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Religious Discrimination and Racial Harassment: What Ever Happened to MarShawn DeMur?

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Case Introduction

The diversity of the domestic and global workforce is increasing due to the growing number of immigrants and the expansion of global operations. The management of religious differences and the interface of varying religious beliefs and management practices are profound concerns for many organizations and human resource professionals. Religious communities may be quite different in beliefs and practices, and this can influence employee interaction with formal and informal work practices and social norms. Additionally, response to religious differences can sometimes be intertwined with racial biases and attitude predispositions. This case will depict a particular organizational situation involving an employee's religious beliefs and the resulting allegations of racial harassment and religious discrimination. (*Note: The people and facts in this case are fictitious and do not represent any known party, organization, religion or situation.*)

Organizational Profile

Treton Communications, Inc. is a public giant in the telecommunications industry. Headquartered in Eastern Michigan, Treton offers a range of wireless and wireline communications services to consumers, businesses and government users. In addition to its headquarters campus, Treton has call centers and regional operations throughout the United States. The company's gross revenue was \$20 billion in 2007, with 30,000 employees worldwide. Two years ago, Treton expanded its operations with the opening of its Midwest facility and plans to add two more facilities in Southern and Northwestern locations in the United States. These new facilities offer many Treton employees exciting opportunities for advancement.

The Midwest facility is located in Chenworth, Kansas. It currently employs 360 workers, with plans to reach a full workforce complement of 800 employees within three years. Chenworth's demographics indicate a population that is predominantly white, with 7 percent racial/ethnic minorities. The demographics of the 360 employees of the Midwest facility similarly reflect a 5 percent racial/ethnic minority representation.

Employee Relations

Treton takes pride in its non-union status and strives to develop policy and implement programs that demonstrate its strong company culture of employee development and empowerment, procedural and operational integrity, and ethical decision-making. To sustain its culture and values, Treton has policies, procedures and guidelines that articulate its expectations of employee and employer behaviors. Promoting and facilitating workforce diversity is a guiding principle for Treton. The organization has written policies and directives regarding workforce diversity, equal employment opportunity/nondiscrimination and workplace harassment.

Principal Individuals

MarShawn DeMur (a.k.a. Maalick)	Employee filing the complaint
Clive Jenkins	Midwest facilities director and MarShawn's supervisor
Marta Ford	Midwest facility human resources director, EEO and diversity compliance officer
Judith Dixon	Corporate vice president for EEO and diversity

The Situation

MarShawn DeMur has worked for Treton for six years. He started as a management intern working summers while attending college. After graduation, he was hired as a customer service supervisor overseeing three technicians in one of the large customer service centers in Detroit, Michigan.

DeMur was encouraged by a manager at the Michigan center to apply for a promotion and transfer to the newly opened Midwest facility. DeMur, who is African American, had questions about the demographics of the location and the facility but decided to apply for an operations manager position at the Kansas facility. The operations manager position reported to the facility director, Clive Jenkins. DeMur was selected for an interview with Jenkins. During the interview, Jenkins discussed company philosophy and his vision that the facility would operate as “one big happy family.” Employees would be evaluated on their strengths and productivity, and the benefits of diversity in all areas would be maximized. Jenkins assured DeMur that if hired, the management team would help him with his transition.

The day after the interview, Jenkins invited DeMur to attend his church to meet new people and get acquainted with others in the city. He was told that several facility employees were church members. Jenkins invited DeMur to his home for a casual dinner after church services. Most of the dinner guests were church members, with a few other community people in the mix. It was a pleasant affair where DeMur exchanged contact information with several people and received pledges from others to look out for him if he relocated. DeMur thought the new job would be a good career change, especially with such a supportive group of people. He was offered the position, accepted the job and moved to Kansas.

DeMur started his new position with enthusiasm. He interacted well with co-workers and subordinates and demonstrated high technical competence in his work. Jenkins often complimented DeMur on his ideas and work ethic. His first annual performance appraisal was superior in all areas. DeMur liked his job and saw great potential for advancement in the company.

Before he had accepted his new job and moved to Kansas, DeMur decided to become a member of the Church of International Spirituality. The existence of a small African-American congregation of Internationalists in Chenworth, Kansas, influenced DeMur's decision to take the promotion and relocate. Although the Internationalist congregation in Chenworth was comprised of only 80 people,

they held regular worship services and offered spiritual education classes. The Internationalists were regarded as a new-age religious group. They required members to commit to strict restrictions on diet, appearance, methods of worship and other areas of conduct. DeMur was quite committed to Internationalist beliefs. He was often found reading Internationalist materials on his work breaks and during lunch period.

