual statements or conduct that might be offensive to others.

### **Vignette #7: Bindis and Bangles**

**Question #1:** Do the comments of the two females at the end of this scene raise any possible discrimination concerns?

- The protected classes of race, religion, and national origin might be implicated by the negative personal appearance comments.
- If comments of this variety were repetitive, and possibly accompanied by other demeaning conduct, harassment could be a concern.

**Question #2:** How could the possible discrimination or harassment concerns presented by this scene be avoided?

- Employees shouldn't make fun of the physical appearance of other employees at work.
- Employees should always be respectful about dress or appearance issues at work even if they dislike the fashion choices of another employee.
- Employees should consider "trading places" with the coworker they are about to criticize. None of us wants to be demeaned based on our unique personal characteristics, such as dress, appearance, or our membership in a protected class.

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# ***Full Court Pres* Discussion Questions**

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## **Suggested Questions & Answers**

Set forth below are several questions (with suggested answers) drawn from the video *Full Court Pres* that you may wish to discuss with your training participants. Feel free to choose those questions you feel are most relevant to your training goals:

**Was it a valid excuse for him to call his Latina coworker, Maria Gonzales, a discriminatory name because he was under stress on a project? Can stress or any other reason ever be an excuse for violating your organization’s discrimination and harassment policies?**

No. The policies of Mitch’s company (and our organization) do not tolerate discrimination and harassment for any reason (i.e., “zero” tolerance). Work pressures or any other reasons can never excuse harassing or discriminatory behaviors.

**What did Mitch say about whether Maria was a good team member? How was his use of the term “they” inappropriate?**

Mitch didn’t think Maria “fit” in the team. He used the term “they” to label and stereotype

Maria and other Latino employees based on race and national origin characteristics such as language and customs. The term “they” is exclusionary (contrast with the term “we”). The term tends to label a group of employees as not accepted and somehow less than adequate based on their ethnic, cultural, or other protected class characteristics.

**How did Mr. Preston respond when Mitch referred to the Latino employees as “they”?**

He emphasized that the company’s Latino employees were highly valued. He pointed out Mitch’s inappropriate use of the terms “we/they” by emphasizing the many similar characteristics that all ethnic and national origin groups share.

**Under our company’s discrimination and harassment policies, is it an excuse if a discriminatory comment is not directly made to the employee to whom it refers? Is it OK if the person doesn’t hear it, even if another person does?**

No. Even if the person who is the target of the disrespectful comment doesn’t hear it, it is still wrong and in violation of EEO policies to make disparaging comments about any employee, including anyone in a protected class. And the fact is, you can’t be sure how the people who hear your comment feel about it. They may be offended even if the comment isn’t about them.

**What did Mr. Preston claim was the problem with the religious cartoon that was passed around the office?**

It violated the company's discrimination and harassment policies and computer/e-mail policies by circulating demeaning material based on religion. Freedom of religion and respect for diverse religions are protected under the U.S. Constitution and under federal and state EEO laws.

**What do our EEO policies say about harassment and discrimination against disabled employees? (Reference Bill, the gentleman in the wheelchair in the video, or Mike, the man who worked in the grocery store.)**

Read through your EEO/diversity policy with your training participants. Point out that ALL types of discrimination, harassment, and disrespectful conduct against protected class employees/any employees are prohibited by your policy.

**Why did Mr. Preston's company change its discrimination and harassment policy to protect employees based on sexual orientation?**

His company didn't want any of its employees to feel less than adequate based on their personal characteristics.

**Why did Mr. Preston feel that all employees should be protected against harassment?**

Because he knew that employees can't do their jobs or feel good about themselves if they are targets of hatred and disrespect at work.

**When Mitch told Mr. Preston that he didn't know much about other religions and didn't care about them, how did Preston respond?**

He pointed out to Mitch that, when we are ignorant about something, we tend to push it away and put it down because it makes us feel uncomfortable. Similarly, many people discriminate or harass because they don't know much about people who are different from themselves and they feel uncomfortable with differences.

**How was Mr. Preston able to get Mitch to understand that he was prejudiced against others who were different from himself?**

Mr. Preston helped Mitch see how his biased attitudes might be affecting his young nephew, Brian and how he might be teaching Brian hatred and prejudice.

**Do you believe hatred and discrimination are learned behaviors? If so, what have you seen or experienced that would confirm that belief?**

Allow employees to share their personal experiences and observations on the topic of discrimination. If necessary, point out how little children of different races, who are “ignorant” of the bias and prejudice in the world, will laugh and play together without a problem.

**What happened to the older female employee in the video who returned to work after her first retirement?**

She was the victim of age discrimination and harassment by younger employees.

**What did her manager do when she complained to him about the harassment?**

Nothing. ALL employees are expected to report or take other action to stop harassing behavior, but this supervisor ignored the wrongful conduct.

**Why did Mr. Preston call employment exclusion, discrimination, and harassment “workplace cancers”?**

Mr. Preston called the behaviors “cancers” because they:

- inhibit the ability of an organization to recruit and retain good employees;
- damage employee productivity and morale;
- hurt the credibility of an organization in public;
- cause legal problems; and
- harm a company's business.

**What did Mr. Preston say could happen to Mitch and the company if Mitch continued his wrongful discriminatory and disrespectful conduct?**

Mitch could lose his job, and both he and the company might end up in a lawsuit.

**When Mitch asked Mr. Preston why he took the time to meet with him instead of just firing him, referring to himself as a “nobody,” what did Mr. Preston say?**

Mr. Preston told Mitch that he was a “somebody.” In fact, every employee at the company was a somebody — a person of value. He emphasized that we all need to give respect, dignity, and inclusion to others if we expect to receive dignity, respect, and inclusion from others.

**What happened to Mr. Preston early in his career that caused him to change how he was treating other employees?**

The president of the company pointed out to him that his disrespectful conduct was not only hurting other employees and the company but it was also hurting him as an individual.

**What was the common lesson that both Mr. Preston and Mitch O'Rourke learned?**

Both men learned to follow the law and to treat their fellow employees with respect and dignity ... to embrace personal differences even while appreciating personal similarities.

PREVIEW ONLY

# Training Wrap Up and Summary

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- ☐ Take the final few minutes of your training session to discuss the summary points made by the moderator describing the proactive, positive behaviors that employees can use to (a) avoid discriminatory and harassing behaviors and (b) promote inclusiveness and acceptance in the workplace such as:

**Follow the “Golden Rule”:**

Treat others as you wish to be treated at work.

