

HATE GROUPS/HATE CRIMES/ BULLYING/HARASSMENT

Fact Sheet

Hate crimes (and hate groups), bullying and harassment are related phenomena in that they all often involve actions based on negative biases, bigotry, prejudices or hatred that targets another person or group based on identity. Below is a summary of these four phenomena with data on their impact in the U.S. Sources are noted and endnoted. The summary below is not – and is not intended -- to be legal advice. If anyone reading this fact sheet has a personal issue or specific questions about these topics, Tanenbaum recommends that you consult with your attorney and advisors.

HATE GROUPS

Definition

There is no universally accepted definition for what constitutes a hate group. The Southern Poverty Law Center (SPLC) is an organization that, among many things, is highly respected for its monitoring of hate groups. It notes, “All hate groups have beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics...Hate group activities can include criminal acts, marches, rallies, speeches, meetings, leafleting or publishing.”ⁱ

The Federal Bureau of Investigation (FBI) defines a hate group as, “an organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, disability, sexual orientation, or ethnicity/national origin which differs from that of the members of the organization.”ⁱⁱ

Hate Groups in the United States

According to the FBI website, it investigates “domestic hate groups within guidelines established by the attorney general. Investigations are conducted only when a threat or advocacy of force is made; when the group has the apparent ability to carry out the proclaimed act; and when the act would constitute a potential violation of federal law.”ⁱⁱⁱ

The SPLC catalogues hate groups by researching publications, websites, citizen and law enforcement reports, field sources and news reports. In 2010, it identified 1,002 active hate groups in the United States, and noted that over the eight year period from 2000 to 2008, hate group activity in the United States increased by 50%.

The SPLC Hate Map (<http://www.splcenter.org/get-informed/hate-map>) is an interactive tool that identifies hate group(s) by state and city.

The Southern Poverty Law Center identifies 13 ideologies represented by American hate groups as follows:

Anti-Gay

Opposition to equal rights for gays and lesbians has been a central theme of Christian Right organizing and fundraising for the past three decades. This period parallels the rise of the fundamentalist movement to political power.

Example: Family Research Council

Anti-Immigrant

Anti-immigrant hate groups have long been a part of U.S. history and represent the more extreme of hundreds of nativist and vigilante groups that have proliferated since the late 1990s, when anti-immigration attitudes began to increase to levels that had not been seen in the United States since the 1920s.

Example: American Border Patrol (NGO)

Anti-Muslim

Anti-Muslim hate groups are a relatively new phenomenon in the United States, most of them appearing since September 11, 2001. Earlier anti-Muslim groups tended to be religious in orientation and disputed Islam's status as a respectable religion.

Example: Stop the Islamization of America

Black Separatist

Black separatists are typically groups of Blacks who oppose integration and racial intermarriage, and want separate institutions – or even a separate nation -- for Blacks. Most forms of Black separatism espouse anti-White and anti-Semitic ideologies, and a number of religious Black separatist groups assert that Blacks are the Biblical "chosen people" of God.

Example: National Black Footsoldier Network

Christian Identity

Christian Identity groups generally adopt an anti-Semitic and racist theology, which gained some prominence in the 1980s. The movement's relationship with the evangelical Christian community and with fundamentalist Christians has generally been hostile (the belief by evangelical and fundamentalist Christians that the return of Jews to Israel is critical to the end-time prophecy does not align with the anti-Semitic beliefs of those who identify with Christian Identity). (See, White Nationalist.)

Example: Weisman Publications

Holocaust Denial

Deniers of the Holocaust either deny the systematic murder of around 6 million Jews in World War II or minimize the actual scope of the Holocaust. These groups (and individuals) often purport to present serious scholarship as "historical revisionists." Scholars of the Holocaust discredit this movement as one of deniers. These critics are often accused by the Holocaust Deniers of trying to squelch open-minded inquiries into historical truth.

