

Understanding and Preventing Sexual Harassment: One-Hour Training for Employees

LENGTH: 47 MINUTES

PRODUCTION YEAR: 2023

PROGRAM SYNOPSIS:

This program, when combined with its quiz and a discussion of your organization's anti-harassment policy, will provide employees with one hour of sexual harassment prevention training.

The United States Supreme Court established the legal precedent that sexual harassment is a form of discrimination on the basis of sex and is prohibited by Title VII of the Federal Civil Rights Act of 1964. Many states also have laws preventing sexual harassment and certain states require employers to provide sexual harassment prevention training to their employees.

This program features a variety of scenarios where workers exhibit unwelcome behavior to show viewers what types of behavior constitute sexual harassment and how they should respond to such conduct.

PROGRAM OBJECTIVES:

Upon completion of the program, the viewer should be able to explain the following:

- Why sexual harassment is illegal and legal precedents related to sexual harassment;
- What constitutes a hostile workplace and the meaning of quid pro quo;
- Answers to frequently asked questions regarding sexual harassment;
- How to respond when witnessing or experiencing harassing behavior;
- How to report instances of sexual harassment and what to expect during an investigation;
- Common remedies for victims of harassment and the importance of your organization's anti-harassment policies;
- Potential disciplinary actions for policy violations and possible legal liability.

INSTRUCTIONAL CONTENT:

HISTORY OF SEXUAL HARASSMENT LAWS

- On July 2nd, 1964, President Lyndon Johnson signed into law the Federal Civil Rights Act. A specific portion of this law, known as Title VII, prohibits discrimination on the basis of race, color, religion, national origin, or sex.
- On June 19th, 1986, the United States Supreme Court established the legal precedent that sexual harassment is a form of discrimination on the basis of sex and is prohibited by Title VII of the Federal Civil Rights Act of 1964.
- And on June 15th, 2020, the United States Supreme Court ruled that harassment and/or discrimination related to gender identity, gender expression, or sexual orientation is also discrimination on the basis of sex and prohibited by Title VII.
- In addition to being prohibited by federal law, many states also have laws preventing sexual harassment and certain states require employers to provide sexual harassment prevention training to their employees.
- To help prevent the occurrence of sexual harassment, your employer has put into place policies and procedures designed to prevent, identify, and report occurrences of sexual harassment.
- One part of your employer's prevention efforts includes training employees to understand the types of behavior that may constitute sexual harassment, and what to do if you witness or experience harassing behavior.

THE NEGATIVE IMPACTS OF SEXUAL HARASSMENT

Workplace Scenario with Roberta and her boss

- Roberta's boss approaches her, touching her shoulder. "Hey Roberta, sweetheart, how are you today? Hey, I understand that you're up for a big raise and that raise is contingent on my review. So why don't you meet me this evening for a couple of drinks and let's talk about that review. What do you say?"
- "Um, I'm flattered. But I work really hard here, and I would love it if my work could just speak for itself," Roberta replies.

- Roberta's boss pressures her, saying: "Yeah, yeah, yeah, I understand all that, but you do realize that the amount of your raise is contingent on my review. So why don't you think about that, and I'll check back with you later. OK?"
- The negative effects of workplace sexual harassment can be far reaching. Victims of sexual harassment can experience emotional, physical, or mental trauma. They often leave their jobs, which can negatively impact their ability to support themselves and their family.
- When interviewed, a female worker described her workplace: "The X-rated jokes, the comments about our bodies, the leering at any female that walked by... it was non-stop. They knew it really bothered me, and many others, but they didn't care. I dreaded going to work each day and my health even started to decline due to the stress of it all. The tension between co-workers was palpable and management just pretended that it would somehow resolve itself. Eventually, I just had to quit. And I wasn't the only one. I later heard that several big clients canceled their contracts when they got wind of why staff were leaving. It was all so damaging, and unnecessary."
- In addition to the harm done to victims, sexual harassment also damages the company or organization in which it occurs.
- For example, the additional negative effects of sexual harassment include degrading the overall work climate for everyone, reducing productivity and quality, increasing employee turnover, damaging the company's reputation, causing a loss of business, and creating the potential for legal proceedings and liability claims.

HOW TO RECOGNIZE AND DEFINE HARASSMENT

- The first step to prevention is learning to recognize and define it.
- On the federal level, sexual harassment is regulated by the United States Equal Employment Opportunity Commission, or the "EEOC." The current guidance from the EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when this conduct is a term or condition of employment, affects employment decisions, or creates an intimidating, hostile, or offensive work environment.