**Listen first, speak second:**

Listen to the needs of others before talking about your own.

**Search for common ground:**

Search for common interests and understanding, not for differences.

**Include, don’t exclude:**

Reach out to others at work, don’t push them away.

**Exhibit goodwill, not just your own will:**

Be willing to accept and help others.

**Never touch others or joke about physical appearance:**

Trade places with coworkers before you criticize and keep your conduct professional.

**Don’t tolerate intolerance:**

Stop or report intolerant behavior: Don’t condone it or accept it.

- ☐ If you wish, hand out the quiz found on page 29. Allow enough time for your trainees to complete the quiz, which they may then give to you. If a trainee fails to answer at least 80 percent of the questions correctly, you may ask him or her to do some refresher training and retake the quiz or you may simply choose to discuss the answers during your training session.
- ☐ Hand out the Take Home Tips for Employees. Remind the participants that it is theirs to keep. Encourage them to review it and to keep it and your organization’s EEO policies handy for reference if they have diversity related questions. Let them know that HR (or designate the appropriate person) is always available to them to respond to any diversity related issue.
- ☐ Ensure that everyone has signed the Training Sign In sheet.
- ☐ Thank them enthusiastically for their interest and participation in the training session!

# Employee Training Quiz

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Please take a few moments to read the following questions which review the training you have received on diversity. Please choose the answer you feel most accurately responds to the question asked, in light of the training information you have received:

**1. Use of the term “diversity” in the work setting can be best defined as:**

- a) The process used to choose the best people for each position
- b) The different personal characteristics that make people unique
- c) The standards imposed by the government to tax employee wages

**2. Under our organization’s EEO policies, it is never permissible to do which of the following?**

- a) Compliment another employee on appearance
- b) Express concerns to another employee based on performance
- c) Make demeaning and disrespectful statements about another employee based on protected class status

**3. In the work setting, use of the term “they” may be inappropriate if:**

- a) It is used to refer to an outside vendor or material supplier
- b) It is used to exclude and label other employees based on protected personal characteristics
- c) It is used to refer to another department or section of the organization

**4. The main purpose of EEO policies and encouraging workforce diversity is to:**

- a) Ensure that all employees have the opportunity to offer their unique skills and talents in an environment that treats everyone with dignity and respect
- b) Make sure that our managers don’t waste valuable time reprimanding employees about improper behaviors
- c) Avoid adverse publicity and lawsuits

**5. Which of the following actions is inappropriate?**

- a) Sending an e-mail to another employee expressing concerns about how that employee spoke to you in a recent meeting
- b) Writing an e-mail that questioned the responsiveness of an outside vendor on a work project
- c) Forwarding a joke, cartoon, or other material that is demeaning and disrespectful about another employee, including anyone who is a member of a protected class

**6. If you are a victim of discriminatory or harassing conduct or you witness such conduct at work, you should:**

- a) Try to ignore it and hope that the other person stops the conduct
- b) Give some of the same conduct back to the other person to show them why it is wrong
- c) Tell the person to stop the conduct and/or report it to a supervisor or manager immediately

**7. Which of the following questions is NOT the best way to determine if your conduct or statements might be offensive or rude to another employee?**

- a) If I do this or say this, will the other person report me, or can I get away with it?
- b) If I do this or say this, would a reasonable person find my conduct to be offensive or hostile?
- c) If I do this or say this, would I want to be treated in the same manner?

**8. Why are exclusion, discrimination and harassment harmful in the workplace?**

- a) Such conduct hurts productivity and morale
- b) Such conduct can cause legal problems
- c) None of the above
- d) Both A&B

**9. If another employee's appearance, accent, or other personal or cultural characteristics seem different to you, which of the following would NOT be a good way of handling the situation?**

- a) Making an effort to get to know and understand the other person better
- b) Trying to educate yourself about the customs or culture of the other employee
- c) Gossiping to others about how the employee doesn't "fit" well in the organization
- d) Searching for common characteristics that you share with the person

**10. Acting in a professional and respectful manner toward others at work means that ONE of the following behaviors should be eliminated:**

- a) Offering personal information about your families and hobbies
- b) Ignoring another employee because you dislike something about them
- c) Sharing jokes and laughter about appropriate topics
- d) Trying to help other employees who need assistance at work

PREVIEW ONLY

# Employee Training Quiz - Answer Key

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- 1. B.** Diversity is not a government mandated law or even really a hiring process. Diversity refers to cultures and unique characteristics of both individuals and groups
- 2. C.** A casual comment or compliment about appearance or a genuinely expressed concern about a work related matter are fine at work. But making demeaning or disrespectful statements to a co-worker for any reason is never okay.
- 3. B.** People are people, even if they come from different backgrounds or culture. Using “they” or “those people” to refer to people in your own department or in some cases, your own company, can be construed as a discriminatory term.
- 4. A.** Indeed, if you abide by EEO policies and your company’s diversity policy, you are much more likely to avoid adverse publicity and lawsuits. And if you do so, your manager shouldn’t have to spend time disciplining employees for improper behavior. But the biggest reason to follow these policies is that it’s the right thing to do. All employees want to feel respected and safe at work.
- 5. C.** It is never okay to circulate derogatory cartoons or jokes about any co-workers or groups of co-workers.
- 6. C.** You have the right to come to work and not be disrespected or discriminated against. If you feel you are, then it’s okay to put an end to it by asking for the behavior to stop, either by confronting the offender or by going to your supervisor to report it. You cannot be demoted or retaliated against for filing a work-related complaint about discrimination or harassment.
- 7. A.** Diversity and respect at work are not about what you can get away with. They are about doing the right thing and conducting yourself according to the Golden Rule. Treat others the way you would like to be treated.
- 8. D.** Exclusion, discrimination and harassment are, first and foremost, hurtful to the people on the receiving end. But beyond that, they will also slow down your department and can have legal repercussions.
- 9. C.** Gossiping with others about your dislike of someone solves nothing. Making the effort to find something you can relate to or respect about the person will make your own work experience more pleasant, as well as theirs.
- 10. B.** Ignoring a co-worker is not only hurtful and rude, but it could also be seen as an act of discrimination and get you into trouble if the conduct is related to the co-worker’s race, religion, gender, national origin, or other protected characteristic. People are people, and we all have something in common. If you make the effort to accept and even get to know people you consider to be “different,” you may develop a newfound understanding and appreciation of that person.

