

FOR  
PREVIEW  
ONLY

# **Sexual Harassment? You Decide.**

**Real Situations for Discussion**

Facilitator's Guide

FOR  
PREVIEW  
ONLY

© 2002 VisionPoint Productions

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of VisionPoint Productions.

This publication is designed to provide accurate and authoritative information in regard to the subject matter. It is sold with the understanding that VisionPoint Productions is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Content input and review of the following presentation provided by:

Michael Moran, Consultant, Current Federal Employee with experience at the Department of Defense, Department of Justice, and banking regulatory agencies, Washington, D.C.

Dickinson, Mackaman, Tyler & Hagan, P.C., Des Moines, IA, and Washington, D.C.

# Table of Contents

Introduction.....	1
Key Learning Points .....	2
Situations for Discussion .....	2
Sexual Harassment FAQ's .....	4
Training Session Checklist.....	7
Tips for Transferred Learning .....	8
Possible Session Agendas.....	9
Trainer's Instructions for the Pretraining and Posttraining Assessments.....	10
Pretraining Assessment Answers.....	11

## Three-Hour Session Agenda

Introducing the Session to Participants .....	14
What is Sexual Harassment? .....	16
Video Situations and Discussion .....	18
Situations for Discussion Questions .....	20
Organizational Policy .....	27
How Would You Respond? .....	28
How Would You Respond (Facilitator's copy).....	29
Session Debrief .....	30
Posttraining Assessment (Facilitator's Copy).....	31

## One and a Half-Hour Session Agenda

Introducing the Session to Participants .....	34
Video Situations and Discussion .....	36
Situations for Discussion Questions .....	38
Session Debrief .....	45
Posttraining Assessment (Facilitator's Copy).....	46

Overheads .....	45
-----------------	----



# Introduction

Have you ever experienced an inappropriate e-mail at work? How about an e-mail that has a graphic picture or makes fun of someone in your office? Do you ever hear inappropriate jokes or sexual comments at the office?

Rules and standards are ambiguous and their application requires thoughtful judgment; rote learning is not enough. Experienced trainers know that borderline situations and open discussion are necessary to make sexual harassment training meaningful and memorable.

Sexual Harassment is the most well known form of harassment and discrimination. Unfortunately, the sometimes-subtle nature of what constitutes sexual harassment can make it difficult to identify. Using dramatic examples taken from real life situations, this program provides several scenarios that may generate heated discussion from your participant's regarding what behaviors constitute sexual harassment and inappropriate behavior at work. This type of heated discussion is an excellent way for participants to learn how others view and perceive situations differently and how they need to empathize with the feelings of others. The videotape illustrates situations that may or may not be sexual harassment, including:

- Unwelcome sexual advances
- Repeated requests for dates
- Inappropriate e-mail
- Sexual innuendos/ jokes
- Demeaning pictures
- Inappropriate touching

Participants will discover and determine which behaviors may or may not lead to a sexual harassment claim.

## Using the Facilitator's Guide

This facilitator's guide will help you facilitate discussion on what may or may not be considered a sexual harassment situation. For your convenience, two versions of the video are provided on one videocassette. The first version includes narration that will communicate the legal viewpoint of each situation. The second version is without the legal narration, however the legal insight is provided in the facilitator's guide so that an experienced facilitator may communicate and discuss the legal viewpoint with participants. The reproducible participant materials are available for both the one and a half and the three-hour agendas. The reproducible self-study workbook is provided in the back of this guide for your convenience. The self-study program is geared for the learner watching the narrated version of the video.

## **Key Learning Points**

Upon completion of the video training program, participants will:

- Understand what sexual harassment is
- Understand who can be a victim of sexual harassment
- Identify behaviors that constitute sexual harassment in the workplace
- Determine how to appropriately respond during a sexual harassment situation

## **Situations for Discussion**

1. Just Asking, That's All – Unwelcome sexual advances  
Examples of inappropriate behavior/potential for hostile environment – woman asking man out for a date, won't take no for an answer.
2. Picture of the day – Demeaning pictures  
Example of hostile environment – a man sending pictures of woman's face pasted on animal body through e-mail with help of IT department friend.
3. The Honeymooner – Sexual innuendo/jokes  
Example of inappropriate behavior/potential to escalate for hostile environment – group of co-workers making jokes about man's honeymoon ("certainly left a smile on his face..., etc.)
4. The Bet – Sexual innuendo from coworkers  
Example of hostile work environment – group of men ask woman if she is a "real blond"
5. Make My Day – Sexual innuendo from customer  
Example of inappropriate behavior/potential for hostile environment – a male customer implies a female receptionist can "help" him.
6. The Road Trip – Demeaning pictures  
Example of inappropriate behavior/potential for hostile environment – a man pressures a female coworker to help him select a gift for his wife from a Victoria's Secret catalog.
7. The Persistent Romeo – Unwelcome advances  
Example of hostile environment – a man asks woman out on second date. She declines. He persists.

8. Just Relax – Inappropriate touching  
Example of inappropriate behavior/potential for hostile environment – a man gives shoulder rub to male coworker who is obviously uncomfortable being touched.
9. The Best Side – Sexual comments/"ogling"  
Example of hostile environment – group of women stare at a bottled water deliveryman as he walks past and the women make audible comments about his anatomy.
10. A Banana a Day – Sexual Innuendo/jokes  
Example of inappropriate behavior/potential for hostile environment – a man makes a not-so-veiled comment about the banana in his lunch to a female coworker.
11. The Critique – Sexual comments  
Example of inappropriate behavior/potential for hostile environment – a man comments to female coworker about her "shaking leg."
12. Let Me Get That For You – Sexual comments/IMPLIED sexual preference  
Example of hostile environment – a woman offers to help a female coworker lift a heavy box so the coworker won't "hurt your back and ruin your evening with Debbie," as a male coworker looks on and laughs.
13. It's That Time Again – Gender-based jokes  
Example of inappropriate behavior/potential for hostile environment – a woman is upset with a male coworker for failing to provide data she needs. As he looks at the woman with a smile, a second male coworker jokes to the first man the reason for the woman's temper is it's "just that time of the month."
14. The Birthday Girl – Inappropriate touching  
Example of inappropriate behavior/potential for hostile environment – a woman received an unwelcome "birthday hug" from a male coworker.
15. A Masterpiece – Pictures/sexual innuendo  
Example of hostile environment/potential for quid pro quo – a male manager asks a female subordinate to hold up a piece of legitimate artwork containing nude females so he can see how it looks on the wall of his office. She is obviously uncomfortable with it. He comments that she looks like one of the women in the picture.
16. Some of My Best Friends Have Them – Unwelcome sexual comments/jokes  
Example of hostile environment – a group of men tell a female coworker that they like her belly ring; and they imply that she should consider a job dancing in a local strip club.