Example: Institute for Historical Review

Ku Klux Klan

The Ku Klux Klan is the most infamous — and oldest — of American hate groups. Although Black Americans have typically been the Klan's primary target, it has also attacked Jews, immigrants, gays and lesbians and, until recently, Catholics. Often thought of as a secret society of White Christians who used violence including intimidation through cross burnings to stake their positions, the KKK, as it is known, now also has a presence on the web from which it seeks recruits in order to protect White, Christian values. (See, White Nationalist.)

Example: Knights of the Ku Klux Klan

Neo-Confederate

The term neo-Confederacy is used to describe 20th and 21st century revivals of pro-Confederate sentiment in the United States. Strongly nativist, the individuals who identify as neo-Confederates claim to pursue Christianity and the Christian Heritage, as well as other values that they describe as fundamental and which modern Americans are viewed as having abandoned. (See, White Nationalist.)

Example: League of the South

Neo-Nazi

Neo-Nazi groups share a hatred for Jews and a love for Adolf Hitler and Nazi Germany. While they also often express hatred toward other minorities, gays and lesbians and even sometimes Christians, they generally perceive "the Jew" as their cardinal enemy. (See, White Nationalist.)

Example: Aryan Nations

Racist Music

Racist music groups are typically music labels that record, publish and distribute music in a variety of genres that focus on White power.

Example: Liferune Industries

Racist Skinhead

Racist Skinheads form a particularly violent element of the White supremacist movement, and have often been referred to as the "shock troops" of the hoped-for revolution. The classic look associated with Skinheads is a shaved head, black boots, jeans with suspenders and an array of typically racist tattoos, though many people who do not subscribe to their philosophy may also have this "look." (See, White Nationalist.)

Example: Blood and Honour America Divisions

Radical Traditional Catholicism

"Radical traditionalist" Catholics today may comprise the largest group of individuals who reject the ideology of the Vatican and some 70 million mainstream American Catholics and, instead, accept anti-Semitic attitudes.

Example: Tradition in Action

White Nationalist

White nationalist groups espouse White supremacist or White separatist ideologies, often taking the position that non-Whites are inferior. Groups listed above including the Ku Klux Klan, neo-Confederate, neo-Nazi, racist skinhead, and Christian Identity could also be described as White nationalists.

Example: Council of Conservative Citizens^{iv}

HATE CRIMES

Definition

In the United States, the FBI defines hate crimes as: *“criminal offenses that are motivated, in whole or in part, by the offender’s bias against a race, religion, sexual orientation, ethnicity/national origin, or disability and are committed against persons, property, or society.”*

Victims *“can be individuals, businesses, institutions, and society as a whole.”*

Statistics

Under the Hate Crime Statistics Act of 1990, statistics of U.S. hate crimes include data on “crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including the crimes of murder and non-negligent manslaughter; forcible rape; robbery; aggravated assault; burglary; larceny-theft; motor vehicle theft; arson; simple assault; intimidation; and destruction, damage or vandalism of property.”ⁱⁱ

Some hate crimes also constitute acts of domestic terrorism.

Notwithstanding efforts to capture data on hate crimes, the statistics remain incomplete because all hate crimes are not reported. The reasons for underreporting vary and can include fear of reprisal and a lack of knowledge about one’s rights.

- The FBI hate crimes statistics from **2009** (released late in 2010) indicate that **6,604 criminal incidents involving 7,789 offenses** were reported as a result of bias toward a particular race, religion, sexual orientation, ethnicity/national origin, or physical or mental disability.
- In 2009, there were a total of **1,575 victims** of **1,376 anti-religious hate crimes, as follows:**
 - 70.1 percent were anti-Jewish.
 - 9.3 percent were anti-Islamic.
 - 8.6 percent were anti-other religion.
 - 4.4 percent were anti-multiple religions, groups.
 - 4.0 percent were anti-Catholic.
 - 2.9 percent were anti-Protestant.
 - 0.7 percent were anti-Atheism/Agnosticism/etc.^{vi}
- Based on the FBI’s reports on Religious Bias Hate Crimes from 1996-2009, the total number of such incidents ranged from approximately 1,200 to 1,800 with a median of approximately 1,400 during the 13 year period. There was a **spike in 2001 (reflecting a rise in anti-Islamic bias incidents)**. In 2008, the number reached 1,519 but dropped in 2009 to 1,303.