# Take Home Tips for Employees

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- Here are some “take home” tips to help you avoid behaviors that discriminate against and/or harass others at work. Take a few moments to become familiar with them. Also, keep these diversity tips handy in your work area for future reference.
- Follow the “Golden Rule” — treat others the way you want to be treated.
- Think before you talk — avoid comments that might imply bias or prejudice.
- Never use sexual innuendo, teasing, or joking at work.
- Workplace stress can never excuse disrespectful or discriminatory conduct.
- Learn our EEO policies. You can’t follow them if you don’t know them.
- The term “they” excludes others. The term “we” is inclusive. Remember, we are all considered “we” in our business.
- Never criticize or put others down based on dress or physical appearance.
- When someone sends disrespectful or demeaning e-mail material, it tends to circulate and advertise the poor judgment of the sender.
- Prejudice and bias are “learned” behaviors — don’t learn them or teach them.
- Everyone wants to be appreciated and to be treated with dignity and respect at work.
- Grant the same freedoms you desire — be respectful of religious differences.
- Diversity builds strength in an organization just as uniformity leads to weakness.
- Ignoring a fellow employee is a form of disrespectful and exclusionary conduct.
- Never tolerate intolerance — stop or report discriminatory or harassing conduct.
- Be safe rather than sorry — don’t touch others at work.
- Take a step back before you react — don’t turn your “bad day” into someone else’s as well.
- Apply the “Mother-Spouse” rule — if your mother or spouse wouldn’t approve of your conduct, there’s a good chance your co-workers won’t either.
- Understand the needs of others before expressing your own.
- Seek common ground — focus on similarities, not just differences.

- Since prejudice and bias are learned behaviors, they can also be “unlearned.”
- Employees can’t feel good about themselves if they are the targets of disrespect, hatred, or exclusion at work.
- Personal differences are not “wrong,” they are just “different.”
- Trade places with your coworker — think for a moment about how that person will react to what you are about to do or say.
- Be other-centered, not just ego-centered — think about your coworkers, not just yourself if a diversity situation arises at work.
- Act professionally, not emotionally, at work.
- Not everyone you work with is going to be your best friend. Accept them just as you wish to be accepted by them.
- When you stereotype and discriminate against others, you also label yourself. Remember, no one wants to be known as a “bigot.”

PREVIEW ONLY

# The Plus Of Us

Dynamic Diversity Training

Supervisor Section

PREVIEW ONLY

# Vignettes Discussion Questions

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The DVD training vignettes focus on real life diversity related situations that illustrate how exclusionary, disrespectful, and unprofessional behaviors can violate your organizational policies and even the law.

Stop the DVD at the **Pause and Discuss** section of each vignette. Ask your supervisors to identify the problems raised by the vignette, as well as some proactive behaviors that might have been used to:

- Understand and **accept** personal differences
- Avoid **discriminatory**, harassing, and exclusionary conduct at work
- Promote** a positive work environment for all employees
- Better **understand** the needs of your diverse customers

*A few simple, positive behaviors are discussed by the Moderator at the end of each vignette.*

## Vignette #1: Mixing It Up

**Question #1:** What type of protected class discrimination might be a concern in this scene?

- Possibly gender and national origin discrimination. The supervisor apparently felt that Juanita Moreno was too soft spoken and hard to understand to handle the account. He implied that her gender and national origin/linguistic characteristics were the reasons why he thought the Caucasian male, Jake Smith, should be given the account instead of her.

**Question #2:** As a supervisor, what was wrong with his approach to this account assignment?

- Supervisors must base their assessments of employee performance on objective, performance-based factors, not on subjective, personal preferences, including protected class standing, such as gender or national origin.

**Question #3:** If Juanita was not the right person for the job, how could the supervisor have better explained his position?

- He should have been careful with his choice of words. He left the implication that Juanita was not qualified because she was a soft-spoken, Hispanic woman even though she was one of the company's top account executives.

## Vignette #2: Fragrance Flirtation

**Question #1:** Is this sexual harassment?

- Same-sex harassment is just as illegal as opposite sex harassment.
- Generally, a single offensive act or statement is insufficient to create a hostile work environment. However, a single physical touch, if it is an assault or clearly sexual in nature, might create a hostile work environment, depending on the totality of the circumstances.
- Here, the coworker was clearly offended by the touch. We don't know if she would claim this single touch actually made her work environment hostile. However, if the conduct was repeated or if Sally engaged in other sexually hostile conduct, it is possible that same-sex harassment might be a concern.

**Question #2:** If you witnessed this situation as a supervisor, how would you handle it?

- Consider coaching and counseling with Sally by pointing out how her conduct might be considered offensive and even hostile by her coworker.
- Review your EEO policies with Sally and discuss the behaviors that are both acceptable and unacceptable under the policies, noting that any type of harassment based on sex is improper under company policies.
- Consider interviewing Mayte to determine if she was offended and if any other questionable conduct had occurred that caused her to be concerned. Follow your policies and report the incident to Human Resources to determine if a more thorough investigation should be conducted.

**Question #3:** Could this conduct be considered a violation of our workplace policies?

- Review your policies on sexual harassment, the definitions of improper conduct, and discuss how physical touching might tend to violate your organizational policies.

- Stress that any offensive physical conduct could become a sexual harassment problem, depending on whether it was severe or pervasive and whether it was welcomed.

**Question #4:** If Sally wanted to comment about the perfume Mayte was wearing, how could she have handled the situation in a more professional manner?

- She could have asked to see the bottle, or she might have asked Mayte to write down the name of the brand.
- She should have thought, in advance, about how her touching conduct might be perceived by Mayte or by a reasonable third party witnessing her conduct.

### Vignette #3: Generational Partners?

**Question #1:** Does this example illustrate evidence of age discrimination or harassment?

- Age discrimination occurs when a person is denied an employment opportunity or suffers an adverse term or condition of employment based on that person's age (over 40 under the federal Age Discrimination in Employment Act (ADEA)).
- It might be argued that Trent, the younger employee, was "harassing" Bob because his statements implied that Bob was too old to:
  - relate to young kids;
  - know how to use the latest communications technology; or
  - he couldn't be available to handle the task because he needed to care for his disabled mother in the evenings.
- Trent's comments were certainly a "putdown" of Bob and his statements could be heard as age related.

**Question #2:** Is there any evidence of disability or family care responsibility discrimination or harassment?

- Individuals can be a victim of discrimination or harassment, based on protected class standing, even if they are not a member of a protected class if they suffer discrimination or harassment because they are "associated" with a person who is a protected class member.