## **Sexual Harassment FAQ's**

Before your training session, please review the following Frequently Asked Questions (FAQ's). The information provided on the next several pages will give you background information regarding the topic of sexual harassment as well as prepare you to answer participant's questions during the training session. A copy of the Sexual Harassment FAQ's is provided as a resource in the back of the participant materials and self-study workbook.

### **What does the EEOC say about sexual harassment?**

Sexual harassment is a form of sex-discrimination that violates Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature...when submission to or rejection of such conduct is used as the basis for employment decisions...or such conduct has the purpose or effect of...creating an intimidating, hostile working environment."

### **What is discrimination?**

Discrimination occurs when a person or group of people are treated differently from another person or group of people.

### **What is Title VII of the Civil Rights Act of 1964?**

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, sex, religion, national origin, color, pregnancy, etc.

### **What is considered harassing behavior?**

First, the behavior must be unwelcome. The behavior can be very obvious or very subtle. The behavior can be verbal like jokes or inappropriate comments; or visual like pictures, or lewd gestures; or physical like pats, shoulder rubs, brushing up against someone on purpose; or written in the form of memos, letters, or e-mails.

### **What is the profile of the typical harasser?**

Actually, there is no profile for a typical harasser.

### **Is sexual harassment about sexual attraction?**

No. Sexual harassment isn't about sexual attraction. Sexual harassment is about the inappropriate use of power over another person.

### **If an employee consents to sexual activity and then files a sexual harassment claim, will the claim be thrown out due to initial consent?**

No. Consent to sexual activity doesn't mean that an employee can't file a sexual harassment claim. It is also not a defense the organization can use to avoid liability in a sexual harassment suit.

### **What do most people want when they file a sexual harassment complaint?**

Most people that file a sexual harassment complaint just want the behavior to stop.

**Can your organization be held liable for sexual harassment from someone outside the organization like a vendor, or customer?**

Yes. If an employee were to file a complaint regarding a customer or vendor, a manager or supervisor should follow-up with the complaint just as he or she would if the person were an employee of your organization. Also, if employees are harassing someone outside of your organization, the manager or supervisor is responsible for the employee's behavior in those situations as well.

**What types of people get harassed?**

Anyone can get harassed. When sexual harassment first became an issue in the workplace, statistics showed women to be the most harassed group of employees. Currently, statistics find that there is just as much harassment of men and homosexual employees as there is harassment of female employees.

**What is Quid Pro Quo Sexual Harassment?**

Quid Pro Quo literally means "this for that." This form of harassment involves a promise of better benefits, a promotion or a guarantee of continued employment in return for sexual favors.

**What is Hostile Work Environment Sexual Harassment?**

Hostile environment harassment occurs when the harassing behavior has the effect of making the work environment so unreasonably offensive or intimidating that the employee is unable to do the job effectively. Harassing behavior that causes a hostile environment can range from sexually suggestive jokes and pictures to unwelcome physical contact.

**Should a manager report harassing conduct even if no one's complaining?**

A manager or supervisor has a duty to investigate and report harassing conduct whether or not anyone is complaining.

**What is the "Reasonable Person" standard?**

If and when an organization winds up in court, the jury will be asked to look at the conduct from the perspective of a "reasonable person." If it looks inappropriate or illegal to a reasonable person, then the manager has a duty to take care of it.

**Should the manager allow the victim to dictate actions?**

This is the single biggest mistake management can make—letting the person making the complaint dictate what the next action should be. A manager or supervisor's duty is to the workforce as a whole and if the manager doesn't investigate and remedy the situation, the harasser could be out there doing it to others.

**Should I promise the victim absolute confidentiality?**

While it is important to maintain confidentiality and only disclose information about the complete to those who need to know never promise confidentiality. Remember you are

## **Sexual Harassment? You Decide.**

---

not betraying a trust by reporting an incident. You're fulfilling your responsibility as a manager—to your organization and your employees.

### **Should all forms of harassment get equal attention?**

Yes. Harassment takes many forms and all harassment is illegal. Harassers and their victims can be of either genders or sexual orientation.

### **Is workplace dating safe?**

Managers or Supervisors who date subordinates are subject to claims of quid pro quo sexual harassment. After the relationship ends, the subordinate could claim it was not consensual—saying they felt they had to engage in the relationship to keep their job.

### **What about organizational policy?**

Simply having a comprehensive policy does not guarantee that you and your company won't be held liable in discriminatory harassment cases. Yes, the policy should exist, but it also has to be enforced.

### **Do I have any personal liability?**

You may personally be held liable for failing to take action on a sexual harassment situation. If harassment is present and you know or should have known, your company may not represent you. In other words, you are on your own—you have to find a lawyer and you have to pay the legal fees. The organization can essentially walk away from the situation.

---

# Training Session Checklist

Use this checklist to help you gather all the materials necessary for the training session.

## Meeting Preparation

- Determine your training objectives.
- Determine which version of the video you plan to use. The first version with the narration or the second version without the narration, which requires the trainer to provide the legal insight.
- Measure the participants' initial level of knowledge on the subject and readiness for training.
- Choose different ways to train to ensure transfer of information.

## Location

- Create a relaxed environment.
- Make sure all seats have a good view of the visuals.
- Make sure there is enough light to take notes when participants view the video.
- Provide an adequate writing surface for participants.
- Check for good acoustics.
- Verify that your room is accessible and equipped for participants with disabilities.

## Video Equipment

- Make sure the VCR is properly connected to the monitor.
- Test the VCR, and check monitor for proper picture, color and volume.
- Make sure the tape is rewound and ready to play before beginning your session.
- Check all other equipment (overhead projector, computer, etc.) for proper operation.