- **Reported Anti-Jewish incidents continue to constitute the majority of religious bias hate crimes.** The number of reported anti-Jewish incidents per year hovered around 1,100 until 2001 at which point the number of incidents per year decreased. From 2002-2009, these crimes averaged approximately 950 annually.
- Reported Anti-Catholic bias incidents have fluctuated, showing a small overall increase from 1996-2009. Some believe that these trends may be linked to fluctuations in media coverage of church sex scandals.
- Reported incidents of anti-Islamic bias per year hovered in the 20s and 30s from 1995 until 2001. In that year, there were 481 incidents, a 17-fold increase from the prior year. At least three people and as many as eight were murdered in anti-Muslim attacks in the months immediately after the attacks, according to press reports. At around the same time, President Bush gave a widely reported speech, saying Islam was not the enemy. Anti-Islam, anti-Muslim hate crimes dropped the following year, 2002, to 155 and to about 100 in 2009. ^{vii}
- The anti-other religious group category includes Hindu, Sikh, Buddhist, Tao, etc. Incidents reported per year for this group varied from about 100 to 200 during the period covered. **From 1998-2002, there was a steady increase in incidents; in part, this reflected incidents in which Hindus and Sikhs were mistaken for Muslims.**
 - **Sikhs perceived to be Muslims:** Many hate crimes committed against Sikhs fall under the category of "personal attacks," or an assault. Vandalism and arson are also prevalent. It is widely believed that Sikhs are targeted because of their turbans, an icon associated with terrorism in the minds of many.
 - **Hindus perceived to be Muslims:** In written assessments of hate crimes, there are some cases that document Hindus, perceived to be Muslims, as victims of hate crimes.
- The number of reported incidents of anti-Atheism/Agnosticism/etc. bias per year ranged from 2 to 14. The trend for this group is generally flat, with a very slight increase in the past 7 or so years. ^{viii}
- Single bias incidents are incidents in which there are one or more actual crimes but they are all perpetrated or motivated by the same bias. An analysis of the 6,598 single-bias incidents reported in 2009 showed the following: 19.7 percent resulted from religious bias.
- 4.3 percent of all hate crimes occur in a church, synagogue, or temple.
- Of the religion-based hate crimes: 24.9 percent occurred in or near residences or homes.
 - 17.6 percent occurred in churches, synagogues, or temples.
 - 12.9 percent transpired at schools or colleges.
 - 22.0 percent took place in other or unknown locations.
 - 22.6 percent occurred in the remaining specified location categories or in multiple locations. ^{ix}

According to a report released in May 2005 by the Council on American-Islamic Relations (CAIR), **"anti-Muslim hate crimes rose by more than 50 percent between 2003 to 2004;** while 93 anti-Muslim hate crimes were reported in 2003, 141 hate crimes were reported in

2004. The CAIR study cites 1,552 cases of anti-Muslim occurrences and includes those involving violence, discrimination, and harassment. Approximately 225 of these cases involved allegations of religious discrimination (for example, a city's opposition to a mosque might have been included if deemed to be based on religious motives). 196 cases involved workplaces and 190 cases cited verbal harassment. **The CAIR report suggests that the increase in anti-Muslim sentiment is to be attributed to websites and radio programs whose content stimulates feelings of hate.**^x