The final step to become an Internationalist was a five-day intensive spiritual preparation and confirmation process. Participation in this religious practice required DeMur to be away from work for a week. He approached Jenkins about this need and requested a week of vacation to attend the final process for church membership. Jenkins inquired about the reason for the time off. He asked many questions about the Internationalist religion and admitted that he was not familiar with the religious group. He raised several questions about the authenticity of the religion. During the conversation, Jenkins told DeMur, “You know I am a religious person, but what you describe sounds quite strange. I need some information on this so-called religion before I can make a decision to give you a week off. We are quite busy, you know! I have been wondering about what I have seen you reading, and, frankly, some of your workers have asked me about the pamphlets you leave around your office.” Although DeMur was disturbed by the conversation, he complied with the request for information. Jenkins reluctantly granted the time off.

A few days before DeMur was to leave for his vacation, several employees approached him and asked about his “so-called” religion. They told DeMur that the members of his new congregation were considered strange by others in the city. Many called them voodooists and partakers of witchcraft and sorcery. DeMur countered these remarks by providing more correct information about the Internationalist religion. He wondered about the source of his co-worker’s perceptions. Despite this, DeMur left to attend his week-long confirmation ceremony excited about meeting other Internationalists.

Internationalists were required to change their names after confirmation to reflect their changed position based on spiritual doctrine. DeMur was given the spiritual name of Maalick and was required to use it at all times. When Maalick returned to work, he stopped by the HR department to complete the paperwork to formally change his name. He spoke with HR director, Marta Ford, about the questions his co-workers asked him about his religious beliefs. Ford assured him that his name change would be recognized and reflected in company records and told him not to worry about his co-workers. Maalick proceeded with his normal duties and began to sign correspondence with the name Maalick.

When he entered his department the next day, he noticed strange looks from his co-workers. As he greeted them, they simply nodded their heads, laughed and immediately walked away. When he entered his office, Maalick found it decorated with dolls with pins sticking out of various body parts, witch hats and containers of incense. On the wall behind his desk was a picture of Africa decorated with strange letterings and symbols. Maalick was astonished and immediately called Jenkins and

asked that he come to his office. When Jenkins saw the office, he laughed and said, “Well DeMur—or shall I say Maalick—I must say you have some admirers. As an American with African roots, you should have expected some lighthearted ribbing about your conversion to that strange religion of yours. Even you must admit that they do some weird things.” Maalick replied, “No, I must say that I did not expect this!” Jenkins recognized that Maalick was angry and upset over the incident and promised to handle the situation.

Over the next several months, Maalick received a series of notes left on his desk and car referencing black cats, black magic, requests for palm readings and notices about the disappearance of MarShawn DeMur. Not wanting to cause any problems or be labeled as a troublemaker, Maalick ignored these incidents, thinking that people would tire of the pranks and things would die down. However, on one occasion, he found on his desk several sheets of what appeared to be chants with a title at the top that read “Prayers for Black Folk.” Next to the pages was a book titled *Mystical Practices from the Negro Experience*. Maalick immediately took the materials to the HR department and met with Ford. Ford told Maalick, “I have been out of the office a lot helping with the staffing of the new Northwestern facility and had no idea you were having these kinds of problems. Do you have any idea who is responsible for these actions?”

“No I don’t,” said Maalick.

“This is not the type of behavior that is condoned at Treton. Don’t worry, I will handle this immediately. I am so sorry about all of this,” said Ford.

After Maalick left her office, Ford called a meeting of all department heads and informed them of the situation. Ford immediately sent an e-mail to all facility employees, reminding them of Treton’s policies regarding discrimination and harassment and the penalties associated with such actions. By the end of the day, all department heads met with their employees with specific warnings and orders for the behaviors to cease and desist. The days following were a bit tense in the office but calm. Maalick was relieved to not find any more notes or messages.

