

## Managing Stereotypes toward American Muslims in the Modern Workplace through Legal Training, Diversity Assessments and Audits

Bahaudin G. Mujtaba<sup>1</sup>, Frank J. Cavico<sup>2</sup> & Tipakorn Seanatip<sup>3</sup>

### Abstract

The “American” society in the United States is becoming more diverse every single year; and consequently religious diversity is one very important dimension of a people’s belief system as well as their identity. Therefore, managers must be sensitive to their employees’ faiths, beliefs, observations, and practices; and thus they must also be cognizant of discriminatory practices and stereotyping in the workplace and strive to eliminate them. The challenge of extirpating religious discrimination and stereotyping is particularly acute regarding employees of the Islamic religious faith. American Muslims live and work in every part of the United States ‘society and economy. Yet, some people in the Muslim Diaspora regularly face discriminatory practices in the modern workplace. The widespread negative publicity related to militant groups across the world is often wrongly linked to the religion of Islam; and this perceived connection has further increased fear of, and consequently stereotyping of, and discrimination toward Muslims. Naturally, such stereotypes and biases and disparate treatment will have a negative impact on the Muslim worker’s motivation, engagement, and productivity levels. Such conduct can also lead to legal liability on the part of the employer pursuant to civil rights laws. This article supplies a practical review of recent challenges, applicable laws, and illustrative legal cases. The article discusses some of the “trials and tribulations” facing American society, particularly the biased perception of Muslims among some sectors of the general population. The article then discusses the laws regulations that provide every one with equal opportunities and freedom from discrimination as citizens, residents, and employees in the U.S. workplace. An examination of religious discrimination and harassment against Muslim employees is provided along with current case law examples. Moreover, the article provides an auditing tool for managers and human resource professionals so they can keep their firms free from litigation and potentially huge legal costs as well as adverse publicity. The article also provides suggestions for education and training to thereby increase the awareness of employers, managers, human resource professionals, and employees too on how to avoid illegal discrimination and unethical stereotyping as well as to how legally accommodate the religious needs, observances, and practices of Muslim employees in the modern workplace. The authors wish to inculcate to managers and human resource professionals as well as all people that Muslim employees are human beings, and, like other people of all religious faiths as well as non-believers, must be treated with dignity and respect and thus in a legal and ethical manner.

**Keywords:** Discrimination; harassment; prejudice, stereotype, bias; code words, religion; national origin; accommodation; employment; diversity, Muslim, Islam.

<sup>1</sup>Huizenga College of Business and Entrepreneurship, Nova Southeastern University, 3301 College Avenue, Fort Lauderdale, FL. 33314-7796. USA. Phone: (954) 262-5045; Email: [mujtaba@nova.edu](mailto:mujtaba@nova.edu)

<sup>2</sup>Huizenga College of Business and Entrepreneurship, Nova Southeastern University, 3301 College Avenue, Fort Lauderdale, FL. 33314-7796. USA. Phone: (954) 262-5045; Email: [cavico@nova.edu](mailto:cavico@nova.edu)

<sup>3</sup>Institute of International Studies, Ramkhamhaeng University, Bangkok, Thailand. Email: [tipakorn@iis.ru.ac.th](mailto:tipakorn@iis.ru.ac.th)

## Introduction

Some individuals in the American Muslim diasporas in the United States face discriminatory challenges on a regular basis, particularly in the workplace, due to prejudice and bias. Part of the negative stereotypes are hidden biases that do not necessarily become materialized into action, others are more patent prejudices which can lead to blatant and tangible adverse consequences in the form of discrimination and harassment which managers must become aware of in order to provide a legal and respectful work environment for all of their employees (Esposito, 2015; Kaifi, 2014; Khan and Sheikh, 2012; Sav, Harris and Sebar, 2012; Ghumman and Jackson, 2010; King and Ahmad, 2010; Mujtaba, 2010; Ely and Meyerson, 2000; Harvey and Allard, 2002; Kolb, Fletcher, Meyerson, Merrill-Sands and Ely, 1998).

Specific examples that have progressed to the courts are discussed herein so the "lessons-learned" can readily be put into practice in the workplace. The methodology used for this article includes a general review and discussion of legal laws and cases that can help local and international managers avoid costly and litigious court annoyances in the United States. One reality is that majority of the world's lawyers live and work in the United States; as such, the American workplace is a very litigious one; and accordingly religious diversity is one area that managers and human resources professionals should carefully examine to make sure their Muslim workers, as well as all their employees, are treated equally and fairly.

If workers are treated fairly, then one can certainly expect their motivation to be high; otherwise, in the presence of discriminatory practices, Muslim workers, like other victimized employees, will either leave or become demotivated and disengaged. Therefore, ensuring that Muslim workers and employees of other faiths are treated equally and fairly emerges as an important task for managers as well as expatriates who are working in the United States. Just as international human resources managers working in the Middle East are encouraged to understand how Islam impacts the work environment (Alfiouni, Ruel and Schuler, 2014), managers and human resource (HR) professionals working in the United States must also understand how their Muslim employees are treated by their colleagues, the community, society, and the organization itself in order to have motivated and high-performing workers and work teams. Research has demonstrated that there is a positive relationship between fairness, trusting relationships between employees and managers, and the company's overall performance (Tzafrir, 2005).

Experts have studied the role of management and how that function impacts the performance of American firms abroad (Bjorkman and Fan, 2002); accordingly, the same role should be explored specifically for Muslim workers who are employed in the United States if the organization is to have a sustainable competitive advantage over time through their human resources asset. Chan, Shaffer and Snape (2004) emphasized that an organization's culture can become a competitive advantage through proper human resource management practices that can increase performance in a sustainable manner. Of course, a discriminatory organizational culture toward a specific group of employees such as Muslims, can lead to diminishing performance overtime (Fernandez, Junquera and Ordiz, 2003). As explained by President Barak H. Obama during his February 3, 2016 visit to a Mosque, those who practice Islam do not have to choose between their religion and their nation as they are both Americans and Muslims simultaneously.

Academic studies and findings have suggested that investment in human resources is likely to enhance and increase organizational performance (Tzafir, 2005; Fernandez, Junquera and Ordiz, 2003; Bjorkman and Fan, 2002; Ford and Richardson, 1994). However, examination of the relationship of effective management, human resource management (HRM) and organizational performance regarding the fair treatment of Muslim workers has not been empirically tested or thoroughly studied in the United States.

Nonetheless, research studies similar to those conducted by researchers such as Jiang, Lepak, Hu, and Baer (2012), Kehoe and Wright (2010), and Ford and Richardson (1994) have tested a firm's human capital relationship to a variety of variables with workers in the United States such as employee participation, communication and motivation, training, and development, HRM strategy, and organizational culture, which can create synergistic effects for firms. Consequently, this article emphasizes that discrimination toward and stereotyping of Muslim workers decreases employee participation and motivation, thereby negatively impacting productivity and the organization's culture. As such, managers should keep in mind that both tangible and intangible damage will occur in a firm if they ignore discriminatory practices toward Muslim workers. While there are excellent opportunities for academic studies to empirically test discriminatory practices with workers in the United States, this article focuses on the practical day-to-day issues that managers must pay attention to in order to keep their firms out of the legal system.

The terms “American” workers and the United States are used interchangeably to represent workers living in the United States of America. Also, the term “American” society is used interchangeably with U.S. population and U.S. workers.

### **Values, Socialization, and the Portrayal of Muslims in the Media**

Workers form their values and behavioral tendencies from their socialization in society as well as from what they hear on television and see or read through the various forms of social media (Mujtaba, 2010; Harvey and Allard, 2002). These values and behaviors are the foundation of what people say and how they behave in the workplace. According to the Values Theory, what people value, drives their behaviors (Pohlman and Gardiner, 2000).

As such, it is important to discuss the values of the population along with what has been happening in the American society in order to see how members of the Muslim Diaspora are impacted by changing attitudes and norms.

Due to the rise of real and perceived terrorist attacks both in the United States and abroad, there regrettably has been an increase in religious discrimination and harassment against Muslims living and working in the United States (Valery, 2015; Esposito, 2015; Mujtaba, 2015; Kaifi and Mujtaba, 2012; Cavico and Mujtaba, 2012, 2011a, 2011b). Dr. Abdullah Anteppli, the Muslim Chaplain at Duke University, attempts to explain the rise of stereotyping, bias, prejudice, and discrimination against Muslims, which he calls “Islamophobia,” to wit:

It is well known among propagandists that a message does not have to be true, it doesn't have to be backed by scientific information, and it doesn't have to be accurate as long as you repeat it often enough. Once you repeat something so many times, even the most educated, most enlightened, most progressive, most peaceful people will begin to buy the message. So since 9/11 Islam has been decried as evil and a religion of terrorists. Muslims have been branded as primitive, vengeful, and angry people who oppress women, who are anti-gay, and who possess values that are irreconcilable with Western Judeo-Christian civilization. This message has been repeated so many times that it is no longer just an idea or an unfounded claim. It has started sinking into the hearts and minds of many people as reality (Anteppli, 2010, p. 2).

Romtin (2014, pp. 1288-89) describes the discriminatory and harassing tactics, including secret surveillance, purportedly practiced against Muslims after 9/11 by the New York City Police Department:

Under the guise of counter-terrorism the NYPD monitored the daily lives of thousands of Muslims for about a decade, using techniques such as taking photographs, collecting license plate numbers at mosques, and utilizing informants known as 'mosque crawlers' to infiltrate Muslim organizations. From recording sermons to monitoring business and grade schools, the NYPD targeted individuals not because of reasonable suspicion that they were specifically linked to terrorism, but because of one common characteristic: they were or were believed to be Muslim.

To further illustrate the inflammatory environment, the terrorist attacks of politically and religiously connected individuals on co-workers in the U.S., government authorities in several nations, tourists in Tunisia, as well as the journalists in Iraq, Syria, Palestine, Afghanistan, Pakistan, Denmark, France, Turkey, and Belgium have further exacerbated an already challenging situation by the increasingly negative portrayal of Muslims in media; and thus the harmful result is heightening of the average person's fear of those who practice the Islamic faith or even those who look like they come from Middle Eastern countries. The most tragic outcomes of such discrimination by ignorant, biased, and fearful individuals can vividly be seen from the recent tragic execution-style killings of the three Muslim students in Raleigh, North Carolina, on February 11, 2015.

The inflammatory and increasingly violent political, military, and religious environment, all at times "hyped" by the media, has had serious ramifications for the workplace in the form of increased stereotyping of, and consequent bias, discrimination, and harassment toward, Muslim employees. Of course, the rise in religious discrimination toward Muslim workers is caused by many reasons, but one main reason may be the misinformation provided through various forms of slanted and/or inaccurate media coverage as well as the at times inflammatory language by politicians and political commentators. Moreover, at times, the limited and incomplete media attention has increased misinformation and, consequently, exacerbated the discrimination and harassment toward working adults in the American workplace.

Due to perceived fears (Nash, 2015) and Islamophobia, this type of misinformation can lead to stereotyping and discrimination which becomes the “main-stream” in media, politics, education, and ultimately in the workplace. As an example related to the impact of these fears in the education arena, on September 15, 2015, a 14-year old boy named Ahmed Mohamed, living in Irving, Texas, was arrested by police officers after he brought his science project, which was a home-made clock, to school to show his teacher. One of the teachers saw the wires, heard the beeping, and believed it was a bomb; so they called the police department and a few minutes later Ahmed was arrested and taken to the juvenile detention center. Ahmed was released after a few hours once they discovered that it was simply a science project and nothing more.