- **Examples of religiously based hate crimes:**

- A 21-year-old film student attacked a cab driver in New York City. Police said the student cursed out the cabby after asking him if he was Muslim and then slashed his throat and stabbed him in several places when he answered in the affirmative.^{xi}
- Balbir Singh Sodhi was gunned down on Sept. 15, 2001 in Mesa, Arizona. The turban-wearing Sikh was killed outside his gas station while planting flowers. Sodhi's killer spent the hours before the murder in a bar, bragging of his intention to "kill the ragheads responsible for September 11."^{xii}
- The ADL cites the burning of a Holocaust museum in Indiana and the attempt to firebomb a synagogue in Allentown, Pennsylvania, as among the bias crimes it tracks.^x
- On November 27, 2003 *Metro West* reported that an Ashland, Massachusetts teenager [defaced a Hindu temple in Ashland](#) on Halloween. Anthony Piccioli, 17, was convicted of spray painting hate messages. Police said Piccioli spray painted 'Sand N----- beware,' and 'head,' on a rock near the Hindu temple. Police said 'head' was short for 'towel head.'^x

BULLYING

Definition

While definitions of bullying vary, most agree that bullying typically involves an imbalance of power, an intention to cause harm, and repetitious (bullying) behaviors against the same target. Bullying can be verbal, social and/or physical.^{xiii} **Cyber bullying**, or bullying that occurs through digital media such as email, social networking websites or text messaging, has also increased in the past several years.^{xiv}

Statistics

U.S.

- 55% of 8 to 11-year-olds report that bullying is a serious problem for them.^{xv}
- The 2010 Ethics of American Youth study, organized by the Josephson Institute of Ethics, a nonprofit organization dedicated to improving the ethical conduct of society, surveyed over 43,000 U.S. high school students regarding their attitudes and conduct. The largest survey of this type ever conducted, its findings indicate that, among high school students:
 - 50% claim to have bullied someone, whereas 47% claim to have been victims of bullying, teasing or taunting that "seriously upset" them.

- 33% believe that violence is a big problem at their school.
 - 24% report that they do not feel very safe at their school.
 - 52% state that they have hit a person when they are angry.
 - 10% say they took a weapon to school at least once.
 - 16% say they have been intoxicated while at school.
 - 23% report being prejudiced against certain groups (survey answers of Agree and Strongly Agree).
 - 21.5% say they have mistreated someone because he/she “belonged to a different group” one or more times.^{xvi}
- According to the National Education Association’s 2011 Nationwide Study of Bullying:
 - 62% of school staff reported witnessing two or more incidents of bullying in the prior month.
 - 41% of school staff reported witnessing incidents of bullying once a week or more.
 - 9% of school staff stated that they witnessed incidents of bullying daily.
 - The percentage of teachers who indicated that they are concerned about bullying varied, depending on the type of bullying:
 - Verbal: 59%
 - Social/relational: 50%
 - Physical: 39%
 - Cyberbullying: 17%
 - 93% of school staff report that their school district has a bullying prevention policy, but only 54% report having received training on the implementation of such policy.
 - 58% of school staff state that their school has formal bullying prevention efforts: only 39% participate in such efforts.^{xvii}
 - 56% of students report that they have personally witnessed some type of bullying at school.^{xviii}
 - 66% of bullying victims say they believe that school officials (teachers, administration) did not respond effectively to bullying problems.
 - Bullying by boys tends to decrease after age 15, whereas bullying by girls often increases after age 14.^{xix}

New York City

- The percentage of teachers in NYC public schools, who report witnessing bias-based harassment based on different identities, follows:
 - Race: 42.6%
 - Ethnicity: 42.6%
 - National Origin: 38.1%
 - Sexual Orientation: 38.1%
 - Color: 36%
 - Sex/Gender: 35%
 - Gender Identity/Expression: 29.9%
 - Disability: 27.4%
 - Citizenship/Immigration Status: 20.8%

- Religion: 17.8%
 - Creed: 12.7%
- Teachers and staff also report other reasons they believe students were harassed or bullied, including: having an accent and/or “English proficiency learning disabilities,” inclusion in a special education class, socioeconomic status, body type, size or weight.^{xx}