Bar Scenario with Emily and Ben / Quid Pro Quo

- Emily approaches Ben at a bar.
- "So, Ben, I bet you're enjoying getting away from the factory floor and attending this training conference, right? You know it was my idea. I recommended you for this. Right?"
- "No. Uh, well maybe. I was wondering if this meant that I was being considered for the floor supervisor position," Ben stutters.
- "Ben, you must have read my mind. I think you are more than ready to move up in my department. And if that were to happen, we would need to work closely together, **very** closely," Emily murmurs.
- Ben responds: "Well, I know that it's your say on who gets that position and if you think I'm qualified then I am more than ready to..."
- "You're darn right it's my call!", interjects Emily. "I've been hoping you would apply. I've had my eye on you for a while now. Look, Ben it's loud in here. Why don't we go up to my room and I'll show you some ways you can strengthen your chances of getting that promotion?"
- "Emily, look, I'm just trying to do a good job here and I really don't think it's a good idea if I were to go up to your room," Ben replies.
- "Be careful Ben, don't ruin your only shot at getting that promotion. I'm going to go take care of our tab. And by the time I get back, you need to decide if you want that floor supervisor position or not. It's really up to you," Emily warns.
- When Emily suggested that Ben come to her room to secure a promotion, Emily was requesting sexual favors in exchange for employment decisions, in this case a promotion. Sexual harassment of this type is called "quid pro quo" sexual harassment. Quid pro quo means "this for that."
- "I'm a good worker and I'd make a great floor supervisor. I shouldn't have to sleep with Emily in order to get a promotion. I mean, should I even report this? Can a female even commit sexual harassment? That's just not right," Ben explains in an interview.
- Not only is Emily's behavior not right, it is also not legal. This type of quid pro quo sexual harassment is illegal, period. The gender of the people involved is not a factor; sexual harassment can be committed by any gender and by persons of the same gender.

Tool Room Scenario with Tamara and Pete / Hostile Workplace Sexual Harassment

- Several people are working in a tool room area. Tamara is at one station and her coworker Pete is at another.
- Pete has a giant wrench in one hand and a small bolt in his other hand. “Um, Hey Tamara, is this the right size tool for this?”
- Tamara looks at him, puzzled. “No Pete, of course not, it’s too big,” she says.
- Pete laughs and then speaks to another coworker nearby. “You sound like my ex-wife! It’s too big. Right Tony? I think that’s why we got divorced!”
- “Hey Pete, lay off her man. Why do you insist on tormenting her?” comments Tony.
- Tamara speaks directly to Pete. “Pete, as I’ve told you many times, I do not appreciate the sexual jokes or the explicit posters in our work area. And your constant demeaning comments about my ability to do this job just because I’m a woman. Well, I’d like them to just stop.”
- Pete ignores her and opens up a calendar with women in very revealing swimsuits.
- “Humm. OK. But first, check out my new calendar! Ha ha ha! Now these are real women, right? They don’t try to do men’s work, they know what they’re good at, unlike some of the so-called girls around here!” Pete comments.
- “Hey man, why don’t you grow up?” says Tony, frustrated.
- In this scenario, Tamara had made it clear to Pete, many times, that she didn’t appreciate the public display of explicit images, the telling of sexual jokes in her presence, or the demeaning comments directed at her because of her gender. In other words, Tamara made it clear that Pete’s behavior was unwelcome.
- By continuing with the unwelcome behavior, an intimidating, hostile, or offensive work environment was created. Sexual harassment of this type is called hostile workplace sexual harassment.
- Tamara explains her feelings and viewpoint of the workplace situation.
- “Look I’m an adult. I’m not offended by hearing one off-color joke or inadvertently seeing one poster of a pin-up girl. But when off-color jokes are told daily, when pornographic images are displayed openly, when my co-worker consistently makes comments demeaning me and my ability to do my job because I’m a woman, even after I have asked him to stop, I think that crosses the line,” says Tamara.
- Tamara is 100 percent correct. That does cross the line and is an example of hostile work environment or hostile workplace sexual harassment.
- The unwelcome behavior described by Tamara was ongoing and pervasive. The terms “unwelcome, ongoing, and pervasive” are used by human resource professionals when describing a pattern of harassing behaviors that create a hostile workplace.

QUESTIONS ABOUT BEHAVIORS THAT COULD BE CONSIDERED HARASSMENT

- “My name is Pitpaw and I would like to know if sexual harassment can take place outside of the workplace,” Pitpaw asks.
- Yes, Pitpaw, sexual harassment can take place outside of the workplace. As we saw in the example with Ben and Emily, harassment can occur away from the physical workplace and the reason for the encounter does not have to be work-related. Behavior that meets the definition of sexual harassment is illegal no matter where it occurs.
- Thomas asks: “My name is Thomas, and my question is about quid pro quo harassment. If someone is pressured to perform sexual favors for workplace consideration but says no, and nothing sexual happens, how can it still be considered sexual harassment?”
- Yes Thomas, a quid pro quo sexual request is still harassment even if nothing sexual occurs.
- Consider Ben’s situation. We don’t yet know what decision he will make, and it doesn’t matter. The sexual harassment occurred the moment his supervisor, Emily, offered him a promotion in exchange for sexual favors. And, even if Ben chooses to acquiesce to Emily’s request, it doesn’t change the fact that she committed sexual harassment.
- Also, it doesn’t preclude Ben from submitting a harassment complaint against Emily in the future. Agreeing to a quid pro quo request does not prohibit a victim of sexual harassment from submitting a complaint afterwards.
- “So, here’s my question about hostile workplace harassment. Some people are more easily offended than others, so who’s to say what’s hostile?” asks a worker in a kitchen environment.
- The legal measuring stick for determining when unwelcome conduct rises to the level of creating a hostile workplace is if a reasonable person would consider the conduct to be intimidating, hostile, or abusive.
- Let’s revisit Tamara’s story. Tamara’s coworker Tony has some comments about Pete’s actions in the workplace.
- “Pete’s behavior is embarrassing, and to be honest, it makes me uncomfortable. I mean, the lewd comments, the pornographic calendar, really? And the general comments he makes about women are awful. If Tamara hadn’t reported

him, I would have. I mean, there's no reason for behavior like that. It makes the workplace unbearable for everyone," says Tony.