Ford visited with Maalick on several occasions to ensure that he was not continuing to experience any problems. Maalick was happy to report that, in his opinion, all was well. On Ford’s last visit, Maalick took the opportunity to ask about two new systems manager openings. Promotion to a systems manager position would assist Maalick’s career goals for advancement with Treton. Ford sent Maalick the position description and encouraged him to apply. After reviewing the systems manager job requirements, Maalick believed that he had more than a good chance at a promotion. He spoke with Jenkins about the job duties and requirements and expressed his interest in the position. Maalick was informed that at that time, only one of the vacancies would be filled. The second vacancy would be filled within the next six months. These positions also reported to Jenkins.

Maalick applied for the position and was interviewed by Jenkins. The job was given to an outside candidate, Charles Bartlett. Maalick later discovered that Bartlett

was a member of Jenkins' church. Given Maalick's perception of his qualifications and excellent performance record, he wondered if there were factors other than qualification that influenced the decision not to promote him. He also recalled Jenkins' conduct at the company holiday party where he joked about Maalick's conversion to the Internationalist faith. Maalick filed a formal complaint with Ford, alleging religious discrimination and racial harassment. As required by Treton policy, Ford reported the particulars of the complaint to Judith Dixon, vice president for EEO and diversity, at the corporate office. The next afternoon, Dixon was at the Chenworth facility meeting with Ford and Jenkins.

Questions for Discussion

1. Identify and describe the specific issues Maalick encountered in the workplace. Do the actions of other workers at Treton represent discrimination and harassment? What elements of law are important for Treton to consider?
2. Evaluate the actions of the HR director, Marta Ford, in response to Maalick's situation. What could she have done to prevent the situation and what more could she do to ensure that this type of situation would not occur in the future?
3. How would you characterize Clive Jenkins' behavior and response to this situation?
4. What resolution to this situation might Judith Dixon suggest?
5. What are the broader implications of this situation for Treton? What type of organizational review might Dixon initiate or suggest from a corporate perspective?

Treton Communications, Inc.

EEO/Anti-Discrimination/Diversity/Harassment Policy

Revised 2007

EEO/Anti-Discrimination

Treton Communications, Inc. is an Equal Employment Opportunity employer. Policies of the company prohibit discrimination against an applicant or employee on the basis of race, color, religion, sex/gender (including pregnancy), national origin, age, disability, marital status or veteran status. The company will conform to the spirit as well as the letter of all applicable laws and regulations.

The policy of equal employment opportunity and anti-discrimination applies to all company facilities, employees and conditions of employment, including but not limited to hiring; promotion; transfer; evaluation; termination; layoff; training and accessibility to training; working conditions; wages and salary; employee benefits; and application of policies. Managers and supervisors at all levels have the responsibility to ensure equal employment opportunity. Managers and supervisors will be held accountable for achieving the adherence to this policy, and their annual performance will be evaluated in terms of this as well as other major organizational goals.

Diversity

Employees at Treton Communications, Inc. are critical to creating and sustaining the organization's competitive advantage. Diversity and inclusion are top priorities, and the company strives to maximize the benefits derived from the incorporation of diverse perspectives. It is Treton's position that a diverse workforce contributes to our strengths as a world-class provider of telecommunication services and enhances our ability to anticipate and satisfy the needs of our customers and clients. We leverage the benefits of diversity through our employee policies and practices, community investment and outreach.

Harassment

Harassment is a form of employment discrimination that violates one or more of the following: Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA) and the Americans with Disabilities Act of 1990 (ADA). Harassment is defined as unwelcome verbal or physical conduct based on race, color, religion, sex (including same-gender harassment and gender identity harassment), national origin, age, disability or retaliation. Harassment becomes unlawful when:

- 1) Enduring the offensive conduct becomes a condition of continued employment, or;
- 2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

Harassing behavior might be exhibited by anyone in the workplace, including management and supervisory staff, co-workers and peers, vendors/suppliers, contractors and subcontractors, or customer and clients. Victims of harassment can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

Internal Compliance

Employees at all levels, persons engaged in activities on the premises of Treton or persons who represent the company in any capacity are required to comply with the letter and spirit of this policy and all applicable and associated laws and regulations. Any employee or representative of Treton who believes that he or she:

- 1) Has been discriminated against;
- 2) Is the target of harassment;
- 3) Is being required to participate in unlawful discrimination and/or harassment and/or;
- 4) Has witnessed unlawful discrimination and/or harassment;