Bullying and Religion

- 25% of students report being bullied on the basis of their race or religion.^{xix}
- Religion or creed accounted for 3% of reported “bias-related harassment incidents” in New York City schools in 2008-2009.^{xxi}
- According to a 2010 survey cited in Muslim Advocates’ testimony, 80% of Muslim youth have experienced harassment, with 50% reporting being called names in front of teachers or administrators.^{xxii}
- In California, 8-12% of high school students report being bullied based on the basis of their religion.^{xxiii}
- 16.4% of LGBTQ-identified students report feeling unsafe at school because of their religion.^{xxiv}

Cyber Bullying

- In 2006, 43% of teens reported experiencing some form of cyber bullying.
- Cases of cyber bullying frequently go unreported. 9 in 10 teens do not report cyber bullying to their parents, and less than 1 in 5 cases of cyber bullying are reported to law enforcement.^{xxv}
- Cyber bullying affects all races.^{xivxiv}

Laws and Initiatives

U.S.

- President Obama held a national Conference on Bullying Prevention at the White House on March 10, 2011. In his remarks, President Obama stated that the goal of the conference is “to dispel the myth that bullying is just a harmless rite of passage or an inevitable part of growing up.” He spoke about the “destructive consequences” of bullying and the need for parents, students, teachers and community members to take action to prevent bullying and create safe and welcoming school climates. In order to provide resources and educate the public about federal government bullying prevention initiatives, the website, www.stopbullying.gov, was launched by the U.S. Government’s Department of Health and Human Services in partnership with the Department of Education and Department of Justice.^{xxvi}
- 46 states have some type of anti-bullying law.^{xxvii}
- At least 34 states have enacted legislation related to cyber bullying.^{xxviii}

New York State

- In September 2010, former New York State Governor David Patterson signed into law the Dignity for All Students Act.^{xxxix} With this law, New York became the 43rd state in the U.S. to pass anti-bullying legislation. The law protects students from bullying based on race, color, sex, national origin, ethnic group, religion, religious practice, weight, disability, sexual orientation and gender identity, as well as other forms of abuse. Senator Thomas Duane (D—Manhattan) said that this legislation marks the first time transgender students are specifically protected within New York state law.^{xxx}
- On June 1, 2011, the New York State Senate passed comprehensive anti-bullying legislation preventing both cyber-bullying and conventional bullying. The aim of the bill is to create safer learning environments for children and greatly expands upon the Dignity for All Students Act passed in 2010. Called the “Law to Encourage the Acceptance of All Differences” (LEAD), this new bill seeks to protect all students regardless of the reason for acts of bullying. LEAD formally defines bullying and requires school employees to report incidents of bullying. It also adds bullying to the list of incidents for which a student may be disciplined. School districts will be required to create anti-bullying policies and to increase education about bullying prevention for teachers and students. After passing the Senate, the bill was sent to the Assembly.^{xxxi}

New York City

- The New York City Department of Education launched the Respect for All initiative in 2004, intending to raise awareness of the city’s cultural diversity, encourage respect and establish a process for reporting and investigating instances of bullying and bias-based intimidation and harassment. The first city-wide Respect for All Week was held March 8-12, 2010. Schools participated in a variety of activities, including video projects, assemblies, poster and t-shirt design and tracking good deeds, to name a few examples. The next Respect for All Week will be held February 13-17, 2012. The creation of the Respect for All initiative answered the Sikh community’s call for action based on ongoing harassment that Sikh children were experiencing in schools in Richmond Hill, Queens.
- New York City’s Citywide Standards of Discipline and Intervention Measures and Department of Education Discipline Code expressly prohibit discrimination, harassment and bullying for any reason. Investigations are to be conducted for all reports of bullying, harassment or intimidating behavior.^{xxxii}

