

Retaliation – Notice to Supervisors and Managers

Retaliation against an employee or action which could discourage a reasonable employee from making or supporting a charge of harassment by an agent of the university (manager, supervisor, department chair, dean, etc.) is strictly forbidden. According to the United States Equal Employment Opportunity Commission, EEOC, it is unlawful for an employer to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a charge of harassment, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII. Examples of retaliation against an employee are firing, demoting, harassing, and may include such actions as a change of work schedule. It should be noted that the U.S. Supreme Court ruled in *Burling Northern and Santa Fe Railway Company v. White* (2006) that retaliation is based on the perspective of a “reasonable worker” and is to be interpreted by the courts in a manner that is flexible and context-specific. More recently, in *Crawford v. Metropolitan Government of Nashville and Davison County* (2008), the U.S. Supreme Court ruled unanimously that employees may not be retaliated against for cooperating with internal sexual harassment investigations that arise under Title VII of the 1964 Civil Rights Act.

It is crucial that supervisors understand what is meant by retaliation. They must take great care not to treat employees who have filed a complaint of harassment, or have been involved in the investigation of a complaint, differently than they treat other employees. **Remember that it is not necessary for an employee to prove the original claim of harassment in order to win a retaliation lawsuit!** If you have questions regarding retaliation, please contact the Assistant to the President for Diversity and Equal Opportunity at 410-704-2360.