- The comments by Tamara's co-worker, Tony, confirm that Pete's ongoing behavior was such that a reasonable person would find it intimidating, hostile, or abusive.
- Actions or behaviors that may create a hostile workplace may be verbal, visual, or physical, such as: jokes and comments of a sexual nature; repeated requests for dates or sexual propositions; showing or displaying offensive emails, websites, or images; inappropriate text messages or social media posts; leering or gestures of a sexual nature; displaying or providing inappropriate gifts or objects; and unwelcome touching, brushing against, or other physical contact.
- Orlando asks: "My name is Orlando, and earlier you used the words "unwelcome, ongoing, and pervasive" to describe a hostile workplace. But if the behavior only happens one time, then it can't be considered hostile workplace harassment, can it?"
- Orlando, the answer to your question is, it depends. Some harassing behaviors are so severe they create a hostile workplace after a single occurrence. Let's examine the following scenario involving LaTonya, a female medical worker who was subjected to unwanted touching and sexually explicit comments, and was physically prevented from leaving the situation.

Medical Supply Room Scenario with LaTonya and Dontrelle / Severe Harassment

- LaTonya is in a medical supply room. A male coworker walks by and enters the room after seeing her.
- "I was stretching to reach some lab supplies when a male co-worker, Dontrelle, came up behind me. He pressed himself right up against my backside and leaned all the way into me and groped me," LaTonya recounts.
- Dontrelle told her he was just "helping" and told her she needed a man to give her what she needed. When LaTonya said she didn't need anything from him, he responded, "There is definitely something I want from you."
- "I tried to get away, but he had me pinned. Then he pressed his lips right behind my ear and whispered that he wanted to have sex with me. But the actual words he used were more vulgar. And it was awful," said LaTonya.
- Another of LaTonya's coworkers walked by and saw Dontrelle and LaTonya. She yelled at him to get off of her.
- "That should never happen, ever!", says LaTonya.
- LaTonya is correct; that type of behavior should never happen. Dontrelle's harassing behavior was so severe that it rises to the level of creating a hostile workplace after a single occurrence.
- So, to answer Orlando's question, yes. When a person's behavior is severe, it may be considered sexual harassment after a single occurrence. This type of incident is often referred to as Severe Harassment to differentiate it from a situation like Tamara's which is known as Pervasive Harassment.

HARASSMENT RELATED TO GENDER IDENTITY, GENDER EXPRESSION, AND SEXUAL ORIENTATION

- Sexual harassment does not have to be motivated by sexual desire.

Construction Roadwork Scenario with Gerald and Davis

- "It's not a secret that I'm gay. Why should it be?" declares Gerald in an interview. "As a society, we are way past don't ask, don't tell, or at least I thought we were. But ever since Davis, my foreman, found out I was gay, things have gotten a lot worse around here."
- "We mostly do site work, which often requires traffic control. And without question, manning the stop/slow sign is the worst job on the crew. We used to all take turns doing it, but not anymore," says Gerald.
- Before starting a water pipe job, Gerald's foreman, Davis, assigns Gerald to traffic duty again.
- "Again? Come on! Why is it always me lately? We used to rotate doing traffic. What's changed all of a sudden?" asked Gerald.
- In an interview, Gerald explains why he asked that to the foreman. "I had to ask, but I knew what had changed. Davis had found out I was gay. Joanne told me she had overheard heard him talking about it with some of the crew."
- When talking with other members of the crew, Davis had said, "He's got a boyfriend! They were seen together in public. I can't have that on my crew."
- In response to Gerald's question, Davis said, "Gerald, I just don't think you're cut out for this type of work. I mean, I really think you're not man enough. Now you can stay if you choose, but the only job I'm putting you on from here on out is manning the sign on traffic control. Considering your, uh, constitution, I think I'm doing you a favor."

- In this example, Gerald’s supervisor subjected him to demeaning and degrading language and assigned him the least desirable job solely because of his sexual orientation. This type of discrimination is also a form of sexual harassment and serves to illustrate that sexual desire is not a required element of sexual harassment.