Bullying – Examples

Cyber Bullying

- 15 year old Phoebe Prince, whose family moved from Ireland to South Hadley, Massachusetts, killed herself in January 2010 after being bullied for several months about a romantic relationship with a popular football player, including several instances of cyber bullying. Nine students were arrested in connection to her death, several of whom ultimately received community service and probation.^{xxxiii}
- Star athlete Alexis Pilkington, 17, took her own life in March 2010 after being bullied on social networking sites. Following her death, the nasty attacks continued on tribute pages online.^{xxxiv}

Religion

- In spring 2008, Jagmohan Singh Premi, a Sikh student from Queens, was attacked by a student who had been bullying him persistently for several months. A student tugged on and tried to remove his turban, which covers hair traditionally kept uncut as an article of faith. The victim's injuries included bruising and swelling that resulted in a trip to the hospital.^{xxxv}
- A Muslim girl was attacked outside her Staten Island middle school in March, 2011. The 12-year-old boy who attempted to rip off her hijab, or head scarf, was charged with felony assault as a hate crime.^{xxxvi} Several girls choosing to wear the hijab have been harassed in similar incidents occurring in schools throughout the country.^{xxxvii}

Ethnicity

- There were several anti-Mexican hate crime incidents on Staten Island in the summer of 2010, including one in which Christian Vazquez, then 18, suffered injuries. Vazquez, an active member of neighborhood group Eye Openers Youth Against Violence, was attacked by a group of young men, including a 15-year-old who had immigrated from Liberia. Vazquez reported that he thought he would die during the assault.^{xxxviii}

Sexuality/Perceived Sexuality

- In September 2010, Tyler Clementi, an 18-year-old student at Rutgers University, jumped off the George Washington Bridge after his roommate and another freshman student webcast him during a private intimate encounter with another man.
- Tyler Clementi's suicide brought attention to the cases of several other students, including a few as young as 13, who had hanged or shot themselves after being bullied because they were gay or perceived to be gay.^{xxxix}
- Andrew Viveros, a transgender student who graduated in 2011 from a high school in Florida, was bullied as a transgender student. Conduct included frequent taunting, having her locker vandalized and homophobic slurs. Recently, the Broward County School Board added transgender students to its non-discrimination policy; a similar change will go into effect in Miami-Dade County as of July 1, 2011.^{xl}

Race

- An elementary school student of multi-racial background in Saranac Lake, New York reported in 2010 that she had been the target of race-based bullying, including racial slurs and destruction of her personal belongings. Students stole and destroyed the contents of her backpack. One female student touched the girl in a sexual manner; a male student wrote on his MySpace page that the girl should commit suicide.^{xli} The school has since taken action to combat bullying and harassment, including reviewing school policies and involving students in discussions and peer education about the importance of valuing diversity.^{xlii}
- On May 4, 2011, an African-American student at Santa Monica High School in California found a dummy with a noose when he entered a wrestling practice room. He proceeded to the locker room to change when two students approached him and chained him to a locker with a belt while making racial remarks. The student did not report the incident. However, the school was made aware of what had happened. The student's mother only learned what had occurred five weeks later, when the principal sent an email to parents about the incident, explaining that the students involved were disciplined, including suspension.^{xliii}

Ability

- Cory Miller, a student with cerebral palsy who uses a wheelchair, was assaulted three times over the course of two years in the small town of Havana, Illinois. In the third of these occurrences, a group of students sprayed something in Miller's eyes, took him to a public restroom and assaulted him. Miller's stepmother organized a rally in support of Cory outside of a City Council meeting to demand action and investigation into the incidents. More than 100 people attended the rally.^{xiv}

WORKPLACE HARASSMENT

In the workplace, the term harassment is used to describe types of misconduct (it can include some types of bullying behavior) and employment discrimination that violate Title VII of the Civil Rights Act of 1964, which prohibits workplace discrimination based on religion, race, color, sex, national origin, age, disability or genetic information. Under Title VII, harassment is defined as unwelcome or unwanted conduct. This unwelcome conduct becomes unlawful when:

- Enduring the unwelcome conduct becomes a condition of continuing one's employment; and/or
- The conduct is severe enough to create a hostile, intimidating or abusive work environment.