This whole incident could have been prevented if the teachers and administration had taken the time to simply ask Ahmed questions regarding his clock, rather than calling the police department. When police officers are called to investigate such incidents, because they have lethal weapons, at times fatalities can happen due to perceived fears, misinformation, and misunderstandings. For example, a 12-year boy, named Tamir Rice, was killed on November 22, 2014, in Cleveland, Ohio, because he was playing with his toy pellet gun at the park during a snowy winter; and someone called the police saying there was someone with a gun in the park; they caller had mentioned that it could be a young boy playing at the park.

The police officers came, saw the boy had a gun in his hand, and shot him through their car window before their vehicle came to a full stop, and prior to getting out of the police car. Tamir died of his wounds at the hospital. Thus, it was fortunate for Ahmed to see that the police officers in Irving, Texas, were much more careful during their investigation of his home-made clock.

Another example of how the media can impact people negatively arises in politics where politicians simply “go with the (ignorant) flow” to secure a few votes from certain constituencies. A blatant example is Donald Trump, the Republican presidential candidate wanting to become President of the United States of America in 2016, who is emphasizing “the fear factor” and consequently proposed that all Muslims coming to the United States should be temporarily banned from entering into the country.

In August 2016, Trump falsely accused the Democratic nominee, Hillary Clinton, of being a bigot, while he himself is continuing to categorize all Muslims, Hispanics, and other minority groups in a negative manner in order to satisfy and motivate a small constituency of his supporters who believe that America belongs to White people and they can “make it great again” through racism against minorities. In one of his campaign speeches, he did not correct an audience member during September 18, 2015 when the man made a racist comment toward those who practice Islam while asking Trump a question regarding how we can get rid of Muslims and also stating to Trump that the President (Barak Obama) was a Muslim.

Trump merely said he would look into these matters; since he did not address this racist and incorrect comment when millions of people were watching to see how these political leaders handle themselves, such misinformation and stereotypes tend to be reinforced over and over again which can lead some individuals to become strongly prejudiced and, consequently, discriminate against Muslims.

A few days later when another Republican presidential candidate, Ben Carson, who happens to be a retired neurosurgeon and an African-American, was asked by Chuck Todd of NBC’s “Meet the Press” show if he would vote for a Muslim President in the United States, Carson said a Muslim should not be a president of the U.S., as he believes that Islam is not consistent with the U.S. Constitution. Is Christianity or the Bible always consistent with the Constitution? Doesn’t Carson know that the Old Testament and Quran have many things in common and their foundation is exactly the same? Well, Carson should know better as he has seen prejudice toward black Americans on a regular basis in this country; yet he continued to support misinformation and displayed this heightened level of ignorance and racism toward Muslims simply to make sure that extremists support his candidacy and campaign for the Presidency position.

What would be Carson’s answer if he was asked: Would you vote for a black person to be President of the United States? A few days later, Dr. Carson began losing some of his support and started to say that he was misunderstood. So he began saying that he would support any qualified American from any faith as long as his / her values were aligned with the position of Presidency in the United States – this is something he should have said in the first place.

Nonetheless, his inappropriate initial answer and remark had already caused some damage in reinforcing biased views toward Muslims. Luckily, most American's are well educated and support diversity and inclusion; therefore, they tend to reject those who want to get ahead through fear, bullying and racism, which is why people like Dr. Carson and Mr. Trump will not be successful politicians.

All political leaders and those who aspire toward such positions in society must hold themselves to a higher standards when it comes to diversity, inclusiveness, and the creation of better society for all.

Otherwise, due to the high levels of misinformation in the American society, many people, sadly, now tend to believe such stereotypes and biases as being true and, consequently, they have anxiety and fear of those who practice Islam and those who look Middle-Eastern. Of course, such fears and prejudices are unfounded; therefore, it is the responsibility of business leaders and managers, as well as political and educational leaders in society, to exercise additional caution in order to keep such stereotypes and resulting discrimination out of their workplace. Such unfortunate incidents will be further discussed in the coming sections of this article. Muslims, especially Arab Muslims, have often been negatively portrayed in American movies and television shows. Yin (2010, pp. 107-08) examines the increasingly negative portrayal of Muslims in Hollywood films:

The villains in these films are openly or subtly identified as Arabs from specific Middle Eastern nations such as Lebanon, the Palestinian territory, or Iraq, though they may also appear 'generically' Arab. In many instances, elite U.S. Special Forces soldiers or secret agents stop these terrorists from crashing a chemical weapon-loaded hijacked plane, setting off stolen nuclear weapons, and using stolen ground-to-air missiles against commercial aviation....The terrorists in these films are not only all Arabs, but also clearly depicted as Muslims, frequently invoking the Koran to justify their actions, praying toward Mecca, and calling out to Allah....(L)ittle or no explanation is given as to why the terrorists are engaged in such horrific actions....Rarely does Hollywood provide even such a basic level of explanation of the antagonists' motivations.

There are many other examples of tragic actions that are often linked to Islam and religion, when in fact they are targeted incidents based on political motives of various militant groups; and at times, such unfortunate circumstances are caused by individuals who have a grudge against police officers or governments from previous mistreatments. It should not come as a surprise to anyone that there are some individuals and groups of people that have a strong hatred toward most militaries across the globe, but especially toward the American government, the Russian government, and some European governments due to the convergence of some catastrophic failures that have negatively impacted people across the globe.

It is understandable that the developed world has a responsibility to work toward the development of a peaceful and sustainable world for everyone and, at times, this requires making difficult decisions to have a safer world by removing or limiting the access of certain unstable parties and weak governments from weapons of mass destruction (WMD). While it is certainly a good cause to make the world more peaceful, there are many cases when individuals who were innocent workers for governments that have lost their lives and their family members have become victims by both formal and informal interrogators in these events.

Think about how many innocent people have lost their lives in Afghanistan, Pakistan, Iraq, Yemen, Palestine, Syria, Libya, Chechnya, Nigeria, Yemen, Ukraine, and other parts of the world where political conflicts have taken place over the past few decades. When the military forces from various governments fire those destructive missiles or drop those thousand-pound bombs to destroy critical facilities and to create the “shock and awe” effect, as the American military had done in Afghanistan and Iraq when they were removing Taliban from power in 2001, and Saddam Hussain in 2003, sadly there were many innocent lives lost in the process. These lost innocent lives are often considered “collateral damage” or an externality (side-effect) of the war.

Those who lose loved ones do not categorize their losses as “collateral damage” but they know that they no longer have their fathers, mothers, children, brothers and sisters with them. Unfortunately, oftentimes, governments do very little to nothing to make reparations for such externalities; and consequently, it should not be a surprise that those negatively affected by it will be more likely to support militant groups who oppose such authorities or governments.

Furthermore, the rhetoric of political parties associating the militant groups and terrorist organizations with the religion of Islam might further legitimize extremists in the minds of those individuals who support them.

As such, world leaders and groups who are creating strategies to combat terrorism must carefully choose their words, slogans and control / eliminate the spread of misinformation about the religion of Islam in order to reduce the number of people supporting extremists. Let us look at a few more specific cases and the realities associated with these unfortunate events.

The case of Boston Marathon bombings began on April 15, 2013, when two pressure cooker bombs exploded at 2:49 pm in the afternoon, which killed 3 people and injured approximately 264 others in the area, some severely with lost limbs. The bombs exploded near the finish-line of the Marathon in Boston. The suspects were two Chechen brothers named Dzhokhar and Tamerlan Tsarnaev. Shortly after, Tamerlan Tsarnaev was shot several times in the firefight with authorities and was pronounced dead at the scene. The younger brother escaped for a day or so and was eventually caught resting on a boat on April 19.

During the interrogation, Dzhokhar stated that they were "self-radicalized" and thus unconnected to any outside terrorist groups; and also that they learned how to build explosive devices from available online literature. While the two brothers were Muslims, they certainly do not represent the religion of Islam and they were not doing this bombing because of their faith. Subsequent stories written about them demonstrated that they were partially angry with the authorities because of previous problems with government officers and the fact that their migrant mother was mistreated in the United States due to her wearing a hijab. This tragic event shows that stereotypes can lead to people being unfairly treated; and this injustice can lead to anger and the holding of grudges.

The Charlie Hebdo shooting took place on January 7, 2015 in Paris, France, where two terrorists armed with weapons entered the offices of the French satirical newspaper, fired many shots, killing 11 journalists and staff members while injuring 11 others. Shortly after the incident, a Muslim French Police officer was also killed as he encountered the gunman while they were leaving the building. Over the coming hours and days, there were several related shootings after the Charlie Hebdo attack, where five people had been killed and eleven others were wounded by the terrorists.

On January 9, 2015 the attackers, brothers Saïd and Chérif Kouachi, took hostages at a signage company in Dammartin-en-Goële; and they were eventually gunned down by the police officers when they were leaving the building. Prior to being shot and killed, the gunmen did have a chance to speak and they identified themselves as connected to Al-Qaeda's branch in Yemen.

So, these terrorists are not representing Islam or Muslims but rather they are part of a political and militant party, who also happened to belong to the Islamic faith. Two days later on January 11, around 2 million people, including around 40 world leaders, met at a rally in Paris for national unity, and over 3.7 million people across France joined the demonstrations.

The phrase Je suis Charlie ("I am Charlie") was a common slogan that was supported by the attendees at the rallies and throughout social media. All this additional publicity further enhanced the readership of the satirical magazine. Consequently, the staff of Charlie Hebdo increased its publication; and thus the next issue sold more than seven million copies in several languages, compared to their typical print run of 60,000 printed only in French.

Once again, similar to the case of Boston brothers, these two French brothers were Muslims, but they did not represent the religion of Islam and they were not doing this bombing because of their faith. Like most other teenagers in France, they had high hopes of becoming respected professionals to make society a little better; but for one reason or another, they became victims of gang-related activities and one of the brothers even served time in a French prison. Their case also shows that not providing equal opportunities to minorities can lead them to feeling like "outsiders" and eventually they can be more easily recruited by militant extremist groups to represent their causes.

These two French brothers did confirm that they were connected to Al-Qaeda in Yemen, which is a political and militant party and not representative of Islam. Similarly, most Republicans and Democrats in the United States are Christians, but they do not work to advance the religious ideologies of Christianity. The American and French armed forces are probably mostly made up of those with Anglo-Christian values, but they are not necessarily fighting for their religion.

However, any political and militant party is likely to use religion when it is advantageous to its members, and especially when they need to recruit more people, or when they can get more votes. While people of all religions equally condemn such tragic killings of innocent individuals, when not managed with the right message, such huge media publicity and attention can provide negative publicity and misinformation in society, including in the workplace; and consequently some people might associate ordinary Muslims and those who look like they come from an Islamic background or nationality with terrorism; yet, these people are not necessarily part of any militant, extremist, or political parties.