MEANING OF THE TERMS SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, AND TRANSGENDER

- As we explained earlier, harassment and/or discrimination related to gender identity, gender expression, and sexual orientation is illegal and prohibited by Title VII of the Federal Civil Rights Act of 1964.
- It’s important for all employees and supervisors to understand the meaning of the terms sexual orientation, gender identity, gender expression, and transgender.
- Sexual orientation refers to a person’s romantic or sexual attraction to persons of the opposite sex or gender, the same sex or gender, or to both sexes or more than one gender.
- Gender identity is a person’s sense of being a woman, a man, both, neither, or anywhere along the gender spectrum.
- A person’s gender identity may be the same as or different from their sex assigned at birth.
- Gender expression refers to how a person publicly expresses their gender. This can include behavior and outward appearance such as dress, hair, makeup, body language, and voice.
- A person’s chosen name and preferred pronouns are also common ways of expressing their gender.
- Transgender describes people whose gender identity does not match the sex they were assigned at birth. By contrast, the term cisgender describes people whose gender identity does align with the sex they were assigned at birth.

Office Harassment Scenario with Alana and Kendra

- Alana explains gender identity in an interview.
- “My name is Alana, and I am a transgender woman, or trans-woman for short. This means that even though I was assigned as a male at birth, social and biological genders and sexes are far more complex than just outward anatomy, and so now I identify as female. My gender identity is a woman, and my pronouns are she/her/hers.”
- “Before I transitioned, my given name was David,” relates Alana. “Unfortunately, during my transition, my gender identity and my appearance were the source of harassment and bullying and teasing at work.”
- In the office, we see an example of Alana being teased. At a filing cabinet, Kendra and Johnathan are talking about Alana. Alana is in another part of the room in a cubicle.
- “I know. And David used to be so hot. I mean, what a waste,” says Kendra to Johnathan. “But everyone knows that the only thing that actually matters is what’s going on down there.”
- Lucia, another coworker, approaches Kendra and speaks up for Alana. “Are you two at it again? Alana is one of the nicest and most respectful people in this office. And she has never made me feel uncomfortable. Why can’t you just let it go and give her a break from the gossip and teasing?” says Lucia.
- “We’re just having fun, lighten up, Lucia,” says Johnathan. “I mean, what grown man dresses up like a woman and expects not to get picked on?”
- “She’s not dressing up any more than I am,” says Lucia.
- Kendra calls Alana over to the filing cabinet. “Hey Alana, come over here for a minute. I need your help with something,” says Kendra.
- Lucia walks away. She speaks to Alana as she passes her in the walkway. “You know, you don’t have to put up with them. It’s not right the way they treat you and they do it all the time.”
- “I know,” says Alana. “Can I help you, Kendra?”
- Kendra approaches Alana. She touches her and tucks Alana’s hair behind her ear. “Well, that really depends on how much of a woman you actually are. I mean, you didn’t have to go to all this trouble just to hang with the girls. I mean obviously you still like girls, don’t you, David?”
- Alana backs away and speaks firmly. “Look. My name is Alana. It is disrespectful to use my deadname, David, or to use “he/him” when I prefer “she/her” pronouns. I am not behaving or dressing any differently than any other woman here. I deserve respect.”
- “It is extremely hurtful to be constantly subjected to jokes, comments and questions about my gender identity and sexual preferences, which, by the way, are two completely different and unrelated things,” says Alana in an interview. “No person should have to face this type of harassment at work. I’m good at my job and I’d like to do it in a professional setting that’s free from harassment. Is that too much to ask?”
- No, it is certainly not asking too much to have a workplace free of sexual harassment. Conversations discussing a person’s sexual orientation or anatomy, repeatedly referring to someone by the incorrect gender, purposely, maliciously

calling them by an incorrect name, or repeatedly making disparaging comments about their clothing, body, or appearance may create a hostile workplace and be considered sexual harassment.

SEXUAL HARASSMENT IS NOT LIMITED TO FELLOW EMPLOYEES

- The occurrence of sexual harassment is not limited to the behaviors of co-workers, fellow employees, or supervisors.

Office Harassment Scenario with Carl and Marcy

- In an interview, Carl, a male nurse, talks about an encounter with a pharmaceutical sales rep. "I've been a nurse for about 5 years, and I love it. But the last year or so has really been a struggle. There is a certain pharmaceutical sales rep that comes into the clinic weekly. She enjoys making fun of me in front of my co-workers."
- "And how is my "Carl-O-Line" this morning? I hope you and the other girls are having a great start today," says the sales rep named Marcy.
- "My name is Carl, but she loudly calls me "Carl-O-Line." She routinely asks me, "how are you and the **other girls** doing?", states Carl in his interview. "It's as if she is openly questioning my gender, even though she knows I find it insulting and demeaning."
- In the scenario, Carl speaks up to Marcy. "My name is Carl, as I've told you many times, and I am a male. I do not enjoy being called a girl or a lady. I am a professional nurse, and I would like to be treated in a professional manner."
- His coworker does not stick up for him. "Oh, lighten up Carl, come on! She brought donuts for crying out loud!"
- "Yes, sweetie come have a donut. You know "Carl-O-Line" one donut won't hurt your girlish figure, right?" teases Marcy.
- "This person doesn't even work here, so this can't be sexual harassment, can it?" wonders Carl.
- Yes, Carl, it can be sexual harassment. The laws that prohibit illegal discrimination, including sexual harassment, also apply to the behavior of clients, vendors, delivery persons, contractors, and other non-employees.