- Here, Bob said that he would have to juggle his time because he needed to care for his disabled mother outside of normal working hours. If he is denied an employment opportunity because of his need to care for a disabled family member, he may be a victim of disability or family care responsibility discrimination, even though he is not personally disabled.

**Question #3:** How could Trent have better handled this situation?

- Trent should have been more respectful toward Bob. He should avoid statements tending to stereotype an older employee like Bob as being unable to relate to younger people or as unfamiliar with the latest technology.
- Trent should have left it up to Bob and his supervisor to determine if Bob's care duties would have created any type of conflict with the evening activities of the campaign.
- Even if Trent had concerns about Bob's handling the campaign, he could have spoken with his supervisor and/or with Bob individually rather than embarrassing Bob in the meeting.

**Question #4:** If you had been the supervisor in this scene, how would you have handled the situation differently?

- Consider this approach:
  - ▣ Affirm Bob's appointment while also noting that you and Bob can discuss any potential conflicts or issues at a later time. Ask to speak to Trent after the meeting. This approach confirms your confidence in Bob while acknowledging that Trent's comments have been heard. You avoid creating a confrontation in the meeting that may further embarrass Bob, and you meet later with Trent to discuss his inappropriate comments about Bob.
  - ▣ Coach and counsel Trent to avoid disrespectful and exclusionary behaviors that stereotype and imply age bias. Help him understand that the team needs the input and perspectives of ALL team members and that every generation brings valuable ideas and skills to the table. Encourage him to consider getting to know Bob better.
  - ▣ Let Bob know that you have addressed Trent's comments, and remind Bob that he should report any retaliatory or harassing conduct.
  - ▣ Consider whether the entire team would benefit from additional diversity education.

## Vignette #4: Sushi Again?

**Question #1:** Is Todd's conduct evidence of race or national origin discrimination or harassment?

- Race discrimination is treating another employee less favorably in a term or condition of employment based on race.
- National origin discrimination is treating another employee less favorably in a term or condition of employment based on their national origin.
- Harassment is creating an offensive or hostile work environment for another employee based on that person's protected class standing, such as race or national origin, by making the person the target of unwelcome conduct that is severe or ongoing. A "reasonable person" test would be used to assess whether Todd's conduct was harassing under the circumstances.
- Todd's hostile conduct toward Kai was apparently based on Kai's preference for sushi . . . a food preference some could argue might be associated with his race or national origin.

**Question #2:** Do you think Todd handled the situation well even if he just didn't like Kai's lunch choices?

- Clearly, Todd was being exclusionary. Although he didn't specifically reference Kai's race or national origin, he rejected Kai in a way that might create an inference of race or national origin bias.
- Remember that choices in food, music, clothing, language, and other cultural identifiers can often be tied to a person's race or national origin. As such, employees need to think about how their comments regarding these lifestyle choices will be perceived by others. Statements that are critical and demeaning can lead to discrimination or harassment concerns.

**Question #3:** If you spoke with Todd after witnessing the incident, what would you want to say to him?

- Certainly, you would want to help Todd understand how his conduct tended to hurt and alienate a coworker, possibly even implying racial or national origin bias. While Kai and Todd don't need to be "best friends," all employees must treat each other with respect in the workplace. The other coworkers at the table should also be reminded of your organization's commitment to a cooperative and respectful work environment.

## Vignette #5: Welcome to My Bad Day!

**Question #1:** What protected class is the subject of this vignette?

- Disability discrimination or harassment. Discrimination based on disability can occur if a qualified person with a substantially limiting physical or mental impairment is treated less favorably or is subjected to a hostile or offensive work environment because of his or her condition. In addition, discrimination may be based upon a record of a disability or if the person's regarded as disabled, whether or not any actual or perceived impairment limits the person's major life activities.
- George knew about Sam's back condition and the reason he was assigned to the seated station. Still, he still came over and hassled Sam about his condition and his sitting accommodation. If George's conduct was repetitive and if both Sam and a reasonable person would find it hostile and offensive, we could have a disability harassment problem.

**Question #2:** When George went after Sam, what did the coworker, Rico, do?

- Nothing . . . Rico just smiled. He shouldn't have stood by idly as George started to harass Sam. Either he should have asked George to stop or he should have considered reporting the possible policy violation to a supervisor.

**Question #3:** According to our EEO policies, how should this situation have been handled?

- George shouldn't give Sam a hard time, particularly when he was aware that Sam had a disability that required him to sit down.
- Supervisors are required to preserve the confidentiality of employee medical information. However, George was apparently aware of Sam's condition. As such, in counseling George, it would be appropriate to remind him that the company has an obligation to reasonably accommodate qualified disabled employees. In turn, all employees must avoid any potentially harassing conduct toward coworkers based on protected class standing, including disability.
- If George had questions about his own or Sam's workstation assignment, it would have been appropriate for him to come to a supervisor first . . . harassing Sam was not acceptable.

## Vignette #6: "Golf Anyone?"

**Question #1:** How did the other employees treat Kai when he identified his religious conflicts with the department golf outing?

- They essentially ignored his religious concerns.

- They made fun of him for his unwillingness to participate.
- They didn't make any real effort to understand his religious conflict.
- They were not respectful of his sincerely held beliefs.

**Question #2:** Could the coworkers' conduct be considered harassment?

- If their conduct was severe, repetitive, and unwelcome, it might be considered harassment if Kai's employment is negatively affected or if the work environment could be reasonably seen as hostile and offensive based on religion.
- At the very least, the conduct of the coworkers was exclusionary and disrespectful.
- One employee's comments could have also been interpreted as demeaning based on national origin as well (*i.e.*, "your people").

**Question #3:** How could this situation have been handled more respectfully?

- The coworkers could have expressed some empathy for Kai's conflict and possibly helped him consider options to resolve his concerns.
- The coworkers could have been willing to learn more about Kai's religious needs and at least been respectful of his beliefs and practices.

**Question #4:** If you had witnessed the discussion, how might you have addressed the situation?

- You could have invited Kai to discuss his concerns about the golf outing to determine if a reasonable accommodation could be reached that would allow him to participate in some way. Employers need to accommodate religious practices in the workplace if an accommodation can be reached that will not create an undue hardship for the employer.
- Take the time to coach and counsel with Kai's coworkers concerning the importance of your EEO policies. In particular, more education should be done to create greater awareness and sensitivity concerning discriminatory stereotypes.
- In the future, consider planning department outings that are inviting and inclusive for *all* employees. It may be helpful to seek employee input before planning an activity in an effort to avoid conflicts for department members.