Some people have criticized President Barak H. Obama's speech on "violent extremism," during March 18, 2015 for his conscious choice of making sure to not link the beliefs of militant groups such as Boko Haram, ISIS and al-Qaeda as Islamic extremism. President Obama is absolutely on the right track and everyone should realize that the views of political and militant groups, who happen to be Muslims, do not represent the religion of Islam. All leaders from around the world, especially those in the Western societies, should continue to denounce all political and militant terrorist organizations as "not religious leaders". Furthermore, they should continue to emphasize that the Western world is "not at war with Islam."

Wrong-is-wrong regardless of where it happens, who does, or what motive causes it. Beheading people because they are associated with other faiths or linked to helping people of other countries is just as wrong as executing three innocent Muslim students due to deeply-held religious and cultural biases. Whether such tragic incidents take place in Iraq, Syria, or America's North Carolina does not make these individuals representative of their faiths. As such, political leaders must speak carefully and cautiously as words influence people and can lead to the radicalization of youth, especially those who are already struggling due to identity and bullying issues or illnesses such as depression.

Accordingly, it should be clearly stated that those who kill innocent individuals are terrorists and not necessarily representatives of their faiths. These terrorists who kill others because they are instructed to do so due to their membership with various political or militant groups are not religious leaders in Islam. They should be labeled as terrorists, regardless of their religious affiliations as no religion in the world advocates slaughtering of innocent individuals.

The Malaysian Airline MH17 flight which was shot down in Ukraine during 2014 was probably done by someone from the Ukrainian or Russian side and most likely the responsible individual and his/her group belonged to the Christian faith. This flight which took off from Amsterdam, Netherland, going to Kuala Lumpur, Malaysia, had 283 passengers, including 83 children, that all died in this unfortunate event. Sadly, nobody has taken responsibility for this tragic event and the family members of the victims will mourn the loss of their loved ones for the years to come without having a real closure. Regardless of whether the downing of the MH17 was accidental or intentional by the government side or the opposition side, this is the true definition of terrorism when unsuspecting passenger flights are targeted and innocent individuals lose their lives.

The point is that this incident is not linked to the religious beliefs of those who caused it and we should follow similar "talking points" when it comes to dealing with militant groups like Al-Qaeda, ISIS in Syria, Boko Haram in Nigeria, or others around the world. Modern leaders around the world should continue to emphasize that the Western world is not at war with those who are Muslims and those who live in Islamic countries. The war is with those militant parties and terrorist organizations that resort to random slaughtering of innocent individuals, hostages, and journalists, regardless of their faith.

The February 14-15, 2015 shootings in Copenhagen, Denmark, show a case where a gunman is politically motivated to serve a purpose for his own mindset and due to his possible allegiance to militant groups, not necessarily for Islam. The 22-year-old man, born in Denmark, targeted to kill a controversial cartoonist but shot another innocent person in the process, and the gunman was later killed by police officers. The dead gunman was Danish citizen living in Copenhagen and had a Middle Eastern ethnic background. In the Denmark shootings, two civilians died in the attacks during Saturday and Sunday, and five police officers were wounded. The authorities and investigators stressed that there was no evidence that the suspect had worked with anyone else (Gargiulo and Yan, 2015). Bargiulo and Yan (2015) emphasize that the police did confirm that the shooter was "well-known by the police for several criminal incidents." Those incidents include weapons violations and violence in the past, as well as the fact that there were known "gang connections." The shooter had recently been in jail after being convicted of stabbing someone with a knife several times on board a train.

All evidence shows that this shooter in Denmark acted alone and might have been inspired by the Paris attacks to kill the Swedish cartoonist Lars Vilks when he was attending a free speech forum. Vilks, who is perhaps trying to get some cheap publicity through dishonorable means because his talent alone is not sufficient to make him shine, is the self-righteous and delusional controversial cartoonist who had depicted Prophet Mohammed in a way that is considered to be distasteful, unprofessional, and offensive by most Muslims. Of course, he does not care that his offensive cartoons lead to civil unrest, protests, and the killing of innocent police officers and soldiers in countries such as Yemen, Afghanistan, Pakistan and others that are beyond the boundaries of his native land.

During a CNN interview, according to Gargiulo and Yan (2015), Vilks had said the drawing was calculated to elicit a reaction: "It should be possible to insult all religions in a democratic way...If you insult one (religion), then you should insult the other ones."

Individuals like him do not realize that we now live in a globally interdependent world; what happens in one country is likely to impact others in another country. As such, one must be very careful in his/her actions to make sure others are not negatively impacted by what one says or does. The problem with the mindset of the self-righteous and delusional individuals like Vilks is that most people they are insulting are not the beneficiary of a democratic life, nor will those people necessarily give up their values for what they consider to be very offensive to their religion. So, if Vilks wants to exercise his democratic freedom, he should limit his drawings to those issues that represent the people of his country, not those issues that go beyond their national boundaries.

The negative portrayals of Islam throughout the media tend to hurt the image of all Muslims who are working in the United States and in other countries in the Western World due to fears and misinformation that comes through these short snippets. Managers and human resources professionals, therefore, should keep in mind that most Muslims are not affiliated with any political parties or extremist or militant groups. Widespread misinformation can lead to both blatant and hidden discriminatory practices toward Muslim working adults. In some cases, such deeply held biases can lead to fatal incidents such as the execution of the three young Muslim students who were killed in Chapel Hill of North Carolina on February 11, 2015.

Deah Barakat, his wife Yusor Abu-Salha and her sister Razan Abu-Salha were shot and killed in a condo two miles from their school. Deah and his wife were students at the School of Dentistry at the University of North Carolina at Chapel Hill; and Razan attended North Carolina State University.

The grand jury in North Carolina indicted the killer, named Craig Stephen Hicks, on three counts of fatal shooting of the college students in Chapel Hill. Hicks, 46 years of age, was their neighbor and had a consistent history of posting anti-religious messages on social media. Having strong anti-religious beliefs along with the negative media coverage of Muslims can lead some individuals like Hicks to feel it is okay to commit crimes against those who come from an Islamic background. Of course, some may not be aware that based on the existing American laws, any form of retaliation toward Muslims in society as well as in the workplace would be a form of harassment and/or hate crime.

In order for federal hate-crime charges to be initiated for prosecution, evidence must show that religious bias was the main motivating factor. The authorities were looking into whether Hicks was actually motivated by hatred because the students were very religious and the female victims always wore their hijabs. The family members of the students have called the execution style murders a hate crime because the three students were Muslims. Sadly, the cursory coverage of these incidents tends to increase misinformation and fear of ordinary individuals toward Muslims in the workplace.

In another case, in the middle of the night, a 36-year-old Muslim man named Ahmed Al-Jumaili, who had come from Iraq within the last two years, was walking with his wife who was wearing a hijab was shot and killed on Thursday, March 5, 2015 as he was taking pictures of the snow in northeast Dallas, in the state of Texas. Witnesses had seen two men casually walking in the opposite directions, and then come back after a few minutes to shoot Al-Jumaili right outside of his apartment (Tsiaperas, 2015). As such, we see a rise in the number of Muslims facing and experiencing discrimination and harassment in their jobs. This situation at times seems helpless, but it certainly is not hopeless.

In fact, Danish Prime Minister rightly stressed that the challenges Denmark faces were not produced by a religion at large: "This is not a battle between Islam and the West, and it is not a battle between Muslims and non-Muslims, but a battle between the values of freedom for the individual and a dark ideology" held by some militant and terrorist groups (Gargiulo and Yan, 2015, para. 8). While these cases are blatant forms of discrimination against Muslims around the world, there are also many subtle biases and harassment cases that negatively impact Islamic workers in the United States. In order to have an inclusive workplace, all such forms of biases, harassment and discriminatory practices regarding Muslims and people of all other faiths must be eliminated from the workplace.

### **Workplace Challenges for Muslims**

Managers and human resources professionals, therefore, must understand this religious bias and stereotypical element of diversity management; and accordingly they should be proactive in effectively tackling this issue in order to attract, hire, and retain qualified employees from all religious backgrounds (Harvey and Allard, 2002; Mujtaba, 2010).

Managers and organizations, of course, must operate within the law by understanding what the laws state about impermissible harassment and discrimination as well as required accommodations to religious observances and practices in the workplace (Cavico and Mujtaba, 2014; Cavico and Mujtaba, 2012; Abdo, 2008). Of course, most people do not "take the law into their own hands" even if they were victimized by discrimination and/or harassment in the workplace; rather, they sue the company when they know the laws and legal system provides them rights and redress; and accordingly learn how to effectively "fix" discriminatory treatment in a democratic, rule-based culture.

For example, in 2013, officials working in Abercrombie & Fitch supposedly changed their "Look Policy" because they lost several lawsuits on religious discrimination cases toward Muslims. However, similar problems of religious discrimination seem to keep coming up throughout their corporate culture. In one case, Hani Khan had worked for four months as an employee of a Hollister store, which is owned by Abercrombie & Fitch, in San Mateo of California. She was able to wear her hijab during work hours as long as the colors matched the company style.

However, a district manager who visited the store and noticed that she was wearing her hijab asked that she be fired because her headscarf was supposedly in violation of the company's "Look Policy" which might not be in alignment with the company's brand. Sadly, many others, similar to Hani Khan, have been fired in this company simply because they were Muslims (Mujtaba and Cavico, 2013; Cavico, Muffler, and Mujtaba, 2013).

Another female by the name of Halla Banafa came to an interview with a hijab at an Abercrombie & Fitch store. The manager knew that she was wearing the hijab as part of her religious practice. She was told that wearing her scarf would not be an issue, but they did not hire her because Banafa did not have the company's "look." In the case of Samantha Elauf who had applied for a sales position at an Abercrombie Kids store in Tulsa, she had been told that wearing a hijab should not be a problem as long as the scarf was not black because associates are not supposed to wear black. Elauf wore a hijab during her interview and eventually a supervisor had said the head hijab did not meet the Abercrombie's look policy. It was reported that the supervisor, who made this conclusion, did not know that she was wearing the hijab as part of religious practice.

She was not hired and she finally prevailed in her case through the U.S. Supreme Court in June 2015 (*Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores, Inc.*, 2015; Valery, 2015; Aziz, 2012).

Parvarseh (2014, pp. 1293-94) establishes the context for discrimination and harassment toward Muslims, to wit:

- Anti-Muslim hate crimes have risen more than 1600% since 2001.
- Muslim-Americans with a population of nearly 2.6 million make up less than 1% of the U.S. demographic.
- According to a 2010 Gallup Poll, 43% of Americans feel at least "a little" prejudice against Muslims (which is more than double felt against Christians (18%), Jews (15%), and Buddhists (14%).
- Islam is the most negatively viewed in the U.S. with 31% of Americans describing the religion as "not favorable at all" compared to only 9% having a favorable view of Islam.

- According to a 2009 Pew study, 58% of Americans see Muslims as facing “a lot of discrimination” (and with the only group facing more discrimination at 64% being gays and lesbians).

The result of all these negative views and portrayal of Muslims, says Parvarseh (2014, p. 2013), are “adverse real-world effects,” especially discrimination and harassment in employment.

A primary and initial objective for any company is simply to obey the law – civil rights employment law and otherwise. In addition, for the creation of not only a legal, but an ethical, sensitive, and tolerant work culture, one should accept that for many people religious beliefs are likely to be a central component of one’s culture and people’s identity (Mujtaba, 2010). Those who practice Islam are likely to have certain beliefs, observances, and activities that can have legal and practical ramifications for believers who are employees in the modern workplace.