REVIEW OF CONCEPTS DISCUSSED SO FAR

- Sexual harassment is a form of illegal discrimination on the basis of sex and is prohibited by Title VII of the Federal Civil Rights Act of 1964. Illegal discrimination, including sexual harassment, is regulated by the United States Equal Employment Opportunity Commission, the EEOC.
- Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct is a term or condition of employment, affects employment decisions, or creates an intimidating, hostile, or offensive work environment.
- Based on this definition, there are two types of sexual harassment: Quid pro quo or "this for that" sexual harassment and hostile workplace sexual harassment.
- Quid pro quo sexual harassment involves a request for sexual favors or other conduct of a sexual nature in exchange for workplace considerations.
- Hostile workplace sexual harassment involves unwelcome behavior of a sexual nature that a reasonable person would agree has created an intimidating, hostile, or offensive work environment.
- Hostile workplace sexual harassment that occurs due to a single incident is known as severe harassment. Forced touching, blocking, and restraining are examples of behaviors that may be considered severe harassment.
- Hostile workplace sexual harassment that occurs due to pervasive or ongoing incidents is known as pervasive harassment. Sexual jokes and innuendo, demeaning comments, displays of sexually explicit pictures, images, or objects, and ongoing unwelcome sexual propositions are actions that may create a hostile workplace and be considered pervasive harassment.

POLICIES AND PROCEDURES TO PREVENT HARASSMENT

- Now that we are familiar with the definition of sexual harassment and have discussed specific examples, it's important to understand that your employer has established policies and procedures to prevent the occurrence of discrimination and harassment in the workplace.
- All employees should read, acknowledge, and follow their employer's anti-harassment policies. It is your employer's anti-harassment policies that are used to regulate workplace behavior and prevent the occurrence of sexual harassment.
- Persons who violate their organization's anti-harassment policy may be subject to disciplinary action, up to and including termination.

WHAT TO DO WHEN EXPERIENCING HARASSING BEHAVIOR

Construction Harassment Scenario with Phil and Joyce

- On a construction jobsite, we meet a man named Phil. He is a construction foreman and Joyce is part of the crew. Joyce has been feeling very uncomfortable with Phil's jokes and has decided to speak up.
- "I'm just uncomfortable with the jokes you make in these team meetings," states Joyce. "I find them degrading and they make me uncomfortable."
- "Whoa. I mean, all I'm trying to do is, uh you know, lighten up the mood a little bit. Send everyone off with, uh you know, a little laugh," says Phil.
- "I can appreciate that, but they make me feel awkward," says Joyce.
- Phil recognizes that some of his jokes may be a little bit off-color.
- "Yeah, and some are darn sexist. I have a hard enough time trying to get the respect I think I deserve around here," declares Joyce.
- Phil pauses and then comments: "Well, I mean, I certainly didn't intend to make you uncomfortable. I'll come up with some new material, OK?"
- Joyce thanks him for understanding.
- Joyce did the right thing by talking to Phil directly and making it clear that his actions and behaviors were not welcome.
- To put a stop to harassing behavior, first try to address the behavior directly with the offending person and ask them to stop. In many instances, this simple action is enough to stop the behavior.
- "Wow, I didn't mean to offend Joyce," says Phil in an interview. "But I see now that my jokes, my behavior, they made her feel uncomfortable with her co-workers. I guess it's not so much our intent that matters as much as the impact of our behavior on others. I'm glad she felt empowered to speak up."
- Unfortunately, in some cases the harassing behavior continues even after it has been made clear that the behavior is not welcome. For example, even after Carl informed Marcy that her behavior was offensive, she persisted. And even after Tamara explained to Pete that his jokes and comments were demeaning and his open display of sexually explicit pictures offensive, Pete continued with the unwelcome behavior.
- If the behavior continues after it has been made clear that it is unwelcome, the next step is to follow your organization's policy for reporting the potential harassment to your supervisor or management.
- Your organization's anti-harassment policy provides multiple avenues for reporting sexual harassment, starting with your immediate supervisor. Once a supervisor becomes aware that a potential incident has taken place, he or she has a responsibility to follow their organization's policy to report it and initiate an investigation.
- Carl's supervisor tells what happened when Carl came to him and explained the situation with Marcy.
- "Of course, I noticed the disruption every time Marcy would come into our clinic to drop off our supplies and to bring donuts," he said. "But until Carl came to me directly, I had no idea how upset he was by her comments and her behavior. Once he made me aware of it, I immediately followed our anti-harassment policy and initiated an investigation."
- In many cases the direct supervisor will not be the one to conduct the investigation, but rather the human resource manager or other person designated by management will conduct the investigation.
- Of course, in some cases it may be a person's supervisor who is committing the harassing behavior. When this is the case, or if a person is uncomfortable bringing the complaint to their supervisor, the situation may be reported to another member of management or to the human resources department.
- Gerald, mentioned earlier, worked to resolve the harassment by his foreman by informing his Human Resources manager.
- "Well, I did leave, but I didn't quit," says Gerald after the confrontation with his foreman. "Instead, I left the locker room, went straight to our corporate HR manager, and filed a sexual harassment complaint. Sexual harassment is illegal, period. This includes harassment based on sexual orientation. If it happens to you, report it. If you witness it, report it. The company has an anti-harassment policy made just for this purpose. When everyone follows the policy, it creates a harassment-free workplace for everyone."
- "It's just not right what Kendra and Johnathan were doing to Alana," recalls Lucia. "That's why I reported it to our supervisor. We have policies in place to prevent sexual harassment and investigate it when it occurs. I remember from our training that they said, "reporting it is the first step to stopping it." So that's what I did."
- Alana also reflects on what happened. "At first, I was shocked and apprehensive that Lucia made a complaint about what was happening to me. But now I'm really glad she did. I don't think I could have lasted much longer. I was

