Case #1

What Happened with DeMaris Robinson?

HR Analysis Report

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Minutes

- We met in class on 9/11/19 and decided when to meet for discussion.
- From 9/11/19 to 9/13/19 we each looked at all the questions and developed our own responses.
- On 9/13/19 we met from 3:45-5pm at the IMU Starbucks.
- On 9/15/19 we attended the Case Review Session in SPEA from 4-4:30pm
1. Identify and describe the specific issues (there are a total of 3 major and 3 contributing) Maalick encountered in the workplace. Do the actions of other workers at Treton represent discrimination and/or harassment? Explain why or why not. What elements of law are important for Treton to consider? Explain how they apply.

Major Issue #1: The first major issue in this case is Racial Harassment. Robinson experiences discrimination and harassment from his supervisor, Bob Taylor, and his co-workers on the basis that Robinson is African American. Following the conversion to the Internationalist religion, Robinson’s co-workers cover his office with voodoo dolls, incense, and a map of Africa with letters and symbols. This instance was clearly harassing Robinson for his identity of being African American. In response to this situation, Taylor says, “As an American with African roots, you should have expected some lighthearted ribbing…” (Page 5, Case Study Description). Additionally, his co-workers left books titled, “Prayers for Black Folk,” and “Mystical Practices from the Negro Experience.” (Page 5, Case Study Description). These are just a couple of the distinct instances in which Robinson’s co-workers, and his supervisor, harassed him upon the basis of his race. Therefore, these actions violate Title VII, which protects employees against discrimination based on race, gender, religion, color, or national origin (Slide 3, EEO and the Legal Environment Lecture).

Major Issue #2: The second major issue in this case is Religious Discrimination. This problem begins when Robinson asked Taylor for time off in order to complete the initiation for the Internationalist religion. Taylor questions the authenticity of the religion and refers to it as “quite strange” and a “so-called religion” (Page 4, Case Study Description). Taylor demands that Robinson gives him further information before he will grant time off. Taylor is discriminating against Robinson on the basis of religion, which goes against the first amendment which says that people have the right to freely exercise their religion. As a supervisor, Taylor cannot demand
more information about the religion in order to grant time off from work. Since it is for a religious purpose, Robinson should not have been forced to comply with Taylor’s demands. Following this incident, his co-workers also question him about his religion. They harass him with notes referencing black magic, requesting palm readings, and talking about black cats. The community, as well as his co-workers, called the religion “strange” and created a stigma around the Internationalist religion as being voodooists and sorcerers. All of these acts also violate Title VII.

Major Issue #3: The third major issue in this case is Disparate Treatment. There was an opportunity for promotion, so Robinson spoke with Taylor about the job and believed that he was qualified for the position. He applied and interviewed but was not selected. The position was given to a candidate outside of the company. When he discovered that the candidate also came from Taylor’s church, Robinson suspected that other factors may have been at play besides just being based on qualifications and performance. This suspicion can be supported by performing the McDonnell Douglas Test. Robinson meets all the criteria: he is a member of a protected class, he was qualified for the job, he did not get the position, and they sought other applicants with similar qualifications (Slide 16, EEO and the Legal Environment Lecture).

Contributing Factors: There were a multitude of contributing factors in this case, most of which were described in support of the major issues above. Each of these factors were the building blocks that led up to the overarching problems of Racial Harassment, Religious Discrimination, and Disparate Treatment. However, here is a bullet-point list of all the contributing factors so that they can be easily identified as such.

- Bob Taylor questioned Robinson on his “so-called religion” and demanded more information before granting time off.
• Robinson’s office was covered with voodoo dolls, incense, a map of Africa, letters, and symbols.
• Bob Taylor comments on Robinson’s “African roots”.
• Robinson’s co-workers leave notes over the course of several months talking about black magic, black cats, and palm readings.
• Robinson’s co-workers left books titled, “Prayers for Black Folk,” and “Mysical Practices from the Negro Experience” on his desk.

