

KANSAS HUMAN RIGHTS COMMISSION

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ROBERT A. WESLEY REAPPOINTED

Robert A. Wesley, Chairman of the Kansas Human Rights Commission from 1994 to 1998, was reappointed in February by Governor Graves.

In attendance at the confirmation ceremony were KHRC's Executive Director, William Minner, Chief Legal Council Brandon Myers, former Assistant Director Patricia Scalia, State Senator Tim Emert and Judy Krueger of the Governor's Office. Senator Sherman Jones remarked on the Commission's recent accomplishments in reducing the backlog of cases.

Mr. Wesley was appointed to

KHRC as a Commission member beginning in 1989, and is currently serving his 2nd term as Chairman.

An Independence, Kansas native, Bob Wesley is concerned with issues affecting his community and his state, and has been an active citizen both locally and statewide.

Mr. Wesley is retired from 35 years of service with the U.S. Post office, yet he currently chairs the Kansas Human Rights Commission, serves as Cultural Liaison for the Four County Mental Health Clinic in Independence,

(Continued on page 3)

COMMISSION GOES ON-LINE

In an effort to better reach today's Kansas KHRC has gone "on-line" and is now officially represented on the World Wide Web. The Commission hopes that representation on the World Wide Web will contribute to its on-going education and training efforts.

The KHRC homepage, while still under construction, currently provides information regarding the history of KHRC, the Kansas Act Against Discrimination and the

Kansas Age Discrimination in Employment Act, Guidelines on Equal Employment Practices, and information about fair housing.

Future additions to the KHRC homepage include information regarding agency rules and regulations, our annual report, and the KHRC Spectrum.

To check out our new website contact: www.ink.org/public/khrc.

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KANSAS HUMAN RIGHTS COMMISSION

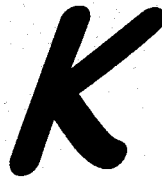
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COMMISSION MEETING

The Kansas Human Rights Commission meets monthly at various locations throughout the state. Commission meetings are open to the public and individuals interested in attending may obtain more information by contacting the Commission's main office.

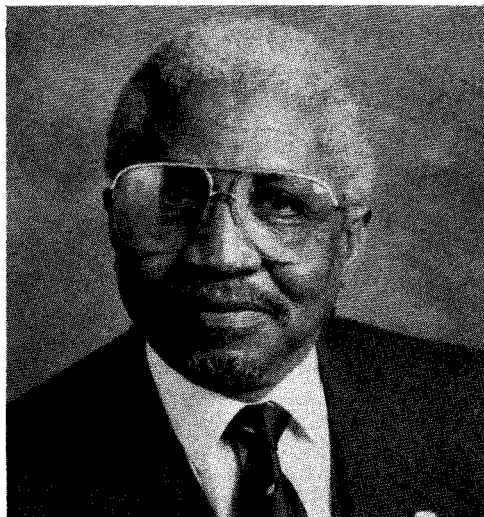


KANSAS HUMAN RIGHTS COMMISSION

The SPECTRUM is a publication of the Kansas Human Rights Commission. The SPECTRUM was created to inform individuals within the state of current civil rights issues and keep interested persons up-to-date on issues pertinent to KHRC. Topics to be addressed in this and future issues of the SPECTRUM include current legal decisions, commentaries, upcoming events of interest, educational updates on issues such as age discrimination, sexual harassment, wage discrimination, unfair housing practices, and more.

Free subscriptions are available. If you would like to be placed on our mailing list, please contact our main office at the above address. All comments and suggestions are appreciated, and should be addressed to the editor, Maureen Carroll, at the main office in Topeka: (785) 296-3206.

ROBERT A. WESLEY REAPPOINTED



Robert A. Wesley
Chairperson, KHRC

Kansas, and initiates activities such as the local cable television show, "Reflections", now in its second year and the 2nd place winner of the Time-Warner award.

Commissioner Wesley and his wife, Eloise, successfully raised three children during the difficult times of the 60's and 70's. They are currently the proud grandparents of eight grandchildren and two great-grandchildren. "Being in the spot-light was not always easy for my kids, I'm pleased they were able to sustain the challenges."

Mr. Wesley's contribution and commitment to the area of civil rights in Kansas has been, and continues to be, great. "I will be interested in civil and human rights until my death," stated Mr. Wesley. KHRC staff and Commissioners are pleased Mr. Wesley will chair KHRC another four years.

COMMISSION'S SUCCESS CONTINUES

The agency's operating budget for the remainder of FY 1998 and for FY 1999 has now been approved by both the Senate and the House of Representatives. The approved budget fully funds agency programs and current level of staffing. During the budget hearings both the Senate and House budget sub-committees expressed their satisfaction with the agency operations and commended the agency on its progress in decreasing its pending inventory of cases. The Senate Ways and Means Committee characterized the agency's progress in reducing its open case inventory as "remarkable." Agency staff are

now beginning preparation of the agency's FY 2000 budget, and have completed its Strategic Plan for agency operations through FY 2000.

The Commission's inventory of open cases, which reached an all time high of 2,768 in 1995, has been reduced to 1,044 as of the end of March, 1998. This is more than a 62% reduction. Additionally, the average processing time for cases has been reduced from 24 months to 8 months.

As of March 31, 1998, the Kansas Human Rights Commission has obtained a record monetary recovery of \$1,356,519.00 for complainants.

KHRC INVESTIGATOR TAKES NEW ROLE

KHRC Investigator, Margaret Rayburn, accepted the position as the Commission's Intake Manager in February of 1998.

The Intake Department is staffed by an Intake Manager and two Intake Specialists, Susan Miller and Patrick Armour.