## Materials

- Facilitator's Guide
- One copy of Participant Materials for each participant
- Videotape—*Sexual Harassment? You Decide.*
- Overhead transparencies
- Paper and pencil for each participant

# Tips for Transferred Learning

Keep in mind the following tips when conducting any adult training. You may wish to review these tips and incorporate them into your session planning.

## **1. Adults learn when they feel they need to learn.**

Discuss ways your training will help participants to accurately identify and avoid sexual harassment in the workplace.

## **2. Adults learn through practical application.**

Use the exercises found in this Facilitator's Guide, or create your own agenda to give participants an opportunity to practice skills they can take back to their jobs. Also, provide reinforcement tools for your participants to take back to their jobs for continued and reinforced learning.

## **3. Adults learn by solving realistic problems.**

Discuss and analyze actual on-the-job situations. Allow the trainees to solve these real-life problems by using what they have learned.

## **4. Adults learn in an informal environment.**

Design your training room to be as informal as possible. Avoid classroom-style seating. If appropriate, encourage training participants to wear casual clothing. Encourage discussion and interaction to make participants feel more comfortable.

## **5. Adults learn by different training methods.**

Vary your training methods. Combine discussions, skill practice, case studies, self-evaluations and action planning in your training session. Using a variety of methods reinforces your message and promotes audience involvement.

## **6. Trainers learn through follow-up methods.**

Follow-up methods are crucial when determining the success of transferred training. Feedback from your participants' managers; follow-up surveys or training sessions; three-, six-, and nine-month skill-testing sessions, etc. can help you evaluate the information being used on the job site.

# Possible Session Agendas

Two session agendas have been provided to help guide you through your *Sexual Harassment: You Decide* session. You can modify these agendas to meet the needs of your participants.

## Three-hour agenda:

Activity	Time
Introducing the Session to Participants	15 minutes
What is Sexual Harassment?	20 minutes
Video Situations and Discussion	75 minutes
Break	15 minutes
Organizational Policy	10 minutes
How Would You Respond?	30 minutes
Session Debrief	15 minutes

## One and a half-hour agenda:

Activity	Time
Introducing the Session to Participants	15 minutes
Video Situations and Discussion	60 minutes
Session Debrief	15 minutes

**Note to Facilitator:** There are two versions of the video on one videocassette. The first version has a narrator that provides legal insight for each situation. The second version is just the situations without the legal insight from the narrator, however the legal insight is provided for the trainer in this facilitator's guide. Depending on which version of the tape you choose to use and the dynamics of the participants in your session, times may vary slightly due to participants' discussion.

## **Sexual Harassment? You Decide.**

---

### **Trainer's Instructions for the Pretraining and Posttraining Assessments**

1. Create an Invitation Memo to participants and enclose a copy of the Pretraining Assessment (included with the Participant Materials) for each of the participants. Ask them to complete this assessment and return it to you at least five days before the training session.
2. Use the Pretraining Assessment to evaluate the needs of your participants. This assessment will allow you to design the training session to emphasize areas or topics of importance.
3. A Posttraining Assessment is also provided for use at the end of the training session, so you can determine if your training goals have been met or if further education and training are necessary.

FOR  
PREVIEW  
ONLY

# Pretraining Assessment Answers

1. How do you define sexual harassment?

**Possible answers may include:**

- **Behavior that makes me uncomfortable**
- **When people at work ask me out**
- **Inappropriate jokes**
- **Unwelcome, unwanted sexual behavior**
- **Sexual innuendos**

2. True or False. There are two main kinds of sexual harassment—hostile work environment and quid pro quo sexual harassment.

**True.**

3. True or False. Most sexual harassment is about sexual attraction.

**False. Sexual harassment has nothing to do with sexual attraction. Sexual harassment has to do with power.**

4. True or False. Most people want money as a result of filing a sexual harassment complaint.

**False. The majority of people who have been harassed just want the behavior to stop.**

5. What steps would you take if you were sexual harassed?

**Possible answers may include:**

- **I would tell the harasser to stop**
- **I would tell a coworker**
- **I would talk to my boss**
- **I would go to HR**
- **I would call the EEOC**
- **I would call a lawyer**
- **I wouldn't do anything at all; I'd just hope it would go away.**
- **Quit my job**

Notes:

FOR  
PREVIEW  
ONLY

# **Sexual Harassment? You Decide.**

**Real Situations for Discussion**

Three-Hour Session Agenda

# Introducing the Session to Participants

Time Required:	15 minutes
Materials Needed:	Overheads 1 and 2
Objective:	To emphasize the importance of the topic and introduce participants to each other in order to set the stage for the training session.

## Trainer's Instructions:

1. Start the session by introducing yourself and paraphrasing the following point:  
  
**Sexual Harassment is the most well known form of harassment and discrimination. Unfortunately, the sometimes-subtle nature of what constitutes sexual harassment can make it difficult to identify. In order to stop sexual harassment in the workplace, we need to realize that sexual harassment comes in several forms and many of them are not blatantly obvious. The best step towards prevention is to accurately identify the behavior and be proactive about putting a stop to it.**
2. Describe the agenda for the training session and outline any training goals on the overhead.
3. Display overhead 1. You may wish to revise these objectives based on your session design. Read or paraphrase the following:

### **Upon completion of the video training program, you will:**

- **Understand what sexual harassment is**
- **Understand who can be a victim of sexual harassment**
- **Identify behaviors that constitute sexual harassment in the workplace**
- **Determine how to appropriately respond during a sexual harassment situation**

4. Display overhead 2. Have participants answer the following questions individually:

**What is your name and what department do you work in?**

**What is one thing you would like to learn from this session?**

FOR  
PREVIEW  
ONLY

# What is Sexual Harassment?

Time Required: 15 minutes  
Materials Needed: Overhead 3-5, Sexual Harassment FAQ's  
Objective: To help participants define and identify the different types of sexual harassment.