For example, appearance and grooming practices are regarded by many people as integral elements to their religious affiliation, beliefs, and practices (Cavico and Mujtaba, 2011a). Some Muslims might keep facial beard and not shave every day, and some women may wear hijab, headscarves or head coverings, because of their religious beliefs.

Cavico and Mujtaba (2011b) explain that at times an employer’s appearance policies might conflict with its employees’ religious beliefs, thereby raising important civil rights issues and perhaps lawsuits.

Religious beliefs can also form the essence of one’s personal identity. Ruan (2008) explains that “religious expression in particular can communicate many deeply held views. What people wear (such as a head scarf or prayer beads), what they choose to eat (including strict dietary guidelines such as no pork or no meat in meals or even abstaining from all meals during daylight for certain fasting periods), and what holidays they find important (such as Rosh Hashanah, Eid-al-Adha, Christmas, or Good Friday) are expressions communicating both religious identity and the level of commitment that a person holds...these expressions cannot be changed, at least not without altering the core of one’s identity” (pp. 6-7).

Aziz (2012) examined the case law pertaining to Muslim women wearing the headscarf. Aziz (2012, pp. 242-43) concludes that “the Muslim woman finds herself increasingly unwelcome so long as she chooses to practice her faith by covering her hair. And if termination is not the discriminatory act of choice, she finds herself subjected to ethnic and racial slurs conflating her religion with disloyalty and a basis to question her right to work there.” Moreover, Aziz (2012, p. 245) believes that “in addition to demonstrating the headscarf’s symbolic association with terrorism, these...cases exemplify how various races, ethnicities, and religious identities that constitute the ‘Muslim’ are radicalized as the ‘Terrorist other.’”

Women donning the headscarf or those merely associated with someone who does are grouped into a false unitary ‘Muslim women’ who is ‘race-ed’ as a disloyal terrorist deserving of disparate treatment.” Benson (2014, pp. 1-2) states that “Muslim Americans constitute a particularly vulnerable group susceptible to harassment due to their membership in a stigmatized group...Recent students also indicate that exposure to harassment or negative attitudes correlates with the extent to which an individual is visibly identified as a Muslim. Moreover, being ‘identifiable’ as a Muslim often equates to being a female Muslim donning the *hijab*, making discrimination against Muslims a highly gendered phenomenon disproportionately affecting Muslim women.”

Parvaresh (2014, p. 1315) concludes “that viewing Muslims and Muslim-looking people as anti-American and un-American has resulted in Islamophobia – a prejudice against Muslims on account of their religious beliefs and cultural characteristics...Islamophobia has strengthened its hold on our collective imagination. According to the Council of American Islamic Relations (‘CAIR’), ‘Islamophobia is close-minded prejudice against or hatred of Islam and Muslims.’”

Yet, comparable to most European nations, the American society is a pluralistic and heterogeneous environment which traditionally has welcomed immigrants from around the world and which contains many different religions. Accordingly, all the world’s popular religions are now practiced in the United States. Gandara (2006) depicts Arab-Americans as the “fast-growing minority” and notes that in the last two decades their population has increased by at least 40% (p. 171).

There are around fifteen million Muslims living and working in the United States, and it is expected that Islam will surpass Judaism as the largest minority religion in the United States, thus "marking the first time in recent American history that a non-Judeo-Christian religion is the most practiced minority faith in the United States" (Zaheer, 2007, p. 498). As such, American managers must become aware of their legal duty and thus how to best accommodate their Muslim employees in the workplace. Otherwise, conflicts and tensions can arise among employees when a particular employee's religious practices are perceived to impinge on another employee's work life (Cavico and Mujtaba, 2011a). Ruan (2008) points out that "as American workplaces become more diverse, it is inevitable that a growing number of workers will desire to express themselves in religious ways" (p. 22). Zaheer (2007) adds that the Islamic faith will present "unique problems" for employers in seeking to fairly allow religious expression in the workplace due to the "practice intensive nature" of the religion (p. 497). As such, managers must become more accommodating to the spiritual needs of their diverse employees.

### **Religious Discrimination Cases and Accommodation**

The principal law dealing with religious discrimination and harassment in the workplace is Title VII of the U.S. Civil Rights Act of 1964. The Civil Rights Act prohibits discrimination by employers, labor organizations, and employment agencies on the basis of race, color, sex, religion, and national origin.

The Act applies to both the private and public sectors, including state and local governments and their subdivisions, agencies, and departments. An employer subject to this act is one who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. One of the principal purposes of the Act is to eliminate job discrimination in employment (Cavico and Mujtaba, 2008).

Civil rights laws are enforced in the U.S. by the federal government regulatory agency – The Equal Employment Opportunity Commission (EEOC). The EEOC is permitted to bring a lawsuit on behalf of an aggrieved employee, or the aggrieved employee may bring a suit himself or herself for legal or equitable relief, including monetary damages (Cavico and Mujtaba, 2011b). It must also be stressed that the Civil Rights Act is a federal law, and that almost all states in the U.S. have some type of anti-discrimination law which may provide more protection to an aggrieved employee.

Valery (2015, para. 13) states that according to the EEOC, "cases involving complaints of religious discrimination have more than doubled in the past 15 years." Aziz (2012, p. 242) reports that the number of complaints of unlawful discrimination against Muslim employees more than doubled from 697 in 2004 to 1490 in 2009, around 425 of which were filed by Muslim women. Earp (2007) states that the number of religious-based charges received by the EEOC increased 107% between fiscal years 1992 and 2007.

Moreover, discrimination toward Muslims in the workplace increased by 18% from the previous year (Solieman, 2009, p. 1072). Zaheer (2007) notes that there has been "a nearly twofold increase in religious discrimination claims over the last fifteen years, which can be attributed, at least in part, to changing demographics and immigration patterns" (p. 498). Solieman (2009) points out that in the year after the September 11<sup>th</sup> attack, there were 706 charges filed for discrimination; yet during the prior year there were only 323 charges (p. 1072). In the modern American workplace, Solieman (2009) emphasizes that "nearly every Muslim-American is vulnerable to national origin employment discrimination...Even second or third generation Muslims born in the United States...can have Arabic-sounding names that subject them to such vulnerabilities" (p. 1079).

Since religion is a protected category pursuant to U.S. civil rights laws, employers must not discriminate against employees due to the employees' religious beliefs, observances, and practices (Civil Rights Act of 1964, 42 U.S.C. Section 2000e). The U.S. Supreme Court defined religion as a "sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God" (*United States v. Seeger*, 1965). The Supreme Court also requires that the beliefs professed by a person be sincerely held (*Welsh*, 1970). Furthermore, the employee bears the burden of showing that his or her religious beliefs meet the definition of "religion" (Benson, 2014).

The courts and the EEOC construe religious discrimination as treating a person (job applicant or employee) differently because of his or her religion. Title VII prohibits religious discrimination regarding any aspect of employment, including hiring, discharge, pay, assignments, promotions, layoffs, benefits and training (EEOC, Religious Discrimination, 2015).

This type of intentional discrimination case is called a “disparate treatment” one wherein the aggrieved employee is treated differently because of his or her religion – the Islamic faith in the context herein (Cavico and Mujtaba, 2014). The requisite discriminatory animus of religious bias and prejudice can be established by direct or circumstantial evidence (that is, in the latter case indirect evidence, such as an otherwise qualified applicant being denied a promotion, which raises an inference of a discriminatory motive) (Cavico and Mujtaba, 2014).

For example, in one federal court of appeals case, the employee, a Muslim originally from Egypt, raised an inference of discrimination by demonstrating that his negative job evaluations which prevented career advancement occurred while he was actively recruiting in the Muslim community and Mosques to expand recruitment in the Muslim community (*Kamal Aly v. Mohegan Council, Boy Scouts of American*, 2013, p. 48).

Similarly, in another district court case the fact that employer provided certain training to employees but not to the Muslim employee was regarded as evidence of an intent to discriminate based on religion (*Muhammed v. Westinghouse Electric Company, LLC*, 2013, pp. 34-35). Another federal appeals court decision will clearly show how far the courts are willing to go to find an improper inference.

In the case, the fact that employee’s supervisors, who denied the employee, a Muslim originally from Algeria, a promotion he was seemingly qualified for, *overheard* other supervisor and co-workers addressing employee as “Habibi,” which is an Arabic greeting for “friend,” in part (along with other employees referring to him as a Muslim) raised an inference that the employee’s denial of a promotion was due to a discriminatory animus (*Tahar Ahmed v. JEH Charles Johnson, Secretary, United States Department of Homeland Security*, 2014, pp. 503-04).

However, an employer can justify a job decision, whether failure to hire or promote or to terminate, if the employer can demonstrate a legitimate, job-related reason for the determination (Cavico and Mujtaba, 2014). For example, in one federal district court case a Muslim employee failed to present sufficient evidence that he was discharged because he was a Muslim and because he communicated with Muslim parents about the behavior of their children at school that he considered was “discordant” with Islam.

The court ruled that the evidence indicated that he was discharged for failing in his duties as a liaison between parents and the school and for creating disruptions and conflicts (*Abduraman Haji v. Columbus City Schools and Columbus City Schools Board of Education*, 2015, pp. 15-16).

Similarly, in a federal court of appeals case, a Muslim employee who wore the religious garments of a keffiyeh and thobe was terminated on the second day of his employment as a debt collector. He claimed religious discrimination; but the evidence indicated that the employer had a legitimate job-related reason for the discharge because of an unfavorable criminal background check indicating that employee had a felony conviction for a crime of dishonesty and failure to pay off a restitution and that other employees with criminal records who were not terminated and who did not wear Islamic religious garb had convictions "different in magnitude" and "different in kind," for example, a misdemeanor offense of driving with a suspended license (*Lavotte Saunders v. Apothaker & Associated, Inc.*, 2014, pp. 10-11).

Moreover, in addition to the duties not to discriminate against employees because of their religion Title VII requires that employers must make a "reasonable accommodation" to their employees' religious beliefs, observances, or practices unless to do so would cause more than a minimal burden but rather an undue burden or hardship to the employer's business (*Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores, Inc.*, 2015; EEOC, Religious Discrimination, 2015).

Once the courts and/or the EEOC find that the employee has established an initial case of a failure by the employer to make a reasonable accommodation, the employer must then demonstrate that the requested accommodation would have resulted in an undue burden or hardship to the employer (Benson, 2014). The aforementioned duty to accommodate encompasses not just scheduling changes and leave for religious observations, but also for religious-based grooming practices, for example, says the EEOC, wearing a Muslim headscarf or not wearing or not wearing certain garments (EEOC, Religious Discrimination, 2015; Benson, 2014). The duty to accommodate is not required if there is an undue hardship to the employer, which means according to the EEOC the accommodation would be costly, compromise workplace safety, decrease workplace efficiency, infringe on the rights of other employees, or to require other employees to do more than their fair share of burdensome or potentially hazardous work (EEOC, Religious Discrimination, 2015).

As one court explained: "An employer has met its obligation to accommodate religious practices 'when it demonstrates it has offered a reasonable accommodation to the employee....' The Supreme Court has suggested that 'bilateral cooperation is appropriate in the search for an acceptable reconciliation of the needs of the employee's religion and the exigencies of the employer's business.'