thinking about quitting. In hindsight I should have reported it myself sooner. We all have the right to a workplace that is not harassing our hostile.”

WHAT TO DO WHEN EXPERIENCING HARASSING BEHAVIOR FROM A CLIENT

Office Harassment Scenario with Lorenzo and Madeline

- In an office conference room, Madeline is meeting with Lorenzo to review the completion of his latest project.
- “So, as you can see, based off these numbers and the focus group data, the initial launch was a huge success, and your ROI will be even better than we estimated,” says Madeline.
- “Ah Madeline, I am very, very pleased with you,” says Lorenzo as he tries to hold her hands. “And of course, with the success that we’ve achieved. So, I insist, please join me for a celebratory drink so that we may discuss my upcoming projects.”
- Madeline pulls away from him. “That is very kind of you to ask, again, but as you well know, I prefer to discuss business here at the office,” she says.
- “Yes, yes you have said this to me before, but I prefer to discuss these very large, very expensive projects in a more intimate setting,” pleads Lorenzo.
- “Well, I can certainly offer up our very best conference room if you wish to discuss your future project, but as for this one, I think we’re all done,” says Madeline as she gathers up the papers.
- They stand up and as they leave, Lorenzo states, “OK. Please let Jeremy know that I will be calling.”
- “One of our largest clients always asks me to go out with him after our client meetings,” recounts Madeline in an interview. “After our last client meeting, he pressured me to go home with him for drinks, again. He offered to do even more business with us if I did. Of course, I said no. Well, he must have called my supervisor because the next day my supervisor came into my office.”
- “I think you know why I’m here. I need for you to be extra nice to Lorenzo,” remarked Madeline’s supervisor, Jeremy.
- Madeline was astonished. “I was shocked that my supervisor suggested that I have a sexual relationship with one of my clients in order to earn more commission.”
- “You know how big his account is,” said Jeremy.
- “Yes, I do know. But wait, did he call you? What are you saying?” said Madeline. He’s prepared to give us, to give you, a lot more work. But he says it will require some “after hours effort” on your part to make him feel... comfortable, increasing his buy with us,” states Jeremy.
- Madeline is shocked. “What? No. I’m already giving a great effort. And he’s crossing a line, always asking me to go for drinks after. You know he wants more than drinks from me, right?”
- “Look Madeline, I’ll make sure that your commission on his account reflects the extra time you put into making him happy. Come on,” said Jeremy.
- “Jeremy, first of all, I cannot believe we’re actually having this conversation,” said Madeline. “You know I give every professional effort to his account, and I will continue to do so. But, if he chooses to give us, to give me, more work, it will be because I have earned it, with absolutely no strings attached.”
- “OK, it’s your choice. But I’ll have to assign the account to someone who’s more of a team player,” said Jeremy as he walked away.
- In an interview, Madeline recalls the steps she took to report the harassment.
- “I was completely taken aback by it. I still am. After my encounter with Jeremy, my immediate supervisor, it didn’t take me long to realize that I needed to report what was happening. Of course, I couldn’t go to my immediate supervisor because he was the one pressuring me to have an intimate relationship with one of my clients. I remembered from company policy that we could report these kinds of things to other members of management, so I went to a different manager from a different department, and I told him everything that happened. Look, if we expect to have a professional workplace, we need to help make it so, and that starts with reporting workplace harassment whenever it occurs.”
- Situations like Madeline experienced continue to happen all too frequently in the workplace.
- Madeline did the right thing, expressing her desire to keep their relationship strictly professional. Remember, it’s important to be clear that the behavior is unwelcome. In many cases, this will be enough to stop the behavior.
- Madeline’s natural reaction to withdraw her hands and cross her arms are visual indicators of someone experiencing unwelcome and unwanted behavior. Alana had the same reaction when being harassed by her coworkers. To prevent

inadvertently making others uncomfortable, be alert to visual indicators like this and change your behavior if it becomes unwelcome.