## Trainer's Instructions:

1. Read or paraphrase the following to participants:

**Let's take a moment and define the term harassment.**

**Harassment means to trouble, worry or torment someone on a persistent basis. The important phrase here is "on a persistent basis." Usually a one-time offense is not considered harassment in the eyes of the law. (OH 3)**

**Harassment falls into one of three groups:**

- **Verbal – includes things said, written or inappropriate sounds**
- **Physical – include hitting, pushing, blocking someone's way, inappropriate touching**
- **Visual – includes calendars, pictures, and any inappropriate object that can be clearly seen. (OH 4)**

**Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:**

- **Submission to such conduct by an individual is made explicitly or implicitly a term or condition of employment.**
- **Submission to or rejection of such conduct by an individual is used as the basis for an employment decision.**
- **Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment. (OH 5)**

There are two main types of sexual harassment:

- **Quid Pro Quo**—which is the most blatant form of sexual harassment meaning “this for that.” Quid pro Quo occurs when employment decisions such as hiring, promotions, salary increases, work assignments or performance evaluations are based on an employee’s willingness to grant or deny sexual favors (OH 6)
- **Hostile Work Environment**—which is the most subtle form of sexual harassment which occurs when verbal, physical, or visual behavior in the workplace:
  - Focuses on the sexuality of another person or occurs because of the person’s gender
  - Is unwanted or unwelcome
  - Is severe or pervasive enough to affect the person’s work environment (OH 7)

2. Note to trainer: be sure that you have already reviewed the FAQ’s provided on pages 4-6 of this facilitator’s guide. Read or paraphrase the following to participants:

**We have just discussed the basic definitions regarding sexual harassment; this will help you make decisions regarding the situations in the video you are about to view. Before we watch the video, what questions do you have regarding sexual harassment?**

3. Answer any questions participants may have regarding sexual harassment.

# Video Situations and Discussion

- Time Required: 60-75 minutes
- Materials Needed: Video—*Sexual Harassment? You Decide, Video Situation Questions for Discussion*
- Objective: To show video and discuss as a group to further understanding of the key training points and the behaviors involved in sexual harassment situations

## Trainer's Instructions:

1. Have participant's divide into groups of three or four. Read or paraphrase the following:  
**We are going to review several potential harassment situations. After each situation, I will ask you to determine whether you believe sexual harassment occurred or not?**

**Note to Facilitator:** If you are using the first version on the videocassette that has the legal insights provided by the narrator, you will need to stop the tape after each situation before the narrator provides the legal insight in order to provide ample time for participants to discuss each situation. If you are using the second version that does not have the narrator providing the legal insight, then you will need to provide the legal insight to participants after they have had an opportunity to discuss each situation. Be sure to take a moment and describe to participants which option you will be using.

You may also want to let participants know that, occasionally, the same actor appears in different scenes within the video. Encourage them to keep their focus on the circumstances of the situation, rather than who is playing what role.

2. Distribute the Videos Situations Questions for Discussion Sheets to participants. Depending on which version of the tape you choose to use, there are two versions of the following read or paraphrase section:

### Version One:

**There are a total of 16 situations. After each situation, we will stop the video and you will discuss in your small groups whether you believe these situations are an example of sexual harassment in the workplace. After your small group discussion, we will share our perceptions with the large group and then at the end, I will turn the**

video back on and we will hear the legal insight provided by the narrator.

**Version Two:**

**There are a total of 16 situations. After each situation, we will stop the video and you will discuss in your small groups whether you believe these situations are an example of sexual harassment in the workplace. After your small group discussion, we will share our perceptions with the large group and then at the end, I will provide some legal insight regarding the situation.**

3. Play the vignette, allow a few minutes for discussion and then provide the legal insight to participants.

## Situations for Discussion Questions

### Situation 1: Just asking, that's all...

- Do you believe this is sexual harassment?
- Who is affected by this behavior?
- What if the supervisor was his boss?

**Legal Insight:** Because the woman in this scene has been repeatedly asking this man out, and he has obviously said no, then her behavior is, at the very least, inappropriate – and if it continues it could lead to a hostile environment. If a manager learns of the behavior, they should put a stop to it immediately.

Keep in mind that if the woman was his manager, and she used her supervisory position to affect his work environment based on his willingness to go out, then her actions could also subject both she – and the organization to a quid pro quo sexual harassment lawsuit.

### Situation 2: Picture of the Day

- Do you believe this is sexual harassment?
- Who is affected by this behavior?
- What if women were the only people receiving these pictures?
- What if the photo had been of a lingerie model?

**Legal Insight:** From the comments made in this example, it's clear that the alteration of pictures has been going on for some time – and that they've been widely distributed.

This example provides an important lesson: the picture to which the coworker's face has been added is not a centerfold or anything sexually explicit. However, liability for sexual harassment doesn't depend on whether the conduct is sexual in nature or not. The issue is: Are women being treated differently than men? If women are the only ones receiving the pictures, then the behavior is not only unprofessional—it may also be considered harassment and discrimination.

### Situation 3: The Honeymooner

- Do you believe this is sexual harassment?
- Who is affected by this behavior?
- What if the group was still making similar comments months after the employee's honeymoon?

**Legal Insight:** Although the coworkers' behavior is inappropriate, this probably wouldn't be considered harassment because it appears to be a one-time incident.

However, if the newlywed continued to be the brunt of sexual jokes and innuendos – or if the statements continually became more graphic than the group's behavior could easily cross the line from simply inappropriate and unprofessional to unlawful.

### Situation 4: The Bet...

- Do you believe this is sexual harassment?
- Is just asking about someone's hair color unlawful?
- What if the men had been staring at the lower part of the woman's body when they asked the question – would that behavior impact the situation?

**Legal Insight:** Simply asking a question about a woman's natural hair color isn't unlawful in and of itself. But here both the fact that the men convey that they have a bet going and that one of them is laughing at the questions as it's asked – make this an example of borderline behavior. It's clearly inappropriate and unprofessional.

If the woman complains, the behavior needs to be addressed by management immediately.

In addition, if the questions had been asked while staring at the woman's lower body—or if the man had asked the question “are those real?” while looking at her chest, then it would probably be considered hostile environment sexual harassment.

### Situation 5: Make My Day...

- Do you believe this is sexual harassment?
- If this is a one time incident, how does that impact your response? What if the behavior continues, how does that impact your response?
- Does it matter that the man is a customer?

## Sexual Harassment? You Decide.

---

**Legal Insight:** As an isolated incident, this would not be sexual harassment.

It could become sexual harassment if the man continues to make these kinds of comments, even after the woman asks him to stop – and her employer becomes aware of the customer’s behavior, but does nothing about it.