## Vignette #7: “Service with a Smile”

**Question #1:** Was the outside vendor representative, Mark, engaging in sexually harassing conduct?

- His words weren't clearly sexual but the *context* and manner of delivery implied a sexual meaning as did Sally's response to him. Clearly, Sally was not offended by the conduct, but her coworker was upset.
- If his conduct was repetitive and severe, he might be harassing Alicia, a third party to his statements.

**Question #2:** As a supervisor, what responsibilities would you have if you witnessed this incident?

- Supervisors have a duty to stop and prevent sexual harassment in the workplace. As such, even if Alicia didn't complain, you would have an obligation to stop what appears to be improper conduct under our EEO policies.
- Communication with the outside vendor representative, or possibly his supervisor, would be appropriate to admonish them about the need to comply with our EEO policies, including the potential for severing the vendor relationship if such objectionable conduct were to continue.
- Sally should also be coached and counseled to avoid comments and conduct that might be understood as sexual and inappropriate, even if another person instigates the exchange. She should be warned to keep her conduct professional and to follow company policies at all times.
- Alicia, the coworker, should also be assured that steps have been taken to see to it that the company's EEO policies will be respected and followed, even by outside third parties. She should also be encouraged to report any offensive conduct or retaliation in the future that may violate company policies.

## Vignette #8: Bindis and Bangles

**Question #1:** Can you identify any discrimination or harassment concerns raised by the comments of the two females at the end of this scene?

- Potentially the protected classes of religion, race, and national origin might be implicated if the negative comments about physical appearance are related to those protected characteristics.
- If comments of this variety were repetitive, and possibly accompanied by other demeaning protected class conduct, a harassment concern might be raised.

**Question #2:** How would you recommend that the concerns presented by this scene be avoided?

- Employee shouldn't make fun of the physical appearance of other employees at work.
- Employees should always be respectful of dress and appearance issues at work, even if they dislike the fashion choices of other employees.
- All of us should take a moment to "trade places" with a coworker before we make any statements that might be understood as disrespectful, demeaning, or critical. None of us wants to be criticized based on our unique personal characteristics, such as our dress, physical appearance, size, shape, or protected class standing.
- Employees should check with HR or a supervisor if they have questions related to dress or work appearance issues. Additional education on company EEO policies may be appropriate for all employees.

### Vignette #9: Eye for an Eye

**Question #1:** Has the supervisor who was named in the discrimination charge handled the situation appropriately?

- The supervisor appropriately recognized that he should not interfere with the investigation by HR. However, he also implied that he intended to retaliate against the charging employee by withdrawing any team assistance and cooperation for her on the next tough project - an action that might be considered retaliation.
- Under U.S. Supreme Court decisions, an employee who has opposed a claimed act of discrimination or harassment or who has participated in an investigation of wrongful conduct is protected from retaliation.
- Any adverse employment action (*i.e.*, demotion, failure to promote, suspension, termination, etc.) against an employee for their opposition or participation might be considered retaliatory. Further, an adverse employment action may occur if an employer's conduct could be said to reasonably "chill" or otherwise discourage an employee from opposing or participating in protected conduct in the future.
- Here, the supervisor's threat to withdraw team support for the charging employee in the future could prove to be retaliatory, depending on all of the circumstances.

**Question #2:** How should a supervisor respond if he/she is the subject of a discrimination or harassment charge?

- Being a supervisor is a difficult and challenging job. However, a supervisor should never respond to a charge with anger or an evident desire to "get even."

- Supervisors should cooperate in any investigation with candor and honesty, whether a charge is reviewed within the organization or by an outside agency.
- Supervisors must remain objective and impartial, even if a direct report has filed a charge against them. It is inappropriate to attempt to change the person's conditions of employment in response to a charge filing.
- At the same time, the person filing the charge may still be required to meet the expected standards of performance, despite the charge filing. Documentation of any performance concerns becomes even more important after a charge has been filed.
- A supervisor who is the subject of a charge should seek advice from his/her manager or HR if questions arise about difficult situations in the after a charge filing. A supervisor should NEVER take any action that may be reasonably seen as retaliation against the charging employee.

PREVIEW ONLY

# ***Full Court Pres* Discussion Questions**

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## **Suggested Questions & Answers**

After viewing the video, Full Court Pres, consider discussing the following questions (with suggested answers) with your training participants. Feel free to choose those questions you feel are most relevant to your training goals:

**Mitch apparently violated his company’s anti discrimination and harassment policies before he was sent to meet with the company President at the beginning of the video. If you were his supervisor, what would you do to help Mitch understand why he should treat his direct reports in a nondiscriminatory and respectful fashion?**

Take some time to work with the ideas of your supervisors. Stress the importance of moving beyond the words of an EEO/diversity policy to the reasons for it - the goal of creating a productive work environment in which all employees are valued and respected.

**Was it a valid excuse for him to call his Latina coworker, Maria Gonzales, a discriminatory name because he was under stress on a project? Can job-related stress (or any other reason) ever be a valid excuse for violating our organization’s discrimination and harassment policies?**

No . . . the policies of Mitch’s company (and our organization) do not tolerate discrimination or harassment for any reason (i.e., “zero” tolerance). Work pressures or any other reason can never excuse harassing or discriminatory behaviors.

**What did Mitch say about whether Maria was a good team member? How was his use of the term “they” inappropriate?**

Mitch didn’t think Maria “fit” in the team. He used the term “they” to label and stereotype Maria and other Latino employees based on race and national origin characteristics such as language and customs. The term “they” is exclusionary [contrast with the term “we”]. The term tends to label a group of employees as not accepted and somehow less than adequate based on their ethnic, cultural, or other protected class characteristics.

**How did Mr. Preston respond when Mitch referred to the Latino employees as “they”?**

Mr. Preston emphasized that the company’s Latino employees were highly valued. He pointed out Mitch’s inappropriate use of the terms “we/they” by emphasizing the many similar characteristics that all ethnic and national origin groups share.

**Under our company’s discrimination and harassment policies, is it an excuse if a discriminatory comment is not directly made to the employee to whom it refers? Is it OK if the person doesn’t hear it, even if another person does?**

No. Even if the person who is the target of the disrespectful comment doesn’t hear it, it is still wrong and in violation of EEO policies to make disparaging comments about any employee, including anyone in a protected class. And the fact is, you can’t be sure how the people who hear your comment feel about it. They may be offended even if the comment isn’t about them.