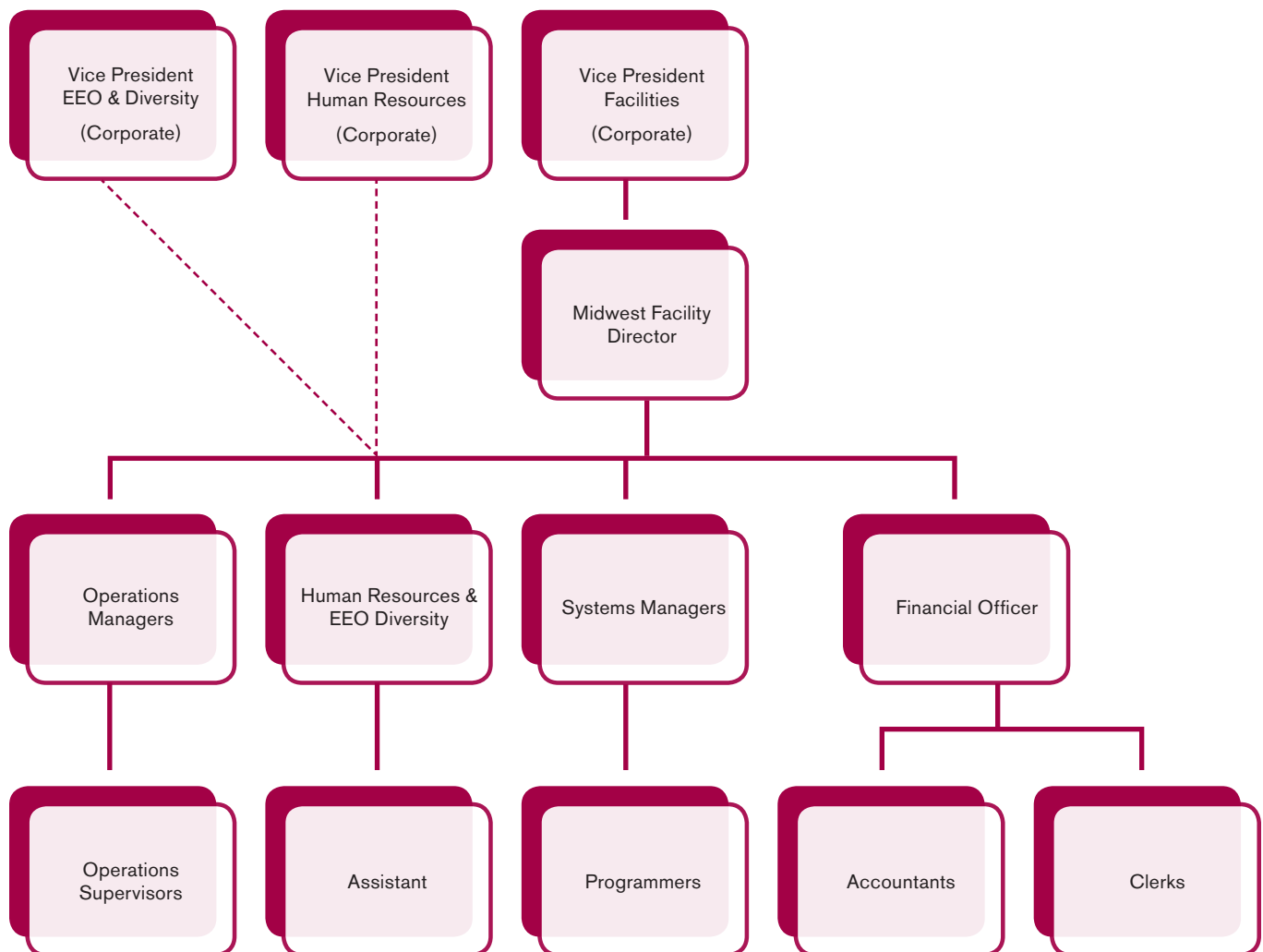
Should seek guidance from his or her supervisor, other management/supervisory personnel or the facility/location compliance officer. To the extent possible, all information will be maintained on a confidential basis. When a supervisor/manager is notified or is aware of discrimination or harassment, he or she must notify the facility compliance officer. The compliance officer for the Midwest facility is **Marta Ford, Director of Human Resources, Office 356, Phone 884-765-1234, e-mail martaford@treton.com**.

Violation of Policy

Violations of these policies, regardless of whether an actual law has been violated, will not be tolerated. The company will investigate every issue that is brought to its attention as relating to these policies and will take appropriate disciplinary action, up to and including termination of employment.

Treton Midwest Facility Organizational Chart

(Abbreviated)



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