However, the term 'reasonable accommodation' does not lend itself to bright line rules; rather, 'each case necessarily depends upon its own facts and circumstances, and in a sense every case boils down to a determination as to whether the employer as acted reasonably'" (*Equal Employment Opportunity Commission v. JBS USA, LLC*, 2015, p. 84). A most interesting accommodation case which clearly shows just how far the courts will go to impose a duty to accommodate is a federal district court case where the employer offered as an accommodation to Muslim employees' religious beliefs and practices prayer breaks before each shift, during regular breaks, and after each shift; but nonetheless the court ruled that whether these prayer breaks were "sufficiently close to Islamic prayer times" so as to constitute a reasonable accommodation was a question of fact for a jury to decide (*Equal Employment Opportunity Commission v. JBS USA, LLC*, 2015, pp. 87-88).

However, the fact that an employee's co-workers or customers are unhappy with an accommodation for the employee's religious beliefs, observances, or practices, and are even "grumbling" about it, is not sufficient to create a hardship (Benson, 2014, p. 7). To illustrate, in one federal district court case, the defendant employer hotel failed to demonstrate any "undue hardship" precluding a legal duty to accommodate for not allowing a female Muslim employee to wear hijab when dealing with hotel guests. The court ruled that the employer's assertion that some hotel guests might not like her display of faith was insufficient to create "undue hardship" (*Equal Employment Opportunity Commission v. 704 HTL Operating, LLC*, 2103, pp. 40-41). Therefore, considering the scope of these civil rights laws, it is incumbent on managers to know these key laws and how the courts apply the laws in the modern global workplace. Violations of civil rights laws as well as other laws are based on evidence and fulfilling burdens of proof and persuasion. Accordingly, in order to be successful in a lawsuit for religious discrimination under U.S. civil rights laws the aggrieved party must present sufficient evidence of discriminatory intent; that is, the aggrieved party was intentionally treated in a disparate manner because of his or her membership in a protected class (Cavico and Mujtaba, 2014) – religion in the case herein and specifically the religion of Islam for this article.

The requisite “bad intent” can be based on direct evidence or on indirect or circumstantial evidence that gives rise to an inference of discriminatory motive for an employment action (Cavico and Mujtaba, 2014). In example of the latter type of evidence is the use of improper “code words” at work, that is, words that are in the form of pejorative remarks of a religious or ethnic nature or words based on negative stereotypical notions. These words can provide the necessary evidentiary element for a judge or jury to make an inference that an adverse work decision was motivated by improper religious and/or national origin discrimination (as well as the other protected categories in civil rights law). Examples of such code words in the context of this article are as follows:

1. Co-workers stating to Muslim employee that she was a “symbol of 9/11 to customers” (Mujtaba and Cavico, September 2011, p 14; Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).
2. Co-workers stating to Muslim employee that Muslims “do not belong in America” and they should “all be kicked out” (Mujtaba and Cavico, September 2011, p. 15; Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).
3. Managers stating to Muslim employees that “This is not an Islamic country” (*Equal Employment Opportunity Commission v. WC & M Enterprises, Inc.*, 2007, pp. 397, 400).
4. Calling colleagues or employees “Muslim extremists,” “extremists,” “Taliban,” “terrorists,” “towel-head,” and “crazy” (*Equal Employment Opportunity Commission v. Sunbelt Rentals*, 2008, p. 311; *Equal Employment Opportunity Commission v. WC & M Enterprises, Inc.*, 2007, p. 400).
5. Calling Muslim employees “towelhead,” “raghead,” and “rock thrower” (Mujtaba and Cavico, September 2011, pp. 19, 21; Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).
6. Repeatedly telling a Muslim employee that “Israel is OK” (Mujtaba and Cavico, September 2011, p. 19; Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).
7. Telling a Muslim employee: “You are a Holy man” (Mujtaba and Cavico, September 2011, p. 20; see also Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).
8. Asking a Muslim employee: “Who is your prophet? Is it Muhammad or Ali?” (Mujtaba and Cavico, September 2011, p. 20).
9. Co-workers stating to a Muslim employee of Egyptian descent that Arabs and Muslims “should not be in the United States,” and “should leave” (Mujtaba and

Cavico, September 2011, p. 18; Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).

10. Co-workers telling an employee of Afghan descent that "Afghanistan needs to be bombed and wiped out" (Mujtaba and Cavico, September 2011, p. 20; Cavico and Mujtaba, 2011b; Cavico and Mujtaba, 2012).
11. Managers calling employee an "Arab," even though he was from India (*Equal Employment Opportunity Commission v. WC & M Enterprises, Inc.*, 2007, pp. 397,400).
12. Employer stated that she wanted "to get rid of all the Arabs" was sufficient evidence of an intent to discriminate based on national origin against Arab employee (Cavico and Mujtaba, 2012, p. 101).
13. Continually calling an employee, a native of Egypt and practicing Muslim, whose name was "Mamdouh," by the "westernized" nickname "Manny" over employee's objections (Cavico and Mujtaba, 2012, p. 101, p. 101).
14. Comments that "Muslims do not belong in America" and "should be kicked out" were evidence that the employee, Muslim of Indian descent, was fired due to his Islamic faith (Cavico and Mujtaba, 2012, p. 103).
15. Comment by supervisor that a Muslim employee was told to "go to Mecca to pray" was evidence of an intent to discriminate (Cavico and Mujtaba, 2012, p. 104).

Code words and phrases as well as stereotypical remarks and comments clearly can be grounds for a civil rights discrimination lawsuit – religious discrimination in the context herein. Discriminatory intent, motive, and animus, as well as harassment and hostility, can be derived from degrading and disrespectful words, terms, and phrases as well stereotyped or stereotypical remarks and comments. However, not all comments and remarks will be regarded as legally impermissible code words.

For example, a supervisor's remark that employee had a "Muslim issue" was regarded as a "stray remark" since it neither was made at the time of the employee's discharge nor did it refer to the discharge and thus was insufficient evidence to support an inference of discriminatory motive (*Sekou Cherif v. Robert A. McDonald*, 2015, p. 9).

## Harassment Cases

Title VII also prohibits the harassment of any person based on his or her religion. The EEOC states that harassment can encompass offensive remarks about a person's religious beliefs, observances, or practices. Harassment is illegal when it creates a hostile work environment or when it results in an adverse employment decision, such as a discharge or demotion (EEOC, Religious Discrimination; Cavico and Mujtaba, 2014). Religious discrimination can also be in the form of harassment, that is, the presence of a hostile, offensive, or abusive work environment based on religious differences. A hostile environment has the effect of unreasonably interfering with one's work performance or it creates an intimidating or offensive working environment. So, religious harassment can include offensive remarks about a person's religion (Cavico and Mujtaba, 2014; Cavico and Mujtaba, 2011a).

EEOC considers harassing conduct to include "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts" that relate to religion, national origin, and the other protected categories (Gandara, 2006, p. 182).

Cavico and Mujtaba (2011a) provide an example of a Muslim employee, who wore a kufi was repeatedly called by his fellow employees, "Taliban" and "towel-head," and who also made fun of his appearance, questioned his loyalty to the United States, suggested he was a terrorist, and made comments associating Muslims with senseless violence. The court reversed a summary judgment for the employer and remanded the case for trial on the religious discrimination and harassment claims (*EEOC v. Sunbelt Rentals, Inc., 2008*).

Another employee who was Muslim born in India and who worked at a car dealership as a salesperson was subject to religious harassment when he was repeatedly referred to as a "Muslim extremist" and constantly called "Taliban." Again, the appeals court reversed a summary judgment for the employer and remanded the case for trial based on national origin and religious harassment (*EEOC v. WC&M Enter, Inc., 2007*).

In a federal district court case, the plaintiff employee's religious harassment claim was based on comments by a co-worker that all Muslims are terrorists who should be killed and "wiped off the face of the earth," and that the plaintiff might get shot for wearing a religious pendant.

Moreover, the plaintiff employee alleged that she was questioned as to what was being taught at her mosque and whether it was connected to terrorism. She also alleged that her supervisor placed newspaper articles about mosques in foreign countries that taught terrorism on her desk, along with a note telling her to come to his office in order to justify such activity (Cavico and Mujtaba, 2011). The court characterized the language and comments as malicious and vitriolic (*Khan v. United Recovery System, Inc.*, 2005).

It should be noted that the laws do not prohibit simple teasing, off-hand comments, or isolated occurrences that are not very serious. According to Cavico and Mujtaba (2011a), the courts typically look for several elements, presented in Table 1, in order to establish an initial or *prima facie* case of religious discrimination based on a hostile work environment (*Rami Awad v. National City Bank*, 2010; Williams, 2008; Grisham, 2006). In one case, the plaintiff employee was a Muslim firefighter and emergency medical technician for the Washington, D.C., Fire and EMS – Emergency Medical Services (Cavico and Mujtaba, 2011a; Mujtaba, 2014). The employee was told by his supervisor that he would have to choose between his religion and his job. Furthermore, the supervisor told him there would be “ramifications” if the plaintiff employee pursued internal complaints of religious harassment.

The federal district court found there was sufficient evidence to support a retaliation claim, explaining: “Although the nature of these ‘ramifications’ is unclear, because Ali was allegedly told he would have to choose between his job and his religion, the Court infers that Ali’s supervisor was suggesting that Ali might lose his job. The EEOC states that it is illegal to retaliate against a person for opposing employment policies or practices that discriminate based on religion or for filing a discrimination charge, or testifying or participating in any way in an investigation, proceeding, or litigation (EEOC, 2010 - Facts about Religious Discrimination). In another case, the employee was frequently called “Mrs. Osama bin Laden” by a fellow employee, who also made comments that Arabs and Muslims were “stupid” and “crazy” (Cavico and Mujtaba, 2011a). The employee, who was of Egyptian national origin and of the Islamic faith, repeatedly complained to management, with no results, and allegedly was discharged for reporting the harassment (Earp, 2007, p. 139).

The case, which alleged national origin and religious discrimination, was ultimately settled for \$162,500 (Earp, 2007, note 28). So there are tangible as well as intangible economic costs for companies if they are not being fair to their employees' religious practices and needs.

As emphasized and illustrated, a civil rights violation can occur under Title VII as well as other civil rights laws if an employee is harassed at work due to his or her religion or any of the other protected categories. As such, Table 1 presents the elements that constitute religious harassment which is a form of illegal discrimination:

<b>Table 1 - Elements Demonstrating Religious Harassment Discrimination</b>	
1.	The employee belongs to a protected class.
2.	The employee has been subject to unwelcome harassment based on the protected category of religion.
3.	The harassment was severe and pervasive.
4.	The harassment adversely affected the employee in that it altered the terms and conditions of employment.
5.	The harassment would detrimentally affect a reasonable person of the same religion in that position.
6.	The employer is responsible for the hostile religious environment under either a theory of direct or vicarious (that is, imputed) liability

Williams (2008) adds that some courts will also require that not only must the employee belong to the protected religious class, but also that the employee must hold the actual religious beliefs on which the discrimination and hostility is based. The courts use a "totality of the circumstances" test to determine whether a work environment is hostile, offensive, or abusive based on religion (*Rami Awad v. National City Bank*, 2010; Grisham, 2006). This "totality of the circumstances" test "includes the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance" (Grisham, 2006, p. 16). Furthermore, "the effect on the employee's psychological well-being is relevant in determining whether the (employee) actually found the environment abusive" (Grisham, 2006, p. 16).