**What did Mr. Preston claim was the problem with the religious cartoon that was passed around the office?**

It violated the company’s discrimination and harassment policies and computer/e-mail policies by circulating demeaning material based on religion. Freedom of religion and respect for diverse religions are protected under the U.S. Constitution and under federal and state EEO laws.

**When Mitch told Mr. Preston that he didn’t know much about other religions and didn’t care about them, how did Mr. Preston respond?**

He pointed out to Mitch that when we are ignorant about something, we tend to push it away and put it down because it makes us feel uncomfortable. Similarly, many people discriminate or harass because they don’t know much about people who are different from themselves and they feel uncomfortable with differences.

**As a supervisor, how would you respond if you became aware of a derogatory cartoon circulating by e-mail in your department?**

Give your supervisors an opportunity to discuss the issue. Review your organization’s computer/e-mail policy and its application to this type of situation. Stress how important it is that supervisors monitor and immediately put a stop to any improper use of your computer/e-mail system.

**What do our EEO policies say about any harassment and discrimination against disabled employees? (Reference Bill, the gentleman in the wheelchair in the video, or Mike, the man who worked in the grocery store.)**

Read your EEO/diversity policy with your training participants. Point out that ALL types of discrimination, harassment, and disrespectful conduct against protected class employees/any employees are prohibited by your policy.

**Why did Mr. Preston's company change its discrimination and harassment policy to protect employees based on sexual orientation?**

His company didn't want any of its employees to feel less than adequate based on their personal characteristics.

**Why did Mr. Preston feel that all employees should be protected against harassment?**

Because he knew that employees can't do their jobs or feel good about themselves if they are targets of hatred and disrespect at work.

**How was Mr. Preston able to get Mitch to see that he was biased against others who were different from himself?**

Mr. Preston helped Mitch see how his prejudicial attitudes might be affecting his young nephew, Brian and how he might be teaching Brian hatred and bias.

**Do you believe hatred and discrimination is a learned behavior? If so, what have you seen or experienced that would confirm that belief?**

Allow your supervisors to share their personal experiences and observations on the topic of discrimination. If necessary, point out how little children of different races, who are "ignorant" of the bias and prejudice in the world, will laugh and play together without regard to personal characteristics such as skin color.

**What happened to the older female employee in the video who returned to work after her first retirement?**

She was the victim of age discrimination and harassment by younger employees.

**What did her manager do when she complained to him about the harassment? What should the manager have done?**

The manager did nothing. The manager:

- violated the company's EEO policies by not enforcing them;
- sent a message to the older female that she wasn't valued or respected;
- helped increase dissention in his department by ignoring her concerns;
- sent a message to the other employees that it was permissible to violate company rules;
- hurt productivity;
- exhibited weakness as a manager by essentially abdicating his duty to supervise;
- revealed his own prejudice toward senior women employees by failing to address the situation;
- ran the risk of losing his job by violating company rules; and
- breached his fiduciary duties as a manager to protect the company from possible legal exposure.

**Why did Mr. Preston call employment exclusion, discrimination, and harassment "workplace cancers"?**

Preston called the behaviors "cancers" because they:

- impair the ability of an organization to recruit and retain good employees;
- damage employee productivity and morale;
- hurt the credibility of an organization in public;
- cause legal problems; and
- harm a company's business.

**What did Mr. Preston say could happen to Mitch and the company if Mitch continued his wrongful discriminatory and disrespectful conduct?**

Mitch could lose his job, and both he and the company might end up in a lawsuit.

**When Mitch asked Mr. Preston why he took the time to meet with him instead of just firing him, referring to himself as a “nobody,” what did Mr. Preston say?**

He told Mitch that he was a “somebody.” In fact, every employee at the company was a somebody - a person of value. He emphasized that we all need to give respect, dignity, and inclusion to others if we expect to receive dignity, respect, and inclusion from others.

**What happened to Mr. Preston early in his career that caused him to change how he was treating other employees?**

The president of the company pointed out to him that his disrespectful conduct was not only hurting other employees and the company but it was also hurting him as an individual.

**What was the common lesson that both Mr. Preston and Mitch O'Rourke learned?**

Both men learned to follow the law and to treat their fellow employees with respect and dignity . . . to embrace personal differences even while appreciating personal similarities.

PREVIEW ONLY

# Training Wrap Up and Summary

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- ☐ Take the final few minutes of your training session to summarize and discuss the proactive, positive behaviors that employees can engage in to (a) avoid discriminatory and harassing behaviors and (b) promote inclusiveness and acceptance in the workplace.

**Follow the “Golden Rule”:**

Treat others as you wish to be treated at work.

**Listen first, speak second:**

Listen to the needs of others before talking about your own.

**Search for common ground:**

Search for common interests and understanding, not for differences.

**Include, don’t exclude:**

Reach out to others at work, don’t push them away.

**Exhibit goodwill, not just your own will:**

Be willing to accept and help others.

**Never touch others or joke about physical appearance:**

Trade places with coworkers before you criticize and keep your conduct professional.

**Don’t tolerate intolerance:**

Stop or report intolerant behavior: Don’t condone it or accept it.

- ☐ Remind your supervisors of the critical legal duty they have to monitor behavior in the workplace and to ensure that ALL employees are appreciated and are treated with respect and dignity.
- ☐ If you wish, hand out the quiz found on page 53. Allow enough time for your trainees to complete the quiz, which they may then give to you. If a trainee fails to answer at least 80 percent of the questions correctly, you may ask him or her to do some refresher training and retake the quiz or you may simply choose to discuss the answers during your training session. Speak with your legal representative before deciding to use the quiz as a testing tool.
- ☐ Hand out the **Take Home Tips for Supervisors**. Let your supervisors know that it is theirs to keep. Encourage them to review it in the next day or so and to keep it and the organization’s

EEO policies handy for reference in handling diversity related issues. Remind them that HR (or designate the appropriate office/person) is always available to them to respond to their diversity related questions or concerns.

- ☐ Ensure that everyone has signed the **Training Sign In** sheet.
- ☐ Thank them enthusiastically for their interest and participation in the training session!