Across the nation, many states and local governments have additional legislation that covers these issues. For purposes of this fact sheet, however, the focus will be on the federal statute and only a broad overview is offered.

The Equal Employment Opportunity Commission (EEOC), a federal enforcement agency, is a resource for employees of companies with 15 or more employees. It handles claims of discrimination from within the workforce, and investigates allegations of harassment by looking at the entire record, including the nature and context of the alleged incidents.

Religion and Workplace Harassment

Religious harassment that involves "unwelcome conduct" includes a range of behavior including requiring or coercing an employee to abandon or alter his/her religious practice(s) or belief(s) as a condition of employment. Conduct that creates a hostile, intimidating or abusive work environment generally involves more than one instance and also can include a wide range of statements, conduct and practices.

Employers can reduce the likelihood of harassment occurring in their workplaces by taking proactive steps including: having clear anti-harassment policies; providing regular communications about the anti-harassment policies including the processes for making a complaint.

Companies can also reinforce some of the better practices encouraged by the EEOC. In particular, it suggests that employees first inform their harasser that his/her conduct is unwelcome and must stop. Then, if it continues, it is time to submit a complaint, which will often be readily handled in house and result in a satisfactory resolution. EEOC complaints and litigation remain an available option in the instances where the conduct cannot be stopped.

To understand the types of conduct involving religion that fall within harassment, it may be helpful to review some behaviors on which rulings have been made. As in all litigation, each

case will have its own discrete set of facts and will be assessed on the basis of those facts and evidence presented:

- **When religious expression WOULD NOT GENERALLY BE considered harassment:** An employee prints out and then posts religious scriptures in small print on his cubicle wall.
- **When religious expression HAS BEEN considered harassment:** An employee printed out and prominently posted religious scriptures condemning same sex relationships to express his objection to his company's workplace diversity poster campaign featuring a photograph of an employee above the caption "Gay."^{xlv}
- **When religious expression IS NOT considered harassment:** In accordance with company policy and her own personal religious beliefs, an employee wears a hijab to work every day, and her co-worker tells Human Resources that he is offended by her religious garb. No policy change results.
- **When religious expression IS considered harassment:** An employee wears a hijab to work every day, and her co-worker publicly makes comments about her religious garb, including jokes and sarcastic comments, and consistently directs aggressive and derogatory comments her way, making the employee's daily experience very difficult.

Title VII protects applicants and employees from being treated differently based on their religious beliefs (or lack of beliefs) in regard to employment, recruitment, hiring, assignments, discipline, promotion and benefits. In addition, employers may not retaliate against an applicant or employee who has participated in any protected activity (which includes filing a complaint with the EEOC).

With respect to religion, Title VII also adds an additional obligation on employers. Employers in companies with 15 or more employees must accommodate an employee's request for a religious accommodation based on a sincerely held religious belief – that is, unless the accommodation imposes an undue burden. How to balance the employer and the employee's needs depends on the particular facts and circumstances and can involve a legal assessment. As noted elsewhere, complaints based on religious issues in workplaces have risen, even though the trending has included some fluctuations. Also important to note, as cited in the *New York Times*,^{xvii} religious complaints filed with the EEOC by Muslim employees in 2009 accounted for **25 percent of the claims**, even though Muslims only account for about 2% of the United States population.^{xviii}

The content of this Fact Sheet is adapted by Tanenbaum and Tanenbaum is responsible for its contents. The content of the "Hate Groups" portion of this Fact Sheet is drawn primarily from information on the Southern Poverty Law Center's (SPLC) website, with permission from SPLC.

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