Overall, the EEOC advises that the employer should have a well-publicized and uniformly applied anti-harassment policy that 1) treats religious harassment; 2) clearly states prohibited behavior; 3) explains the procedures for bringing harassment to the attention of management; and 4) includes an assurance that employees who complain will be protected from retaliation (Cavico and Mujtaba, 2011b). In addition to the aforementioned government guidelines the authors in the next section to this article offer a system of employee training based on religious values – specifically Islamic values – to combat discrimination, bias, and negative stereotyping.

### **Recommendations for Training based on Islamic Values**

Any form of illegal discrimination, harassment and retaliation against Muslim workers and those of other faiths must be avoided by all managers and employees in the workplace because such unlawful activities are unethical and also can lead to costly lawsuits, decrease in morale, and adverse publicity. It is important to realize that though the values and principles adduced in this section of the article have a specific religious derivation one can extrapolate the core ethical content which can form the basis of secular education, training, and codes of conduct.

A fundamental value, principle, and precept of the Islamic religion is that the Islamic faith teaches everyone to be honest and ethical and for people to develop and to maintain a strong moral character in all their dealings at all times. This emphasis on integrity is manifested through various foundational values and consistent discipline, particularly being committed to prayer and other religious observances and practices.

The principles of work ethics and management in Islam are derived from the Holy Quran (words of God) and the Hadith (words, sayings, and practices of Prophet Mohammed). Many verses of the Quran speak about justice and honesty in trade, and courtesy and fairness in employment, women rights, relationships, and also encourage humans to learn new skills and to strive to do good work, which benefits both the individual and the community. Islam emphasizes cooperation in work and consultation with relevant parties in making decisions (Abuznaid, 2006).

Today, Islamic work ethics and value-based management principles can act as a guidance and reference to the all professionals and general management in Islamic countries and elsewhere (Chee, 2015).

Some of the Islamic principles of work ethics and management, which are derived from Quran and the work of scholars such as Abuznaid (2006) are briefly summarized in Table 2. As presented and weaved into the fabric of these Islamic work ethics principles, each person is endowed with free will and is expected to take full responsibility for change in society (Abuznaid, 2006).

Consequently, the implications of the *Nya* (or intention) principle for management are that employees should be judged, rewarded or penalized for their intended plans and strategies rather than just for the outcomes of their actions. The idea is that outcomes can often be affected or influenced by external factors that are beyond one's immediate control. The second principle, *Taqwa*, leads to steadfastness in seeking truth and justice because people fear no one but God. In a business organization, constructive criticism and recommendations from colleagues and managers can become a common practice and even a duty, when wrongdoings are observed.

The third principle, *Ihsan*, is related to the value of *Iman*, which means moral character and faith in a higher power. Furthermore, production and consumption are to be guided by sustainability consideration of what and how things are produced, and the social costs associated with them. Every organizational activity should be a pursuance of good deeds as the Almighty is always watching and present. Managers with a high level of *Ihsan* tend to promote relevant training and development opportunities for their employees and engage them in decision-making process.

**Table 2 – Islamic Work Ethic and Ethical Work Principles**

Principle	Characteristic and Details
Intention (Nya)	In Islam, actions should be accompanied and judged by intentions. Rather than being fatalistic, each person is endowed with free will and is expected to take fully responsibility for change in society.
Being mindful of God (Taqwa)	When filled with Taqwa, people are likely to refrain from behaving unjustly and will command his/her soul to move from the state of ammara (the prone-to-evil level), which is the primitive stage that man shares with animals, to the state of lawama (self-reproaching level), at which man is conscious of evil and struggles between good and evil by seeking repentance, to the highest level of mutmainna (the righteous level), when the mind is perfectly in tune with good deeds, piety and justice.
Kindness and feeling the presence of God (Ihsan)	Ihsan, which is often considered to be the highest level of character, has several meanings. It is alms giving, perfection and amelioration, forgiveness, completeness of faith and, most important of all, doing good deeds. It is also a continuous struggle to work towards attaining God's satisfaction and to worship God as if you see Him and He sees you. This feeling makes the person behave at his/her best without the need for any human supervision.
Justice (Adl)	Justice is never to be affected by personal interests and other considerations. Justice is also to protect people's freedom and equality. All people are considered as equals regardless of their sex, color, race, wealth, prestige, profession, status and knowledge. What truly count is should be people's actions
Trust (Amana)	The concept of trust is a core value governing social relationships, as every person is held accountable for his/her doings in the community. Trust can lead to joint consultation and delegation of relevant authority to employees.
Truthfulness (Sidq)	Sidq implies doing and saying what is right to the best of one's knowledge. It is forbidden in Islam to lie or to cheat in all circumstances. Managers and employees are asked to be patient, to fulfill their contractual duties, and to be honest, while always seeking love and mercy from the Almighty.
Self-improvement (Itqan)	Itqan implies the continuous improvement for self-betterment. Hence, striving to do better all the time requires humans to work harder and improve the quality of their products and services through the learning of new knowledge and skills.
Sincerity and keeping promises (Ikhlas)	Ikhlas means keeping to promises is a moral obligation for every Muslim. It is a big sin to intentionally fail to meet one's promises. Breaking one's word is un-Islamic and hypocritical.
Consultation (Shura)	In the principle of Shura, Muslim managers and leaders are encouraged to consult others before making major decisions that have an interdependent impact throughout the value chain. Taking part in discussions and making suggestions are key leadership values in Islam.
Patience (Sabar)	Patience is the highest level of Iman (faith in God and His messenger). Practicing high emotional intelligence and exercising patience in making organizational decisions can increase trust, cooperation, effective communication, and better negotiations.

The principle of *justice* is a virtue that every person should develop regardless of whether he/she is a leader or a subordinate. It is stated in the *Quran*: '*Stand out firmly for God as witnesses to fair dealing and let not the hatred of others to make you swerve to wrong and depart from justice*' (Chapter 5, verse 8). Within Islam, humans are free in their beliefs - '*There is no compulsion in religion*' (*Quran*, chapter 2, Verse 256). Justice for all should lead to equality for all. In order to maintain an organization of justice and equality there should be a sense of openness and willingness to listen among those in managerial positions. In order for justice to prevail, employees must be treated and rewarded fairly. Managers must never "look down" on their employees and should not ignore their suggestions. Employees as human beings must be treated with dignity and respect.

In regards to *trust*, the leader can and should be "*ameen*" or a trustee, that is, a person who respects the trust bestowed upon him/her by both superiors and subordinates. Any dishonest act or act of misuse of resources or mismanagement is seen as a violation of this trust. The concept of truthfulness or *Sidq* requires that managers and subordinates are not guided by their personal feelings which can divert them from the right path of justice and trustworthiness. Universalism, honesty, and trustworthiness are central to good interpersonal relations and effective management. These ethical values safeguard humans from temptation to misuse the resources entrusted to them.

Conscientious of self-improvement (*Itqan*) is related to a state of passion for continuously striving for excellence (*Alfalah*). In an organizational context, striving to do better all the time requires managers and employees to create a culture of continuous improvement by working hard and regularly improving their products and services by learning, training, innovation, and creativity. Sincerity and keeping promises is known as *Ikhlas*, which implies that God calls upon the believers to be sincere in all their dealings. Sincerity can infuse trust and confidence in the organization while also creating a culture of trust and cooperation among all the stakeholders. Consultation (*Shura*) states that the right way to make the best decision is to involve and engage others in the process. This principle teaches managers to treat their subordinates as their equals in their dealings (Abuznaid, 2006). Managers are expected to consult with their subordinates before making major decisions for the department and organization. The principle of *patience* is similar to the idea of emotional intelligence and not making quick judgments.

At the organizational level, *patience* and humility go hand in hand. Being patient in making decisions reduces the possibility of making mistakes and increases the chances of success in negotiations.

Entrepreneurs, employers, managers, and human resource professionals should fully comprehend the importance of educating and training employees on these Islamic work ethics principles, including team leaders and supervisors, so they can act in a legal, fair, ethical, and even inspirational manner with all their colleagues and subordinates. Employers thus should develop their employees to be culturally competent by being sensitive to their employees' religious beliefs, observations, and practices as well as their cultures, heritage, and ethnic backgrounds. Furthermore, each employer should at the least attempt to accommodate their employee's religious needs in a reasonable and good faith manner.

Employers naturally need to be aware of their legal responsibilities and be vigilant in ensuring that the workplace is free from any form of illegal discrimination or harassment. Employers also must make their employees aware of the fact that the U.S. is an increasingly diverse and pluralistic country regarding religious practices. Accordingly, employers and employees must learn to be tolerant of different religions and employees who wish to express their religious identity in the workplace. Zaheer (2007) states that "because satisfied employees foster a productive work environment, it behooves employers to learn how best to accommodate the religious practices of their employees" (p. 529).

Grisham (2006) advises that regarding religious discrimination and harassment, the employer's anti-discrimination policies and procedures must specifically address religious discrimination and harassment, and must clearly state that religious discrimination and harassment will not be tolerated in the workplace. Ruan (2008) advises that the prudent employer should create and promote a set of "best practices" guidelines for managers, supervisors, and employees that incorporate the values of diversity, respect, inclusion, and non-discrimination (p. 30). Grisham (2006) further counsels that the employer should not reject the employee's accommodation request even if the employer considers it to be unduly burdensome; rather, the employer should consider the offered accommodation, explain to the employee why the employer believes it is unreasonable, and then work with the employee to devise a less burdensome alternative accommodation.

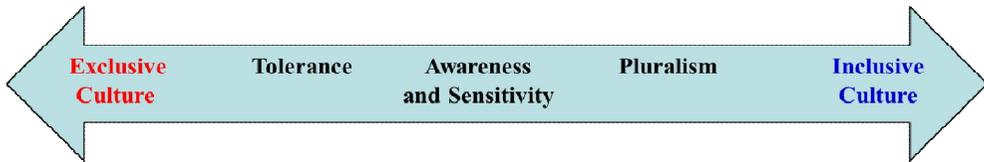
The proper process thus should be a good faith effort between the employer and employee to resolve the conflict between the employee's religious beliefs, observances, and practices and the legitimate business needs of the employer. Ruan (2008) emphasizes that employers should note that a "proactive approach for employers to create a respectful place for religious diversity is arguably good for business, as well as good for employees" (p. 30). Dignity and respect and fair and equal treatment are the hallmarks of a legal, ethical, and socially responsible workplace. As such, another means to help create and sustain such a just workplace is the diversity audit.

### **Diversity Audit of Organizational Cultures**

Political and business leaders, educators, and managers have a responsibility of creating an inclusive and fair society and a just workplace for everyone and every stakeholder (Allah and Mujtaba, 2016). As such, these business leaders and managers must create a workplace that accommodates people of all religions and faiths (Nash, 2015), particularly in today's diverse environment. Fortunately, there are many organizations that do an excellent job of strategically diversifying their workforce, celebrating the diversity of their workers, and creating a competitive advantage through their human resources' asset by maintaining an inclusive workplace for all (Mujtaba, 2010; Ely and Meyerson, 2000; Harvey and Allard, 2002; Kolb, Fletcher, Meyerson, Merrill-Sands and Ely, 1998).