PREVIEW ONLY

# Supervisor Training Quiz

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Take a few moments to read the following questions reviewing the training you have received on diversity. Please choose the answer that you feel **most accurately** responds to the question asked:

- 1. The term “diversity,” when used in the work setting, most accurately refers to which of the following:**
  - a) The number of persons employed by an organization
  - b) Government standards for affirmative action recruitment
  - c) The numerous, different personal characteristics that make people unique including, but not limited to, protected class standing
  
- 2. As a supervisor, you have a legal duty to do which of the following:**
  - a) Train your direct reports on effective interpersonal communications
  - b) Stop and prevent discriminatory or harassing conduct that’s based on protected class characteristics
  - c) Ensure that your direct reports never engage in horseplay at work
  
- 3. The main purpose of EEO policies and encouraging workforce diversity is to:**
  - a) Avoid adverse publicity and lawsuits
  - b) Ensure that all employees have the opportunity to offer their unique skills and talents in an environment that treats everyone with dignity and respect
  - c) Ensure that supervisors don’t waste valuable time reprimanding employees for improper behaviors
  
- 4. You might be engaging in retaliatory behavior as a supervisor if you do the following:**
  - a) Attempt to counsel a direct report about legitimate performance problems
  - b) Make sure a direct report performs according to expected performance standards

- c) Purposefully demote an employee after the person has complained about a possible act of discrimination or harassment

**5. Same sex harassment may be a concern if which of the following events takes place at work:**

- a) An employee compliments another employee of the same gender on work attire
- b) Two employees of the same gender joke with each other about their hair styles
- c) One employee constantly criticizes another employee of the same sex because of the person's perceived sexual orientation

**6. As a supervisor, if you observe a group of employees purposely excluding another employee apparently based on the person's religion, you should:**

- a) Immediately put a stop to the exclusionary behavior and counsel with the employees on the terms of your EEO policies
- b) Monitor the situation for a couple of weeks and then step in if it isn't resolved
- c) Give them a chance to work things out among themselves

**7. In the work setting, using the term "they" can be inappropriate if:**

- a) It is used to refer to an outside vendor or material supplier
- b) It is used to exclude and label other employees based on protected personal characteristics
- c) It is used to refer to another department within your organization

**8. If two employees under your supervision don't appear to like each other based on national origin differences, which of the following would be the least appropriate way to address the situation:**

- a) Work to bring the employees together by helping them get to know each other better
- b) Transfer one of the employees out of the department because of the problem
- c) Gradually help the employees see the characteristics and interests they share in common

**9. “Promoting diversity” at work means which of the following:**

- a) Recognizing and appreciating the diverse personal characteristics of every employee and treating everyone with respect and dignity
- b) Encouraging employees to band together in protected class groups whenever possible
- c) Working to ensure that every employee from a protected class is promoted as frequently as possible

**10. Which of the following statements is not a true statement about prejudice?**

- a) Prejudice is a learned behavior, not a condition that is innate to any individual
- b) Exhibiting prejudiced behavior is acceptable so long as it is only occasional and sporadic
- c) Exhibiting prejudiced behavior is exclusionary, wrong, and often illegal

**11. If you tolerate discriminatory and biased behavior as a supervisor, you may be:**

- a) Condoning behavior that is in direct violation of your EEO policies and the law
- b) Teaching your employees the best way to handle an uncomfortable situation
- c) Illustrating a technique to minimize exclusion in the workplace

**12. Encouraging your employees to follow the “Golden Rule” at work means:**

- a) Helping them learn to be silent when difficult situations arise
- b) Teaching them to turn the other cheek if they are victimized by discrimination or harassment
- c) Showing them that treating others as they would like to be treated promotes respect in the workplace

**13. As a supervisor, one of the biggest mistakes you can make if you are named in a discrimination or harassment charge is to:**

- a) Try to get “even” with the complaining employee
- b) Cooperate fully in the investigation of the charge

- c) Examine your own conduct and determine what, if anything, you might have done differently to avoid the situation that led to the charge

**14. Which of the following behaviors should be avoided by the employees you supervise?**

- a) Sending e-mails about business matters that contain disagreements on resolving operational concerns
- b) Circulating derogatory cartoons or jokes about protected class employees
- c) Sending photo attachments on products directly related to your business needs

PREVIEW ONLY

# Supervisor Training Quiz - Answer Key

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- 1. C.** True diversity is a much more personal concept than just a number or a law. It represents cultures and unique characteristics of both individuals and groups.
- 2. B.** You may choose to offer training to your employees on effective interpersonal communication, but that does not necessarily address or resolve issues of sensitivity and respecting diversity in co-workers. Likewise, you may or may not have a company culture that allows a certain amount of “horseplay” in the office, but whether you do or not, it must never become harassing or discriminatory toward any employee. A supervisor’s most important role in managing employees is to ensure that everyone working under him or her does not have to put up with discriminatory or harassing treatment at work.
- 3. B.** Indeed, if you abide by EEO policies and your company’s diversity policy, you are much more likely to avoid adverse publicity and lawsuits. And if your employees do the same, you shouldn’t have to spend time disciplining them for improper behavior. But the biggest reason to follow these policies is that it’s the right thing to do. All employees, and supervisors, want to feel respected and safe at work.
- 4. C.** Never, ever, under any circumstances demote an employee for filing a work-related complaint.
- 5. C.** It is never okay for employees or supervisors to criticize a fellow employee for sexual orientation. Casual comments about appearance may be okay. But off-color jokes, criticism, or touching should always be avoided, even between employees of the same gender.
- 6. A.** It may seem like jumping the gun to immediately step in and put a stop to certain behaviors, but when it comes to issues of diversity and protected classes, the longer you let problems go on, the more likely they are to develop into lawsuits. And even if they don’t, the ill will that they create can have long-term repercussions on your department, even after the visible harassment has stopped. Excluding or ignoring a co-worker based on religion is discriminatory behavior, and as a supervisor, you must put an end to it.
- 7. B.** People are people, even if they come from different backgrounds or culture. Using “they” or “those people” to refer to people in your own department, or in some cases your own company, can be interpreted as a discriminatory term.
- 8. B.** Transferring an employee to another department could be seen as an act of retaliation or discrimination.. Remember, an employee can file a discrimination charge against someone from a different department in the company. Further, ignoring the problem does nothing to foster acceptance and diversity in the company. Investigate the situation and get to the bottom of the problem by changing behaviors.

**9. A.** Respecting diversity doesn't mean giving special treatment to people in protected classes. It means treating everyone equally and with dignity including providing the same employment opportunities to each person based upon their qualifications, regardless of protected class or background.

**10. B.** It is never okay to exhibit prejudicial behavior in the workplace. Period.

**11. A.** Your employees look to you as an example of what is acceptable behavior in your department and in the company. You must uphold your company's EEO policies and the law at all times.