Keep in mind that an employer can be held liable for failing to provide a workplace free of harassment and discrimination, regardless of who is doing the harassing – employee, customer, or vendor.

### Situation 6: The Road Trip...

- Do you believe this is sexual harassment?
- Who is affected by this behavior?

**Legal Insight:** The man’s behavior in this example borders on becoming sexual harassment. If he continues to ask her questions after she asks him to stop – and particularly if the questions imply a sexual connotation directed at the coworker – for example, I know how my wife would look in this, but I’d like to see how you would look – then it may well cross the line into sexual harassment.

At the very least, the man’s behavior is inappropriate and his manager should take action to see that it stops immediately.

### Situation 7: The Persistent Romeo

- Do you believe this is sexual harassment?
- What if the employee complains to the supervisor and the supervisor fails to take any action?

**Legal Insight:** In this situation, the woman clearly told the man to stop asking for a second date. While he did back down, you’re left with the impression that he’ll be back. If the woman informs the supervisor, and the supervisor fails to take action to stop the behavior, the man, the supervisor, and the organization itself could face charges of hostile environment sexual harassment.

### Situation 8: Just Relax...

- Do you believe this is sexual harassment?
- What if both employees were of the same gender does that change the situation?

**Legal Insight:** This is not sexual harassment. It is, however, an example of inappropriate touching in the workplace. While it may be well intentioned, the physical contact is uninvited and obviously not welcomed.

If the behavior persists, and particularly if it's accompanied by comments like – why don't you come by tonight and I'll really get you loosened up – then it could be considered sexual harassment.

Remember, it doesn't matter if someone of the same or opposite sex sexually harasses a person – either situation could lead to a lawsuit.

### **Situation 9: The Best Side...**

- Do you believe this is sexual harassment?
- What if the vendor doesn't mind the attention but other men in the office are offended by it?

**Legal Insight:** Based on the reaction of the women in this example, we have to assume that this isn't the first time this kind of behavior has taken place.

In that case, it's possible that a court would find this to be hostile environment sexual harassment – even though the man is not an employee. For example, if male coworkers are aware of and offended by what the women are doing, then their behavior could result in a hostile environment lawsuit.

### **Situation 10: A Banana A Day...**

- Do you believe this is sexual harassment?

**Legal Insight:** The man's comments and his body language in this scenario clearly indicate a sexual connotation. Even though the actual words he uses are not explicit, if the behavior continues, both he and the organization could face charges of sexual harassment.

### Situation 11: The Critique

- Do you believe this is sexual harassment?
- What if the man were this woman's supervisor?

**Legal Insight:** The man's comments in this situation are obviously inappropriate. But beyond that, his comments have a sexual overtone to them. Even through its subtle in nature, his body language and tone of voice clearly implied something beyond a casual glance at her legs.

These kinds of comments – no matter how well intentioned or innocently made – can easily lead to charges of hostile environment sexual harassment. And if the man is the woman's supervisor, and he used his position to affect the woman's work environment, both he and his organization could be held liable for quid pro quo sexual harassment.

### Situation 12: Let me get that for you...

- Do you believe this is sexual harassment?
- Do different states have different laws regarding sexual harassment?

**Legal Insight:** This example illustrates why simply knowing how a federal law applies to your workplace isn't enough. For example, a number of state and local laws offer protection from harassment that goes above and beyond federal law.

In this case, the woman has clearly been singled out because of her implied sexual orientation. Under federal law, discrimination based on sexual orientation is not protected. However, in several states and local jurisdictions, there are laws, which provide protection from harassment and discrimination based on perceived as well as actual sexual orientation. And if this kind of behavior happens in one of those places, the coworkers may very well end up on the wrong side of a hostile work environment harassment lawsuit.

Note to facilitator: You may want to find out what the legal implications are in your state or local jurisdiction so that you can clearly communicate how this situation impacts employees in your organization.

### Situation 13: It's That Time Again...

- Do you believe this is sexual harassment?
- Who is affected by this behavior?

**Legal Insight:** I think we can all agree that the “time of the month” comment is clearly unprofessional and inappropriate. But it's equally clear that such comments could only be made about females, not males. While isolated comments like this would most likely not create liability for sexual harassment, it could be evidence of a hostile or intimidating environment based on gender or sex – even though the comment doesn't have a sexual connotation or intent. When a supervisor or manager becomes aware of this type of inappropriate comments then he or she should put a stop to the behavior immediately.

### Situation 14: The Birthday Girl

- Do you believe this is sexual harassment?

**Legal Insight:** This is not an example of sexual harassment. However, since it was obvious the woman did not welcome the contact, it is certainly inappropriate. Because appropriate touching varies so much between different people, the best advice is to keep close personal contact to a minimum and always on a professional level. For example, a congratulatory handshake.

Beyond that, unless you are absolutely sure that the other person welcomes your contact, it's probably best not to touch them at all.

### Situation 15: A Masterpiece...

- Do you believe this is sexual harassment?
- Are any types of nude picture appropriate in the workplace?  
No. Nude pictures of any kind—whether it is legitimate artwork or not – should be avoided in the workplace.

**Legal Insight:** This is an example of inappropriate behavior that could easily become sexual harassment. To begin with, the man's comment that the woman resembles one of the nude women in the picture – when she is clearly uncomfortable with the situation – is not a step in the right direction. In addition, if he persists in keep the picture in his office after the woman objects – or if he makes more overt gestures or comments about the woman in relation to the nude women in the picture – there could be grounds for a hostile environment lawsuit.

### Situation 16: Some of my best friends have them...

- Do you believe this is sexual harassment?
- Does it matter that the woman was wearing clothing that displayed her body jewelry?

**Legal Insight:** The actions of the men in this example are clearly inappropriate in almost any workplace. The men's behavior could also be on the verge of being considered sexual harassment – even though it initially appeared that the female was displaying the body jewelry in a manner inviting comment.

Although they didn't say anything explicit, comparing their female coworker with dancers at the local bar clearly offends the woman. If she tells them to stop and the behavior continues, a court may find the behavior to be evidence of hostile environment harassment.

In addition, if a supervisor or manager becomes aware of what's going on, he or she must put a stop to it immediately.