It is obvious that excellent companies measure and regularly audit themselves in the achievement of compliance as well as their diversity goals. Particularly companies that have Muslim employees also should assess their culture to determine their workers' perceptions of and attitudes toward their colleagues who belong to the Islamic faith. They should also measure and assess the views of their Muslim employees to determine if they see the organization's culture as exclusive or inclusive, as friendly or acrimonious, or somewhere in between. Once data are collected and perceptions are assessed, then proper education and training and development opportunities can be implemented to create an inclusive and ethical work environment for everyone (Allahand and Mujtaba, 2016).

**Figure 1 – Diversity Audit Continuum (Mujtaba, 2010)**



The diversity audit continuum presented in Figure 1 (Mujtaba, 2010) is one tool that can be used in this process of surveying employees and assessing the overall climate or culture of an organization. Managers and human resources professionals can create a short survey that is relevant for their specific company and industry to gauge the views, perceptions, biases and stereotypes that might be present in their workforce. As a result of the gathered data, managers can try to place their organization's culture somewhere in the diversity audit continuum. Once a baseline is established, then the company can work on moving toward the destination that they would like to achieve for their specific teams, departments and organizations. The following are some general milestones in the diversity audit continuum which can be used for such traits as religion, as well as gender, ethnicity, skin color, and other dimensions of diversity.

1. *Exclusive organizational culture.* People are homogenous and outsiders are easily distinguished from insiders due to the group's socialization process and expected norms.
2. *Tolerance culture.* This is the "melting pot" mindset and assimilation is the norm. Assimilation requires people to lose their cultural differences and blend into the group or wider society.
3. *Awareness and sensitive culture.* Managers and employees receive some basic training about diversity, cultural sensitivity, and the importance of respecting each other and professionalism.
4. *Pluralistic culture.* Pluralism takes place when cultural differences are acknowledged and preserved.
5. *Inclusive organizational culture.* Groups can be heterogeneous and together they create a distinctive competitive advantage through teamwork and their unique cultural knowledge.

When the workers of a team, department, or company are all of similar religious views and values and thus perhaps lacking openness and a willingness to compromise and to accommodate others, then these workers are likely to fall into an “exclusive culture.” An exclusive organizational culture is likely to display such negative traits as an unwillingness or inability to hire diverse employees, the denial of opportunities for certain minority groups or individuals with different beliefs, to have cases when some employees are not treated with respect or appreciated for their diversity, and the retention of diverse (but soon-to-be dissatisfied and unproductive) associates who are not provided with adequate opportunity to excel or to demonstrate individual knowledge and skills.

In contrast, when the workers of a team, department, or company are diverse and come from different cultural, religious, generational, and ethnic backgrounds, and they work for ethical organizations that practice openness toward using divergent thoughts to synergize based on their distinct views, then these organizations are likely to have an inclusive, ethical, and highly effective organizational culture. Other organizational cultures can fall somewhere in between depending on whether their focus is simply on “merely” abiding by the laws (tolerance culture) to avoid criminal charges and civil lawsuits, or getting everyone to work as a team with others (awareness and sensitive culture), to a beneficial situation where managers and employees think in pluralistic ways to make sure there is equal diversity based on the local population and customer and client demographics as well as vendor or supplier ratios. Such a pluralistic culture would hire and develop a diverse workforce while accommodating their religious practices and cultural norms. Overall, an “inclusive culture” has the following elements:

1. Displays excellent ability of hiring diverse employees, with a balanced distribution of diverse staff in all departments.
2. Preserves cultural differences. Fairness, equality of treatment, zero tolerance of discrimination, and opportunity for all staff and applicants are practiced on a daily basis.
3. Respects and values every staff member.
4. Provides opportunities to develop individual skills and potential.
5. Guides, supports, and offers constructive feedback for developmental purposes.

6. Encourages success based upon individual effort and team performance, not based a manager's "personal" preferences.

Managers should remember that an inclusive organizational culture encourages "diversity consciousness," which implies that everyone must be able to function in a workplace that is comfortable with cultural diversity and pluralism (Mujtaba, 2010; Ely and Meyerson, 2000; Harvey and Allard, 2002; Kolb, Fletcher, Meyerson, Merrill-Sands and Ely, 1998). Diversity consciousness is an effective approach to personal success in managing workplace diversity. Entrepreneurs, employers, and managers should know that tapping the true essence of employee diversity can yield significant product and profit breakthroughs by respecting different cultures, synergizing on those employee differences, and supplying customers with the right products and services at the right times. Yet the creation of positive value must start by removing the negative impact of misinformed biases and stereotypes by providing factual data and diversity training as well as development opportunities for all employees to become culturally competent and work in an inclusive and ethical work environment. Accordingly, Malos (2015) emphasizes that staffing decisions must be scrutinized to make sure they are not made in a biased or "stereotypic" manner and thus that individuals are appraised based on job-related skills, knowledge, and capabilities and "valid performance metrics" (p. 278).

Each company's and each nation's diverse people groups must all "hang together" as one team (or "hang separately" as Ben Franklin said regarding the American colonies) in order to benefit everyone in their communities and throughout the world. Therefore, as a business leader, manager, or human resources professional, one should make sure to conduct an organizational diversity audit on an annual basis and set developmental goals for the coming year. This tool in addition to acting in a legal, ethical, and values-based manner will produce a just, harmonious, and productive workplace.

## **Summary**

Muslims face many challenges in the Western world, particularly due to the ongoing commitment of American military involvements in Iraq, Syria, Yemen, Afghanistan, and in other parts of the world. One of these challenges for working adults is religious discrimination and harassment in the American workplace, particularly for Muslim employees.

Furthermore, the number of Americans practicing the religion of Islam has increased substantially, and will continue to rise in the coming decades, as it is the fastest growing faith in the world now. Therefore, awareness of and respect for other religious practices must be included by the employer in the employees' diversity, sensitivity, and cultural competency education and training. The ultimate goal should be for the employees to tolerate religious differences, and to embrace religious diversity as well as all other aspects of a cross-cultural workforce.

This article supplied examples of media characterizations of negative portrayals of Muslims and showed how this information can create biases and stereotypes which in turn can engender religious discrimination and harassment. The article provided a succinct discussion of the laws against employment discrimination related to religion along with some basic material regarding Islam and the presence of Muslims in the American workforce. Human resources professionals and managers' duties encompass making sure there is no illegal discrimination against Muslims in the workplace and also to ensure that employees' religious practices are reasonably accommodated. The objective is to treat all employees in a legal, ethical, fair, and transparent manner. Finally, the article provided suggestions for achieving organizational culture diversity, especially by means of diversity auditing, as well as recommendations for employee training and awareness to ensure a just and an inclusive workplace.

## References

- Abdo, Aliah (2008). The Legal Status of Hijab in the United States: A Look at the Sociopolitical Influences on the Legal Right to Wear the Muslim Headscarf. *Hastings Race and Poverty Law Journal*, 5, 441-514.
- Abduraman Haji v. Columbus City Schools and Columbus City Schools Board of Education, 2015 U.S. LEXIS 12427 (2015).
- Abuznaid, S. (2006). Islam and management: What can be learned? *Thunderbird International Business Review*, 48(1), 125 – 139.
- Afiouni, F., Ruehl, H., and Schuler, R. (2014). HRM in the Middle East: Toward a Greater Understanding. *International Journal of Human Resource Management*, 25, 133–143.

- Allahand, A. and Mujtaba, B. G. (2016). Organizational Diversity Audit of Teachers and Staff in South Florida's Broward County School Board. *Journal of Advances in Social Science and Humanities*, 2(1), 19-27.
- Antepli, Abdullah (2010). Introductory Remarks Given at the Duke Forum for Law and Social Change Symposium. *The New Face of Discrimination: "Muslim" in America*. Duke Forum for Law & Social Change, 2(1), pp. 1-2.
- Aziz, Sahar F. (2012). From the Oppressed to the Terrorist: Muslim-American Women in the Crosshairs of Intersectionality, *Hastings Race & Poverty Law Journal*, 9, pp. 191-262.
- Benson, Kristina (2014). The Freedom to Believe and the Freedom to Practice: Title VII, Muslim Women, and Hijab. *UCLA Journal of Islamic and Near Eastern Law*, 13, pp. 1-19.
- Bjorkman, I. and Fan, X. (2002). Human resource management and the performance of Western firms in China. *International Journal of Human Resource Management*, 13(6), pp. 853-864.
- Cavico, F.J., Muffler, S.C., and Mujtaba, B.G. (2013). Appearance Discrimination in Employment: Legal and Ethical Implications of "Lookism" and "Lookphobia." *Equality, Diversity, and Inclusion: An International Journal*, 32(1), pp. 89-119.
- Cavico, F. J. and Mujtaba, B. G. (2014). *Business Law for the Entrepreneur and Manager (3<sup>rd</sup> edition)*. ILEAD Academy: Florida.
- Cavico, F. J. and Mujtaba, B. G. (2012). Discriminatory Practices against Muslims in the American Workplace. *Journal of Leadership, Accountability and Ethics*, 9(1), 98-117.
- Cavico, F. J. and Mujtaba, B. G. (2011b). Employment discrimination and Muslims in America. *Journal for Global Business Advancement*, 4(3), 279-297. Website: [www.inderscience.com](http://www.inderscience.com).
- Cavico, F.J. and Mujtaba, B.G. (2014). *Legal Challenges for the Global Manager and Entrepreneur* (Second Edition). Dubuque, Iowa: Kendall Hunt Publishing Company.
- Chan, L.M., Shaffer, M.A. and Snape, E. (2004). In search of sustained competitive advantage: the impact of organizational culture, competitive strategy and human resource management practices on firm performance. *International Journal of Human Resource Management*, 15(1), pp. 17-35.

- Chee,Chin (Christine)Chau, (2015). *Islamic Management Culture Values: The Case of Female Workforce in Oman*. Paper presented at the Institute of International Studies of Ramkhamhaeng University for "BUS 7104 – Managing in Global Business" course. February 20, 2015.
- Civil Rights Act of 1964. 42 United States Code Sections 2000e *et seq.* Thomson/West Publishing Company.
- Earp, Naomi C. (Fall 2007). Forty-Three and Counting: EEOC's Challenges and Successes and Emerging Trends in the Employment Arena. *Hofstra Labor and Employment Law Journal*,25, 133-141.
- Esposito, J.L. (2015). Islam and Political Violence. *Religions*,6, pp. 1067-1081.
- EEOC v. Sunbelt Rentals* (2008). 521 F.3d 306 (4<sup>th</sup> Circuit).
- EEOC v. WC&M Enter, Inc.* (2007). 496 F.3d 393 (5<sup>th</sup> Circuit)
- Ely, R.J. & Meyerson, D. (2000). Theories of gender in organizations: A new approach to organizational change. CGO Working Paper 8. Boston, MA: Simmons Graduate College. Retrieved on January 28, 2016 from: <http://www.simmons.edu/about-simmons/centers-organizations-and-institutes/cgo/publications/cgo-insight-briefing-notes>
- Equal Employment Opportunity Commission (2010). Best Practices for Eradicating Religious Discrimination in the Workplace. Retrieved August20, 2010 from [http://www.eeoc.gov/policy/docs/best\\_practices\\_religion.html](http://www.eeoc.gov/policy/docs/best_practices_religion.html).
- Equal Employment Opportunity Commission (2010). Facts About Religious Discrimination. Retrieved July 7, 2010 from <http://www.1.eeoc//eeoc/publicatons/fs-religion>.
- Equal Employment Opportunity Commission (2010). Questions and Answers: Religion Discrimination in the Workplace (2010). Retrieved on July 7, 2010 from [http://www.eeoc.gov/policy/docs/quanda\\_religion.html](http://www.eeoc.gov/policy/docs/quanda_religion.html).
- Equal Employment Opportunity Commission (2015). Religious Discrimination. Retrieved September 10, 2015 from: <http://www1.eeoc.gov//laws/types/religion.cfm>.
- Equal Employment Opportunity Commission v. 704 HTL Operating, LLC*, 2103 U.S. Dist. EXIS 156748 (District Court for the District of New Mexico 2013).
- Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores, Inc.*, 2015 U.S. LEXIS 3718 (Supreme Court 2015).
- Equal Employment Opportunity Commission v. Sunbelt Rentals, Inc.*, 521 F.3d 306 (Court of Appeals for the Fourth Circuit 2008).