2. **Evaluate the actions of the HR director, Cara Rodriguez, 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?**

   Cara Rodriguez, the HR Director, made some positive moves in the aftermath. Unfortunately, if her actions had taken place earlier, they may have been more effective in alleviating the situation initially. Directly after Maalick completed his name change with Rodriguez, he told her that his co-workers, as well as his supervisor, Bob Taylor, were questioning him about his beliefs. Upon hearing this information, Rodriguez should have probed further asking follow-up questions, such as which individuals were questioning him and specific examples of what was said. Rodriguez should have taken this information and written a report so that it would be on file for future references with certain individuals if negative actions were to persist. At this point in time, she should have sent out a company email immediately reminding everyone of policy, as well as called a department head meeting to remind supervisors of Treton policy. Both of these actions early on may have reinforced company policies, which are focused on tolerance and workplace diversity. If this had been done right away, this may have prevented any of the harassment and discrimination issues experienced by Maalick following his conversion. In the
future, Rodriguez should do extensive training and on-boarding practices with new hires so that employees are very well aware of Treton policies when they are hired. Additionally, employees should undergo a short training every couple of months to ensure that employees are all still familiar with company policy and understand that violating these policies have serious consequences. Lastly, Treton values workplace diversity and tolerance, so Rodriguez should periodically remind those in higher positions of these policies so that they will lead by example and help in tackling these issues rather than perpetuating the problem.

3. Evaluate how Maalick handled these situations. What could he have done to increase his odds of success without conflict?

Maalick handled these situations professionally. He stayed composed and waited to speak to HR until he had enough of the mistreatments. Although, one may appreciate the fact that Maalick handled the discrimination well and did not let his emotions get in the way of his professional career, but Maalick should have approached the HR office sooner than when he did. Maalick’s first red flag that he was being discriminated against happened when Maalick had asked off for religious purposes. Bob Taylor was the person he asked for the time off and, Bob did not respond in the correct way. Bob had questioned his religion and his reasoning for taking days off. Bob specifically stated, “You know I am a religious person, but what you describe sounds quite strange. I need some information on this so-called religion.” (Page 4, Case Study Description). In addition to this statement, Bob also confirmed that other co-workers had been talking about his religious practices behind his back. If Maalick had taken this matter to HR before he left for his confirmation process, then this would have been on file for future references. This means that earlier actions could have diminished the discrimination that was happening in the office. HR would have acted sooner and taken care of the situation. Another direction Maalick could have taken would be to talk with Bob outside of work. Maalick could
have explained his religion and his passion for this religion. This would show Bob that Maalick has chosen a religion that he believes in and should respect his decisions. These matters should not happen in the workplace, but it would improve the work environment if this conversation happened during non-work hours.

4. **How would you characterize Bob Taylor’s behavior and response to this situation? How would you coach him?**

Bob Taylor’s behavior and response were both rude and disrespectful. They also caused discrimination giving the company he works for potential legal problems. Bob should have been aware that religion is something that is not to be brought up while at work. If an employee asks Bob to have some days off because of religious reasons, then he should grant the days off. Bob granted Maalick’s days off but in the worst way. He harassed Maalick with discriminating questions about his religion. When Maalick finally returned back to work, he received even more discrimination from other co-workers. Although the text does not provide the reader enough information, one can make the assumption that Bob knew what was going on when Maalick returned. Assuming Bob knew about the voodoo dolls and other discriminating objects that were placed on Maalick’s desk, he let everything slide and did not report it to HR. Bob should have seen what was going on and went straight to HR. Bob would need to be coached on leadership and ethical practices in the workplace. Claire Washington and Cara Rodriguez should both approach Bob with clear detailed evidence of how he discriminated Maalick. With Bob acknowledging the facts, he can then be coached on how to prevent these situations from happening again. They can go over company policy thoroughly. Once this step is completed, Bob should know that he will be evaluated for six months after he has been consulted. He should be expected to know all of the policies and implement them. Bob should be providing a positive example to his subordinates so that the risk of this happening again is lowered.
5. What resolution to this situation might Claire Washington suggest?

There are a few crucial steps that Claire should implement in efforts to alleviate this situation. The first is instruct HR to perform an investigation into the case. Bob Taylor, as well as the other co-workers, will be interviewed about the accusations made by Maalick in regard to racial harassment and religious discrimination. While speaking to Bob, it is important to address that he violated company policy. At this moment, he will not be terminated, but it must be made clear that a situation like this cannot happen again. It is extremely important for Claire to point out that Maalick would pass the McDonnell Douglas test, and if he were to bring his case to the EEOC, this would be a huge company setback. After Claire speaks to Bob Taylor and all his information is documented and on file, Maalick will also be consulted. Claire should be sure to address him directly so that he knows that his concerns are validated and are being taken seriously by corporate. Following this, Claire works with HR to create a more detailed anti-harassment policy for the company. This will be added to the current Treton Policies on Harassment, Diversity, and Discrimination. The amended document will be sent out via email to all employees. Following this action, an employee meeting will be called so that the new policies can be explained in detail.