# Organizational Policy

Time Required: 15 minutes  
Materials Needed: A copy of your Organization's Policy for each participant  
Objective: To help participants understand the organization's policy on Sexual Harassment.

## Trainer's Instructions:

1. Distribute a copy of your organization's sexual harassment policy to each participant. Read through the policy as a group. Be sure to discuss what steps an employee should take if they need to report a sexual harassment case.
2. After participants have had a few minutes to read the policy, make sure you take time to answer any questions your participants have regarding your organization's policy.

# How Would You Respond?

Time Required: 15 minutes  
Materials Needed: How Would You Respond? Worksheet  
Objective: To discuss the importance of clearly responding to a situation that participant's may find offensive.

## Trainer's Instructions:

1. Read or paraphrase the following to participants: (flipchart their responses)  
**The video has helped us realize how to identify a sexual harassment situation. Now let's focus on how we would respond if we were faced with a sexual harassment situation. It is important to respond to any type of sexual harassment situation in a proactive manner. Make it very clear to the other parties that their behavior is unwelcome and unwanted. This can be an awkward and uncomfortable position to be in but confronting the situation right when it happens is the most effective way to get the behavior to stop.**
2. Distribute the How Would You Respond? worksheet to participants.
3. Give participants plenty of time to read through the scenarios and write down their responses. Once participants have completed their responses, have them share their responses with the group.
4. Read or paraphrase the following:  
**How we respond to sexual harassment situations is critical to getting the behavior to stop immediately. Everyone has the right to work in an environment that is free from sexual harassment. Sexual harassment in the workplace affects everyone. It can lower moral, affect employee motivation, and create a hostile place to work.**

# How Would You Respond

## (Facilitator's copy)

Instructions: Read the scenarios below and then determine how you would respond if you were faced with the situation. Write your responses in the space provided.

### Scenario One:

Your organization has called a computer tech in from an outside organization because your computer has crashed again. As the computer tech crawls underneath your desk to access your computer he says, "Ahh look at what we have here...are you leaving me a little message...so wanna screw?" The tech comes out from underneath a desk with a screw in his hand and a big smile on his face.

#### How would you respond?

*Potential Response: Excuse me, but you need to focus on your job. I find your remarks offensive and would prefer you keep any discussion to my computer.*

### Scenario Two:

You are wearing a new suit for the first time today. It is a very attractive, yet professional suit. A coworker walks up to you and compliments your attire. You turn around to use the copier and feel like someone is staring at you. When you look back you realize that your coworker has been staring at your backside and is now looking you up and down.

#### How would you respond?

*Potential Response: You seem to be staring at my suit...is there a problem? If not, then you need to realize that your staring is making me uncomfortable and I expect it to stop immediately.*

### Scenario Three:

The person in the cubicle next to you just received a big bouquet of flowers from her boyfriend. The mail clerk walks by when delivering the mail and says the following to you, "I bet she puts out real well to get an arrangement that big eh?"

#### How would you respond?

*Potential Response: It is inappropriate for you to be making comments like that. You need to realize that comments like that can create a hostile work environment and can be used against you in a sexual harassment claim.*

## **Session Debrief**

Time Required: 20 minutes  
Materials Needed: Overhead 8, Posttraining Assessment, Session Evaluation  
Objective: To provide feedback, information and transferred knowledge to participants.

### **Trainer's Instructions:**

1. Show overhead 8 and review the key training points of the program. Answer any questions participants may have about sexual harassment.

**Now that we have completed this program, you should:**

- **Understand what sexual harassment is**
  - **Understand who can be a victim of sexual harassment**
  - **Identify behaviors that constitute sexual harassment in the workplace**
  - **Determine how to appropriately respond during a sexual harassment situation**
2. Distribute the Posttraining Assessment and Session Evaluation to participants.

---

# Posttraining Assessment (Facilitator's Copy)

Instructions: The questions below highlight the key points you've learned in this training session. Consider the questions and write your answers in the space provided.

1. List the three types of harassment.

- **Visual**
- **Verbal**
- **Physical**

2. Fill in the blank. The two types of sexual harassment are quid pro quo and \_\_\_\_\_.

### **Hostile Work Environment**

3. True or False. People harass other people because they have a sexual attraction to them?

**False. Sexual harassment is not about sexual attraction but about a misuse of power.**

4. What is the reasonable person standard?

**If and when an organization winds up in court, the jury will be asked to look at the conduct from the perspective of a "reasonable person." If it looks inappropriate or illegal to a reasonable person, then the manager has a duty to take care of it.**

5. What is the most important thing you learned from this program?

### **Possible responses:**

- **How to better identify potential harassment situations**
- **People perceive harassment situation differently**
- **I have a right to work in an environment free from sexual harassment.**

Notes:

FOR  
PREVIEW  
ONLY

# **Sexual Harassment? You Decide.**

FOR  
PREVIEW  
ONLY

**Real Situations for Discussion**

One and a Half-Hour Session Agenda

# Introducing the Session to Participants

Time Required:	15 minutes
Materials Needed:	Overheads 1 and 2
Objective:	To emphasize the importance of the topic and introduce participants to each other in order to set the stage for the training session.

## Trainer's Instructions:

1. Start the session by introducing yourself and paraphrasing the following point:  
  
**Sexual Harassment is the most well known form of harassment and discrimination. Unfortunately, the sometimes-subtle nature of what constitutes sexual harassment can make it difficult to identify. In order to stop sexual harassment in the workplace, we need to realize that sexual harassment comes in several forms and many of them are not blatantly obvious. The best step towards prevention is to accurately identify the behavior and be proactive about putting a stop to it.**
2. Describe the agenda for the training session and outline any training goals on the overhead.
3. Display overhead 1. You may wish to revise these objectives based on your session design. Read or paraphrase the following:

### **Upon completion of the video training program, you will:**

- **Understand what sexual harassment is**
- **Understand who can be a victim of sexual harassment**
- **Identify behaviors that constitute sexual harassment in the workplace**
- **Determine how to appropriately respond during a sexual harassment situation**

4. Display overhead 2. Have participants answer the following questions individually:

**What is your name and what department do you work in?**

**What is one thing you would like to learn from this session?**

FOR  
PREVIEW  
ONLY

## Video Situations and Discussion

- Time Required: 60-75 minutes
- Materials Needed: Video—*Sexual Harassment? You Decide, Video Situation Questions for Discussion*
- Objective: To show video and discuss as a group to further understanding of the key training points and the behaviors involved in sexual harassment situations

### Trainer's Instructions:

1. Have participant's divide into groups of three or four. Read or paraphrase the following:  
**We are going to review several potential harassment situations. After each situation, I will ask you to determine whether you believe sexual harassment occurred or not?**

**Note to Facilitator:** If you are using the first version on the videocassette that has the legal insights provided by the narrator, you will need to stop the tape after each situation before the narrator provides the legal insight in order to provide ample time for participants to discuss each situation. If you are using the second version that does not have the narrator providing the legal insight, then you will need to provide the legal insight to participants after they have had an opportunity to discuss each situation. Be sure to take a moment and describe to participants which option you will be using.