Ms. Rayburn has been with the Commis-

sion since 1978 as a mediator and investigator with the Preliminary Investigation Conference Unit.

Working as a mediator has been an enjoyable experience for Ms. Rayburn and she hopes to be able to continue to mediate for the

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SAME-SEX SEXUAL HARASSMENT UNLAWFUL

Sexual harassment of an employee by an individual of the same sex, (same-sex sexual harassment) is actionable under Title VII. The U.S. Supreme Court ruled March 4, 1998, in a same-sex sexual harassment case, *Oncale v. Sundowner Offshore Services* (76 FEP Cases 221). This recent Supreme Court decision leads the way to clearing confusion over this issue by presenting a "very clear and concise decision," stated Katheryn Rodgers, the executive director of the National Organization for Women's Legal Defense and Educational Fund as reported in *Fair Employment Practices*, March '98.

The Supreme Court agreed to review a decision of the U.S. Court of Appeals for the Fifth Circuit on the issue of same-sex sexual harassment in order to resolve the split among the federal appeals courts. The lower court had upheld the dismissal of the Title VII claim of a man who said he was sexually assaulted by male supervisors and a male co-worker.

Title VII's ban against sex discrimination does not limit causes of action to the opposite sex. In both same-sex and opposite sex claims, the plaintiff must prove harassing conduct constituted discrimination because of gender.

KEEPING CURRENT:

SEXUAL HARASSMENT IN EMPLOYMENT

Sexual harassment is one form of sex discrimination and violates Title VII of the Civil Rights Act of 1964 (and 1991.) The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as: *unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.*

In general, there are two types of sexual harassment: quid pro quo and hostile environment. Quid pro quo sexual harassment involves monetary or tangible employment benefits or privileges, and requires the misuse of authority. Hostile environment sexual harassment, however, may be more subtle and involves the perception of the individual who believes they have been harassed.

Sexual harassment can occur in a variety of circumstances. Important points to keep in mind include:

- ◆ Sexual harassment laws provide protection for both genders. The victim as well as the harasser may be of either gender. Same-sex sexual harassment is unlawful.
- ◆ The harasser can be the victim's supervisor, an agent or vendor of the employer, a supervisor in another area, a co-worker, or a non-employee.
- ◆ The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- ◆ Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- ◆ An employer may be held liable for acts of sexual harassment regardless of whether the employer knew, or should have known, of the occurrence.
- ◆ The victim has a responsibility to establish that the harasser's conduct is unwelcome. The victim should use any employer complaint mechanism or grievance system avail-

KEEPING CURRENT, CONT.

able to them.

- ◆ The employer should establish a policy prohibiting both verbal and physical sexual harassment and circulate it to all employees letting them know the grievance procedure. An employer should also provide training to management and staff regarding current sexual harassment law.
- ◆ An individual has six (6) months from date of the last discriminatory act in which to file a complaint of discrimination with the KHRC.

The Kansas Human Rights Commission offers training to employers on sexual harassment and other civil rights topics. For more information about training, or to file a complaint of discrimination, contact the KHRC.

KHRC WELCOMES NEW ATTORNEY

Barbara Girard, KHRC's newest addition, began as the Commission's staff attorney in April of 1998. Active in private practice in Wichita for the last ten years, her interest has been primarily in the areas of employment law, civil rights, and issues of unlawful discrimination.

Ms. Girard has been an adjunct professor at Wichita State University and has taught legal research and writing at WSU. A graduate of Washburn Law school, Ms. Girard has served on the Continuing Legal Education Committee of the Kansas Bar Association.

Barbara Girard is currently president of Board of the Directors of the DUI Victims Center of Kansas.

BACKPAGES**Is it Sexual Harassment?**

What distinguishes sexual harassment from friendly behavior? When considering behavior between co-workers, consider the following questions:

- 1 Does the recipient clearly indicate, either verbally or nonverbally, that the behavior is unwelcome? (If they do go to #5, if they don't continue to #2)
- 2 Does the recipient equally initiate the behavior, ask that person to engage in that behavior, sometimes behave that same way to that person first? (If no go to #5, if yes continue to #3)
- 3 Does the recipient equally participate in the behavior, engage in the same or similar behavior to the person initiating the behavior? (If no go to #5, if yes continue to #4)
- 4 It is doubtful that either person is being sexually harassed. But sexual or gender-based behavior could be unwelcome to third party persons, and steps should be taken to ensure that third party sexual harassment does not occur.
- 5 If the behavior is obviously sexual, it is sexual harassment. Gender based behavior may be sex discrimination under Title VII.

KHRC INVESTIGATOR TAKES NEW ROLE

(Continued from page 3)

PIC Unit as time allows.

The Intake Department is responsible for drafting complaints filed with the agency, as well as providing inquirers with referrals to other agencies (for issues outside of KHRC's jurisdic-

tion). The Intake Department, located in Topeka, also answers questions regarding KHRC's compliance and enforcement policies.

Forms and information about filing a complaint may be obtained at any area office.

SPECTRUM

KANSAS HUMAN RIGHTS COMMISSION
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SPECTRUM

Eternal Vigilance is the Price of Freedom

UPCOMING EVENTS:

TECHNICAL ASSISTANCE PROGRAM SEMINAR

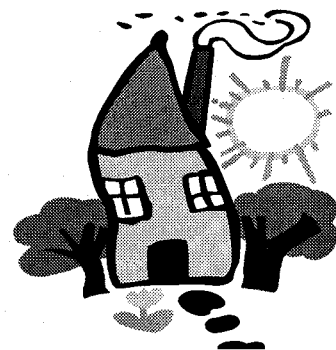
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at (314) 539-7943

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