- It makes no difference that Lorenzo is a client and is not a fellow employee. His persistent advances and unwanted touching could be considered sexual harassment.
- In this scenario, Madeline's supervisor Jeremy committed quid pro quo sexual harassment by asking her to be intimate with a client in exchange for increased commissions.
- The fact that she refused to do so is not relevant. A sexual act does not have to take place for quid pro quo sexual harassment to occur.
- When her supervisor threatened to remove the lucrative account from Madeline, he was retaliating against her for not agreeing to his demands. This type of retaliation is also illegal and prohibited by Title VII.
- And finally, Madeline knew from her training that she could report the incident to another member of management. Once reported, management has a responsibility to stop the harassing behavior and initiate an investigation per their organization's anti-harassment policy.

WHAT TO EXPECT DURING A SEXUAL HARASSMENT INVESTIGATION

- Once a sexual harassment complaint has been reported to management, the parties involved will be separated to ensure an immediate stop to any ongoing harassing behavior. This may include the parties being separated in the workplace, one or more of the parties being sent home, or by other means.
- Don't interpret someone's objection to your undesirable behavior to mean that you can repeat the conduct later or do it again in a slightly different manner. Recognize a protest for what it is and understand the boundaries co-workers want you to respect.
- "LaTonya came to me with a serious allegation of sexual harassment," says LaTonya's manager. "The first thing I did was send Dontrelle home to keep them separated. This is required by our policy."
- Typically, during an investigation both the accused and accuser are interviewed and asked to sign a written statement of what transpired. If necessary, other witnesses may also be asked to provide a statement to help clarify the details of what took place.
- During the investigation, a written statement was obtained from both LaTonya and Dontrelle. It's important to get both sides of the story. Since their accounts differed, a written statement from Janice, who witnessed the incident, was also obtained," continues LaTonya's manager.
- "I wasn't looking to get involved in this," states Janice. "But I did see exactly what happened. I provided a written statement of exactly what I heard and saw as well as what LaTonya told me immediately afterwards. When something like this happens and people start asking questions it's important to participate in the investigation. Report what you know and tell the truth. Then, let the chips fall where they may."
- In addition to interviews and written statements, other forms of evidence are often used to determine relevant details of the incident.
- Some common forms of evidence that frequently contribute to a sexual harassment investigation include photos, text messages, and emails, as well as any relevant audio and video recordings that may exist. Keep in mind that the purpose of a workplace sexual harassment investigation is to determine if a violation of the organization's anti-harassment policy has occurred.
- When interviewed about Gerald's harassment case, his Human Resource contact had this to say.
- "After taking statements from Gerald and Davis, we interviewed witnesses to clarify the facts and to learn exactly what happened. Gerald's supervisor Davis singled him out for the worst job duties based solely on his sexual orientation. Davis also demeaned him publicly by using veiled language and code words that negatively stereotyped Gerald's sexual orientation."
- "The severity of the harassment directed towards Gerald by Davis created a hostile workplace and violated multiple aspects of our company anti-harassment policy," she continues.
- If it is determined that a violation of the anti-harassment policy has occurred, the offending party may be subjected to disciplinary action, up to and including termination.
- LaTonya's manager details the conclusion of their investigation. "It was concluded that Dontrelle's actions and behavior were in violation of our anti-harassment policy. A reasonable person would find his behavior intimidating, hostile, or abusive. The final resolution resulted in Dontrelle's termination per our policy."

QUESTIONS ABOUT REPORTING HARASSMENT AND THE ENSUING INVESTIGATION

- Sandra is Roberta's coworker. She has witnessed the harassment by Roberta's boss. She asks, "I have witnessed ongoing sexual harassment to one of my co-workers by a supervisor. But I'm worried about retaliation against me if I report it. Should I be?"
- The same law that makes sexual harassment illegal also forbids an employer from retaliating against an employee for making complaints, filing a charge, or participating in an investigation or lawsuit related to sexual harassment or other forms of illegal discrimination.
- These types of activities are known as protected activities, and any type of punishment or retaliation against an employee by an employer for participating in them is illegal, regardless of the ultimate conclusion related to the complaint.
- "Does a sexual harassment complaint remain confidential? I don't want anyone knowing that I reported it," asks a female worker.
- This is a great question, and one that gets asked quite often. In fact, in our example with Carl and Marcy, Carl asked this exact question of his supervisor.
- Carl asked, "What happens now?" and his supervisor replied, "Now that you've brought this to my attention, I will initiate an investigation per our anti-harassment policy."
- "Will everyone know that I reported this?" Carl asked.
- "Carl, a proper investigation cannot be done in secret. I will make every effort to make it discreet, but it won't be confidential," said the supervisor.
- Carl's supervisor is exactly right. During an investigation, every effort will be made to be discreet but there is no guarantee or promise of confidentiality.
- Roberta, from the earlier incident, asks, "I have a question about the outcome of the investigation. As the victim, if I don't agree with the findings or the proposed discipline, do I have any recourse?"
- Before I answer this question, you must first understand that your organization's investigation into a claim of sexual harassment is an internal process used to determine if a violation of company policy has occurred. It is not a court of law.
- The disciplinary action taken by your organization will be governed by its policies and the severity of any harassment that may have occurred. Remedial training, counseling, suspension, or termination are all possible outcomes. The goal is to prevent a reoccurrence of the harassing behavior.
- Remedies for victims of sexual harassment may also include back pay, promotion, hiring, or reinstatement if deemed appropriate. In addition, victims of sexual harassment may choose to seek additional remedy through the legal system.
- For example, Dontrelle was terminated for his severe harassment of LaTonya. However, he may also be subject to civil liability and/or criminal charges.
- Always remember, you are responsible for your actions and behavior.