You may also want to let participants know that, occasionally, the same actor appears in different scenes within the video. Encourage them to keep their focus on the circumstances of the situation, rather than who is playing what role.

2. Distribute the Videos Situations Questions for Discussion Sheets to participants. Depending on which version of the tape you choose to use, there are two versions of the following read or paraphrase section:

#### Version One:

**There are a total of 16 situations. After each situation, we will stop the video and you will discuss in your small groups whether you believe these situations are an example of sexual harassment in the workplace. After your small group discussion, we will share our perceptions with the large group and then at the end, I will turn the**

video back on and we will hear the legal insight provided by the narrator.

**Version Two:**

**There are a total of 16 situations. After each situation, we will stop the video and you will discuss in your small groups whether you believe these situations are an example of sexual harassment in the workplace. After your small group discussion, we will share our perceptions with the large group and then at the end, I will provide some legal insight regarding the situation.**

3. Play the vignette, allow a few minutes for discussion and then provide the legal insight to participants.

## Situations for Discussion Questions

### Situation 1: Just asking, that's all...

- Do you believe this is sexual harassment?
- Who is affected by this behavior?
- What if the supervisor was his boss?

**Legal Insight:** Because the woman in this scene has been repeatedly asking this man out, and he has obviously said no, then her behavior is, at the very least, inappropriate – and if it continues it could lead to a hostile environment. If a manager learns of the behavior, they should put a stop to it immediately.

Keep in mind that if the woman was his manager, and she used her supervisory position to affect his work environment based on his willingness to go out, then her actions could also subject both she – and the organization to a quid pro quo sexual harassment lawsuit.

### Situation 2: Picture of the Day

- Do you believe this is sexual harassment?
- Who is affected by this behavior?
- What if women were the only people receiving these pictures?
- What if the photo had been of a lingerie model?

**Legal Insight:** From the comments made in this example, it's clear that the alteration of pictures has been going on for some time – and that they've been widely distributed.

This example provides an important lesson: the picture to which the coworker's face has been added is not a centerfold or anything sexually explicit. However, liability for sexual harassment doesn't depend on whether the conduct is sexual in nature or not. The issue is: Are women being treated differently than men? If women are the only ones receiving the pictures, then the behavior is not only unprofessional—it may also be considered harassment and discrimination.

### Situation 3: The Honeymooner

- Do you believe this is sexual harassment?
- Who is affected by this behavior?
- What if the group was still making similar comments months after the employee's honeymoon?

**Legal Insight:** Although the coworkers' behavior is inappropriate, this probably wouldn't be considered harassment because it appears to be a one-time incident.

However, if the newlywed continued to be the brunt of sexual jokes and innuendos – or if the statements continually became more graphic than the group's behavior could easily cross the line from simply inappropriate and unprofessional to unlawful.

### Situation 4: The Bet...

- Do you believe this is sexual harassment?
- Is just asking about someone's hair color unlawful?
- What if the men had been staring at the lower part of the woman's body when they asked the question – would that behavior impact the situation?

**Legal Insight:** Simply asking a question about a woman's natural hair color isn't unlawful in and of itself. But here both the fact that the men convey that they have a bet going and that one of them is laughing at the questions as it's asked – make this an example of borderline behavior. It's clearly inappropriate and unprofessional.

If the woman complains, the behavior needs to be addressed by management immediately.

In addition, if the questions had been asked while staring at the woman's lower body—or if the man had asked the question “are those real?” while looking at her chest, then it would probably be considered hostile environment sexual harassment.

### Situation 5: Make My Day...

- Do you believe this is sexual harassment?
- If this is a one time incident, how does that impact your response? What if the behavior continues, how does that impact your response?
- Does it matter that the man is a customer?

## Sexual Harassment? You Decide.

---

**Legal Insight:** As an isolated incident, this would not be sexual harassment.

It could become sexual harassment if the man continues to make these kinds of comments, even after the woman asks him to stop – and her employer becomes aware of the customer’s behavior, but does nothing about it.

Keep in mind that an employer can be held liable for failing to provide a workplace free of harassment and discrimination, regardless of who is doing the harassing – employee, customer, or vendor.

### Situation 6: The Road Trip...

- Do you believe this is sexual harassment?
- Who is affected by this behavior?

**Legal Insight:** The man’s behavior in this example borders on becoming sexual harassment. If he continues to ask her questions after she asks him to stop – and particularly if the questions imply a sexual connotation directed at the coworker – for example, I know how my wife would look in this, but I’d like to see how you would look – then it may well cross the line into sexual harassment.

At the very least, the man’s behavior is inappropriate and his manager should take action to see that it stops immediately.

### Situation 7: The Persistent Romeo

- Do you believe this is sexual harassment?
- What if the employee complains to the supervisor and the supervisor fails to take any action?

**Legal Insight:** In this situation, the woman clearly told the man to stop asking for a second date. While he did back down, you’re left with the impression that he’ll be back. If the woman informs the supervisor, and the supervisor fails to take action to stop the behavior, the man, the supervisor, and the organization itself could face charges of hostile environment sexual harassment.

### Situation 8: Just Relax...

- Do you believe this is sexual harassment?
- What if both employees were of the same gender does that change the situation?

**Legal Insight:** This is not sexual harassment. It is, however, an example of inappropriate touching in the workplace. While it may be well intentioned, the physical contact is uninvited and obviously not welcomed.

If the behavior persists, and particularly if it's accompanied by comments like – why don't you come by tonight and I'll really get you loosened up – then it could be considered sexual harassment.