**12. C.** The Golden Rule says to treat others the way you wish to be treated. Employees should feel they can come to you about difficult situations in the workplace and know that they will not be punished for doing so. They should know they will not be retaliated against for bringing legitimate, work related problems to your attention.

**13. A.** Never, ever, under any circumstances try to take any kind of "revenge" out on an employee.

**14. B.** It is never okay for employees to circulate derogatory cartoons or jokes about any co-workers or groups of co-workers.

PREVIEW ONLY

# Take Home Tips for Supervisors

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Here are some “take home” tips to help you avoid behaviors that discriminate against and/or harass others at work. Take a few moments to become familiar with them. Also, keep these diversity tips handy in your work area for future reference.

- Follow the “Golden Rule” — treat others the way you want to be treated.
- Think before you talk — avoid comments that might imply bias or prejudice.
- Never use sexual innuendo, teasing, or joking at work.
- Workplace stress can never excuse disrespectful or discriminatory conduct.
- Learn our EEO policies. You can’t follow them if you don’t know them.
- The term “they” excludes others. The term “we” is inclusive. Remember, we are all considered “we” in our business.
- Never criticize or put others down based on dress or physical appearance.
- When someone sends disrespectful or demeaning e-mail material, it tends to circulate and advertise the poor judgment of the sender.
- Prejudice and bias are “learned” behaviors — don’t learn them or teach them.
- Everyone wants to be appreciated and to be treated with dignity and respect at work.
- Grant the same freedoms you desire — be respectful of religious differences.
- Diversity builds strength in an organization just as uniformity leads to weakness.
- Ignoring a fellow employee is a form of disrespectful and exclusionary conduct.
- Never tolerate intolerance — stop or report discriminatory or harassing conduct.
- Be safe rather than sorry — don’t touch others at work.
- Take a step back before you react — don’t turn your “bad day” into someone else’s as well.
- Apply the “Mother-Spouse” rule — if your mother or spouse wouldn’t approve of your conduct, there’s a good chance your co-workers won’t either.
- Understand the needs of others before expressing your own.
- Seek common ground — focus on similarities, not just differences.

- Since prejudice and bias are learned behaviors, they can also be “unlearned.”
- Employee can’t feel good about themselves if they are the targets of disrespect, hatred, or exclusion at work.
- Personal differences are not “wrong,” they are just “different.”
- Trade places with your coworker — think for a moment about how that person will react to what you are about to do or say.
- Be other-centered, not just ego-centered — think about your coworkers, not just yourself if a diversity situation arises at work.
- Act professionally, not emotionally, at work.
- Not everyone you work with is going to be your best friend. Accept them just as you wish to be accepted by them.
- When you stereotype and discriminate against others, you also label yourself. Remember, no one wants to be known as a “bigot.”

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# The Plus Of Us

Dynamic Diversity Training

Appendix

PREVIEW ONLY

SAMPLE

# Company Discrimination and Harassment Policy

[*Company or Business Name*] is committed to providing an environment of Equal Employment Opportunity for every applicant and employee which is free of any type of discrimination or harassment. [*Company or Business Name*] maintains a strict policy prohibiting discrimination or harassment based upon any protected class recognized under applicable federal, state, or municipal law, including race, color, national origin, religion, disability, age, sex [*also consider listing sexual orientation, marital status, HIV/AIDS, family care leave, or any other basis protected by federal, state, or local law, ordinance or regulation*]. Some examples of prohibited discriminatory or harassing conduct include the following:

- Treating a person less favorably in the terms and conditions of employment based upon protected-class standing;
- Verbal or written conduct, such as epithets, derogatory comments, slurs, notes, memos, faxes, letters, emails, invitations, or similar conduct.
- Visual conduct, such as discriminatory or harassing posters, photos, cartoons, drawings, or gestures;
- Physical conduct, including any unwelcome advances, unwelcome touching, interfering with or blocking normal movement, assault or battery, or any other actions designed to inhibit or interfere with a person's employment;
- Threats or demands for particular behaviors in order for the person victimized to avoid further interference with employment, including, but not limited to, the loss of job benefits;
- Contributing to an employment environment of fear or violence.

If an employee believes that he/she is a victim of discrimination or harassment, he/she should contact any member of management not involved in the alleged discriminatory or harassing incident. An employee should file a complaint, whether oral or written, describing for the manager the conduct, providing as much detail as possible to assist the company in its investigation.

The company will immediately undertake a thorough investigation of the allegations. The investigation may include interviews with the complaining employee, other witnesses, and the accused employee. All persons who may have information concerning the complaint who are interviewed will be asked to preserve any information concerning the complaint as confidential. In addition, the accused and other persons contacted or otherwise involved in the complaint will be instructed that any retaliation as a result of the complaint will not be tolerated and will result in immediate discipline.

When the investigation is completed, the company will communicate with the complaining employee and the accused, as appropriate, concerning its findings. If it is determined that a company policy has been violated, the company will take effective remedial action commensurate with the severity of the offense to insure that the discrimination or harassment concerns are addressed and that any future conduct which would violate this policy is deterred.

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# Congratulations!

You have successfully  
completed the course:

## The Plus of Us

Employment Diversity/  
Discrimination and  
Harassment Training

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Date:

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# The Plus of Us: Dynamic Diversity Training

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## Sign In Sheet

DATE \_\_\_\_\_

**SIGN NAME**

**PRINT NAME**

**POSITION**

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**TRAINER'S SIGNATURE**

**DATE**

\_\_\_\_\_

\_\_\_\_\_

**SESSION TOPIC:**

**DATE:**

**The Plus of Us: Dynamic Diversity Training**

\_\_\_\_\_

**INSTRUCTOR:**

\_\_\_\_\_

## Your Comments Are Important!

**1. How would you rate this session:  
highest)**

**(1 being the lowest and 5 being the**

Session content	1	2	3	4	5
Instructor's knowledge of the material	1	2	3	4	5
Instructor's ability to present the information	1	2	3	4	5
Helpfulness in your job	1	2	3	4	5
Overall effectiveness	1	2	3	4	5

**2. Pace of the session**

Too Fast      Too Slow      About Right

**3. What was most helpful to you in this session?**

**4. Please suggest one (or more) improvements for this session.**

**5. Additional comments?**

# Acknowledgment of Training Session

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I acknowledge that I attended a training session on the topic of diversity in the workplace entitled “The Plus of Us: Dynamic Diversity Training.”

Signed:

**NAME**

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**DATE**

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