- Equal Employment Opportunity Commission v. WC&M Enterprises, Inc.*, 496 F.3d 393 (Court of Appeals for the Fifth Circuit 2007).
- Fernandez, E., Junquera, B. and Ordiz, M. (2003). Organizational culture and human resources in the environmental issue: a review of the literature. *International Journal of Human Resource Management*, 14(4), pp. 634-656.
- Ford, R.C. and Richardson, W.D. (1994). Ethical decision making: A review of the empirical literature. *Journal of Business Ethics*, 13(3), pp. 205-221.
- Gable, W. and Ellig, J. (1993). *Introduction to Market-Based Management*. Fairfax, VA: Center for Market Processes.
- Gandara, Cassandra (2006). Post-9/11 Backlash Discrimination in the Workplace: Employers Beware of Potential Double Recovery. *Houston Business and Tax Law Journal*, 7, 169-205.
- Gargiulo, Susanne and Yan, Holly (February 15, 2015). Denmark attacks: 'We have tasted the ugly taste of fear,' Prime Minister says. *CNN News: U.S. Edition*. Retrieved on February 18, 2015 from: <http://www.cnn.com/2015/02/15/europe/denmark-shooting/>
- Ghumman, S., & Jackson, L. (2010). The downside of religious attire: The Muslim headscarf and expectations of obtaining employment. *Journal of Organizational Behavior*, 31, 4-23.
- Hamel, Gary (2007). *The future of management*. Boston: Harvard Business School Press.
- Harvey, Carol P. and Allard, M. June (2002). *Understanding and Managing Diversity: Readings Cases and Exercises*. Prentice Hall.
- Equal Employment Opportunity Commission v. JBS USA, LLC*, 2015 U.S. Dist. LEXIS 93244 (District Court for the District of Colorado 2015).
- Jiang, K., Lepak, D.P., Hu, J., & Baer, J.C. (2012). How does human resources management influence organizational outcomes? A meta-analytic investigation of mediating mechanisms. *Academy of Management Journal*, 55, 1264-1294.
- Jones, Gareth R. and George, Jennifer M. (2015 or the latest edition). *Contemporary Management*, 9<sup>th</sup> edition. McGraw Hill, New York, USA.
- Kaifi, Belal A. (2014). *Human Resource Management: An Applied Approach*. Llumina Press: Tamarac.
- Kaifi, B.A. and Mujtaba, B. G. (2012). Awareness of Islam in the Post-9/11 American Workplace: A Study of Educational Instructors' Comprehension. *American Journal of Islamic Social Sciences*, 29(4), 46-62.
- Kamal Aly v. Mohegan Council, Boy Scouts of American*, 711 F.3d 34 (Court of Appeals for the First Circuit 2013).

- Kehoe, R.R., & Wright, P.M. (2010). The impact of high-performance human resource practices on employees' attitudes and behaviors. *Journal of Management*, 39, 366-391.
- Khan v. United Recovery System, Inc.*, 2005 WL 469603 (S.D. Tex. 2005).
- Khan, M.B. & Sheikh, N.N. (2012). Human resource development, motivation, and Islam. *Journal of Management Development*, 31(10), 1021-1034.
- King, E.B., & Ahmad, A.S. (2010). An experimental field study of interpersonal discrimination toward Muslim job applicants. *Personnel Psychology*, 63, 881-906.
- Kolb, D., Fletcher, J. K., Meyerson, D., Merrill-Sands, D., & Ely, R. J. (1998). Making change: A framework for promoting gender equity in organizations. CGO Insights 1. Boston, MA: Simmons Graduate College. Retrieved on January 28, 2016 from: <http://www.simmons.edu/about-simmons/centers-organizations-and-institutes/cgo/publications/cgo-insight-briefing-notes>.
- Lavotte Saunders v. Apothaker & Associated, Inc.*, 2014 U.S. Appeals LEXIS 2117 (Court of Appeals for the Third Circuit 2014).
- Malos, S. (2015). Overt Stereotypes Biases and Discrimination in the Workplace: Why Haven't We Fixed This by Now. *Employee Responsibilities and Rights Journal*, 27(4), pp. 271-280.
- Muhammed v. Westinghouse Electric Company, LLC*, 2013 US. Dist. LEXIS 140581 (District Court for the District of South Carolina 2013).
- Mujtaba, B. G. (2015). *Gender, Education, and Employment Developments in South Asia: A Review of Progress in Afghanistan and Pakistan (edited)*. ILEAD Academy: Florida.
- Mujtaba, B. G. (2014). *Managerial Skills and Practices for Global Leadership*. ILEAD Academy: Florida.
- Mujtaba, B. G. (2010). *Workforce Diversity Management: Challenges, Competencies and Strategies (2<sup>nd</sup> edition)*. ILEAD Academy: Florida.
- Mujtaba, B.G. and Cavico, F.J. (2011). A Legal Review of Stereotypes, Biases, and Discrimination against Muslim-American Employees. *International Journal of Management Research and Emerging Sciences*, 1(1), pp. 21-36.
- Mujtaba, B. G. and Cavico, F. J. (September 2011). Reasonable Accommodation Dilemmas for Muslim-American Employees' Religious Beliefs, Observances, and Practices. *Proficient: An International Journal of Management*, 3(IX), 7-33.
- Nash, G.P. (2015). The Impact of Fear and Authority on Islamic and Baha'i Modernisms in the Late Modern Age: A Liberal Perspective. *Religions*, 6, pp. 1125-1136.

- Parvaresh, Romtin (July, 2014). Prayer for Relief: Anti-Muslim Discrimination as Racial Discrimination. *Southern California Law Review*, 87, pp. 1287-1318.
- Pohlman, Randolph A. & Gardiner, Gareth S. (2000). *Value-Driven Management: How to Create and Maximize Value over Time for Organizational Success*. AMACOM. United States.
- Rami Awad v. National City Bank* (2010). 2010 U.S. Dist. LEXIS 37576.
- Ruan, Nantiya (Fall 2008). Accommodating Respectful Religious Expression in the Workplace. *Marquette Law Review*, 92, pp. 1-27.
- Sav, A., Harris, N., & Sebar, B. (2012). Uncovering work-life interference among Australian Muslim men: Implications for human resource management, *New Zealand Journal of Human Resource Management*, 12, 69-80.
- Sekou Cherif v. Robert A. McDonald*, 2015 U.S. App. LEXIS 11309 (Court of Appeals for the Seventh Circuit 2015).
- Solieman, Ishra (Winter 2009). Born Osama: Muslim American Employment Discrimination. *Arizona Law Review*, 51, pp. 1069-1104.
- Tahar Ahmed v. JEH Charles Johnson, Secretary, United States Department of Homeland Security*, 752 F.3d 490 (Court of Appeals for the First Circuit 2014).
- Tsiaperas, Tasha (2015). Man fatally shot overnight while taking pictures of snow with his family. *The Dallas Morning News – Crime Blog*, March 5, 2015. Retrieved on March 5, 2015 from: <http://crimeblog.dallasnews.com/2015/03/man-fatally-shot-overnight-while-taking-pictures-of-snow.html/>
- Tzafirir, S. S. (2005). The relationship between trust, HRM practices and firm performance. *International Journal of Human Resource Management*, 16(9), pp. 1600-1622.
- United States v. Seeger* (1970). 398 U.S. 333.
- Valery, Chantal (2015). US Supreme Court to hear Abercrombie hijab case. AFP News, February 25, 2015. Retrieved on March 3, 2015 from: <https://sg.news.yahoo.com/us-supreme-court-hear-abercrombie-hijab-case-074710801.html>
- Welsh v. United States* (1965). 380 U.S. 163.
- Williams, Charity (2008). Misperceptions Matter: Title VII of the Civil Rights Act of 1964 Protects Employees from Discrimination Based on Misperceived Religious Status. *Utah Law Review*, 132, 357-379.
- Yin, Tung (Spring, 2010). Through a Screen Darkly: Hollywood as a Measure of Discrimination against Arabs and Muslims. *Duke Forum for Law & Social Change*, Vol. 2, pp. 103-122.

Zaheer, Bilal (2007). Accommodating Minority Religions Under Title VII: How Muslims Make the Case for a New Interpretation of Section 701(j). *University of Illinois Law Review*, 07, pp. 497-534.

## Authors' Biographies

**Bahaudin G. Mujtaba** is Professor of Management and Human Resources in Nova Southeastern University. Bahaudin is the author and coauthor of twenty professional and academic books dealing with diversity, leadership, management, ethics and coaching performance. During the past thirty years he has had the pleasure of working with human resource professionals in the United States, Brazil, Thailand, Vietnam, China, Bahamas, Afghanistan, Pakistan, St. Lucia, Grenada, and Jamaica. This diverse exposure has provided him many cross-cultural insights on effective management from the perspectives of different firms, people groups, and countries. Bahaudin can be reached at: [mujtaba@nova.edu](mailto:mujtaba@nova.edu)



**Frank J. Cavico** is a Professor of Business Law and Ethics at the H. Wayne Huizenga College of Business and Entrepreneurship of Nova Southeastern University in Ft. Lauderdale, Florida. He is the creator of current law and ethics course "The Legal, Ethical, and Social Values of Business," which is a required core course; and he presently serves as course leader for that course as well as an undergraduate business law course. He has also taught Constitutional and Administrative Law at the doctoral level in the Huizenga School. He is the author of several books and numerous law review and management journal articles. Professor Cavico holds an LL.M degree from the University of San Diego, a J.D. from St. Mary's University, a Master's degree in Political Science from Drew University, and a B.A. in Political Science from Gettysburg College. He can be reached at [cavico@nova.edu](mailto:cavico@nova.edu).



**Tipakorn Seanatipis** currently doing doctoral research in Public Administration at the faculty of political sciences at Ramkhamhaeng University (RU) in Bangkok, Thailand. She holds a Master's of Public Administration degree from the faculty of political sciences. She currently works at the Institute of International Studies (IIS) of RU. As part of her administrative responsibilities at IIS, she works with staff, cross-cultural faculty members, and students from all over the globe, including Thais. Her areas of research interests include higher education, public administration, spirituality, sustainability, and gender equality development. Tipakorn can be reached at: [tipakorn@iis.ru.ac.th](mailto:tipakorn@iis.ru.ac.th)