CONCLUSION

- By completing this sexual harassment prevention program, you are better able to identify, report, and prevent sexual harassment.
- During this program, we have explained that all employees must understand, acknowledge, and follow their employer's anti-harassment policy.
- We pointed out the importance of modifying our behavior if it becomes unwelcome and reporting the occurrence of sexual harassment if it is witnessed or experienced.
- We have also demonstrated the negative effects of sexual harassment and why it is so important to prevent its occurrence.
- Janice says, "Here's some advice. If you don't want people answering questions about your behavior at work, then don't behave in a questionable way."
- "And even if you don't intend for your words or actions to be demeaning or offensive, be aware that some may find them hurtful or harassing none the less," adds Phil.
- "Look, if someone lets you know that your behavior or comments are unwelcome, you should stop. I wish I had," laments Marcy.
- "There's no reason for behavior like that. It makes the workplace unbearable for everyone," reminds Tony.
- "If you have any doubts, don't say it and don't do it," sums up Gerald's Human Resources contact.

**Understanding and Preventing Sexual Harassment:
*One-Hour Training for Employees***

ANSWERS TO THE REVIEW QUIZ

1. b
2. c
3. d
4. c
5. a
6. c
7. b
8. b
9. c
10. a
11. a
12. a
13. d
14. a
15. b
16. a
17. a
18. b
19. b
20. c

**Understanding and Preventing Sexual Harassment:
One-Hour Training for Employees
REVIEW QUIZ**

The following questions are provided to determine how well you understand the information presented in this program.

Name _____ Date _____

1. The United States Supreme Court has established the legal precedent that sexual harassment is a form of discrimination on the basis of _____ and is prohibited by Title VII of the Federal Civil Rights Act of 1964.
 - a. Race
 - b. Sex
 - c. Religion
 - d. National origin

2. On the federal level, sexual harassment is regulated by the _____.
 - a. Occupational Safety and Health Administration (OSHA)
 - b. Department of Housing and Urban Development (HUD)
 - c. Equal Employment Opportunity Commission (EEOC)

3. Sexual harassment occurs when conduct of a sexual nature _____.
 - a. Is a term or condition of employment
 - b. Creates a hostile or intimidating work environment
 - c. Affects employment decisions
 - d. Any of the above

4. Which of the following is an example of quid pro quo sexual harassment?
 - a. The telling of explicit jokes
 - b. Displaying lewd pictures
 - c. Asking for a date in exchange for a promotion

5. The frequent sharing of sexually graphic emails or texts and/or the persistent unwanted hugging or touching may create a hostile or offensive workplace.
 - a. True
 - b. False

6. Which of the following is NOT a word used to describe a pattern of behavior that creates a hostile workplace?
 - a. Unwelcome
 - b. Pervasive
 - c. Infrequent
 - d. Ongoing

7. Quid pro quo sexual harassment requires that some type of sexual activity take place.
 - a. True
 - b. False

8. To be considered sexual harassment, the unwanted conduct must occur in the physical workplace.
 - a. True
 - b. False

9. Unwelcome conduct rises to the level of creating a hostile workplace if _____ would consider the conduct to be intimidating, hostile, or abusive.
- Any coworker
 - The victim
 - A reasonable person
 - A manager
10. Actions or behaviors that may create a hostile workplace may be verbal, visual, or physical.
- True
 - False
11. Sexual desire is NOT a required element of sexual harassment.
- True
 - False
12. Harassment and/or discrimination related to gender identity, gender expression and sexual orientation is illegal and prohibited by Title VII of the Federal Civil Rights Act of 1964.
- True
 - False
13. The laws that prohibit illegal discrimination, including sexual harassment, also apply to which of the following?
- Vendors
 - Delivery persons
 - Clients
 - All of the above
14. Persons who violate their organization's anti-harassment policy may be subject to disciplinary action, up to and including termination.
- True
 - False
15. If you experience harassing behavior, you should NOT attempt to address the behavior directly with the offending person.
- True
 - False
16. If a person is uncomfortable bringing a sexual harassment complaint to their supervisor, they may report the situation to another member of management or the human resources department.
- True
 - False
17. Photos, text messages, emails, audio recordings, and video recordings are examples of _____.
- Common forms of evidence used in sexual harassment investigations
 - Items prohibited to be used as part of a sexual harassment investigation

18. Making complaints, filing a charge, or participating in an investigation or lawsuit related to sexual harassment are called _____ activities.

- a. Title VII
- b. Protected
- c. Remedial
- d. Inclusive

19. Management is required to maintain the confidentiality of any employee making a claim of sexual harassment.

- a. True
- b. False

20. After the completion of a sexual harassment investigation, the disciplinary action taken by an organization will be determined by _____.

- a. The victim
- b. The organization's CEO
- c. The organization's policy
- d. The EEOC