Remember, it doesn't matter if someone of the same or opposite sex sexually harasses a person – either situation could lead to a lawsuit.

### **Situation 9: The Best Side...**

- Do you believe this is sexual harassment?
- What if the vendor doesn't mind the attention but other men in the office are offended by it?

**Legal Insight:** Based on the reaction of the women in this example, we have to assume that this isn't the first time this kind of behavior has taken place.

In that case, it's possible that a court would find this to be hostile environment sexual harassment – even though the man is not an employee. For example, if male coworkers are aware of and offended by what the women are doing, then their behavior could result in a hostile environment lawsuit.

### **Situation 10: A Banana A Day...**

- Do you believe this is sexual harassment?

**Legal Insight:** The man's comments and his body language in this scenario clearly indicate a sexual connotation. Even though the actual words he uses are not explicit, if the behavior continues, both he and the organization could face charges of sexual harassment.

### Situation 11: The Critique

- Do you believe this is sexual harassment?
- What if the man were this woman's supervisor?

**Legal Insight:** The man's comments in this situation are obviously inappropriate. But beyond that, his comments have a sexual overtone to them. Even through its subtle in nature, his body language and tone of voice clearly implied something beyond a casual glance at her legs.

These kinds of comments – no matter how well intentioned or innocently made – can easily lead to charges of hostile environment sexual harassment. And if the man is the woman's supervisor, and he used his position to affect the woman's work environment, both he and his organization could be held liable for quid pro quo sexual harassment.

### Situation 12: Let me get that for you...

- Do you believe this is sexual harassment?
- Do different states have different laws regarding sexual harassment?

**Legal Insight:** This example illustrates why simply knowing how a federal law applies to your workplace isn't enough. For example, a number of state and local laws offer protection from harassment that goes above and beyond federal law.

In this case, the woman has clearly been singled out because of her implied sexual orientation. Under federal law, discrimination based on sexual orientation is not protected. However, in several states and local jurisdictions, there are laws, which provide protection from harassment and discrimination based on perceived as well as actual sexual orientation. And if this kind of behavior happens in one of those places, the coworkers may very well end up on the wrong side of a hostile work environment harassment lawsuit.

Note to facilitator: You may want to find out what the legal implications are in your state or local jurisdiction so that you can clearly communicate how this situation impacts employees in your organization.

### Situation 13: It's That Time Again...

- Do you believe this is sexual harassment?
- Who is affected by this behavior?

**Legal Insight:** I think we can all agree that the “time of the month” comment is clearly unprofessional and inappropriate. But it's equally clear that such comments could only be made about females, not males. While isolated comments like this would most likely not create liability for sexual harassment, it could be evidence of a hostile or intimidating environment based on gender or sex – even through the comment doesn't have a sexual connotation or intent. When a supervisor or manager becomes aware of this type of inappropriate comments then he or she should put a stop to the behavior immediately.

### Situation 14: The Birthday Girl

- Do you believe this is sexual harassment?

**Legal Insight:** This is not an example of sexual harassment. However, since it was obvious the woman did not welcome the contact, it is certainly inappropriate. Because appropriate touching varies so much between different people, the best advice is to keep close personal contact to a minimum and always on a professional level. For example, a congratulatory handshake.

Beyond that, unless you are absolutely sure that the other person welcomes your contact, it's probably best not to touch them at all.

### Situation 15: A Masterpiece...

- Do you believe this is sexual harassment?
- Are any types of nude picture appropriate in the workplace?  
No. Nude pictures of any kind—whether it is legitimate artwork or not – should be avoided in the workplace.

**Legal Insight:** This is an example of inappropriate behavior that could easily become sexual harassment. To begin with, the man's comment that the woman resembles one of the nude women in the picture – when she is clearly uncomfortable with the situation – is not a step in the right direction. In addition, if he persists in keep the picture in his office after the woman objects – or if he makes more overt gestures or comments about the woman in relation to the nude women in the picture – there could be grounds for a hostile environment lawsuit.

### Situation 16: Some of my best friends have them...

- Do you believe this is sexual harassment?
- Does it matter that the woman was wearing clothing that displayed her body jewelry?

**Legal Insight:** The actions of the men in this example are clearly inappropriate in almost any workplace. The men's behavior could also be on the verge of being considered sexual harassment – even though it initially appeared that the female was displaying the body jewelry in a manner inviting comment.

Although they didn't say anything explicit, comparing their female coworker with dancers at the local bar clearly offends the woman. If she tells them to stop and the behavior continues, a court may find the behavior to be evidence of hostile environment harassment.

In addition, if a supervisor or manager becomes aware of what's going on, he or she must put a stop to it immediately.

# Session Debrief

- Time Required: 20 minutes  
Materials Needed: Overhead 8, Sexual Harassment FAQ's, Posttraining Assessment, Session Evaluation  
Objective: To provide feedback, information and transferred knowledge to participants.

## Trainer's Instructions:

1. Show overhead 8 and review the key training points of the program. Ask participants if they have any questions regarding sexual harassment and refer them to the Sexual Harassment FAQ's handout in the back of their participant's workbook.

**Now that we have completed this program, you should:**

- **Understand what sexual harassment is**
  - **Understand who can be a victim of sexual harassment**
  - **Identify behaviors that constitute sexual harassment in the workplace**
  - **Determine how to appropriately respond during a sexual harassment situation**
2. Distribute the Posttraining Assessment and Session Evaluation to participants.

## Posttraining Assessment (Facilitator's Copy)

Instructions: The questions below highlight the key points you've learned in this training session. Consider the questions and write your answers in the space provided.

1. List the three types of harassment.

- **Visual**
- **Verbal**
- **Physical**

2. Fill in the blank. The two types of sexual harassment are quid pro quo and \_\_\_\_\_.

**Hostile Work Environment**

3. True or False. People harass other people because they have a sexual attraction to them?

**False. Sexual harassment is not about sexual attraction but about a misuse of power.**

4. What is the reasonable person standard?

**If and when an organization winds up in court, the jury will be asked to look at the conduct from the perspective of a "reasonable person." If it looks inappropriate or illegal to a reasonable person, then the manager has a duty to take care of it.**

5. What is the most important thing you learned from this program?

**Possible responses:**

- **How to better identify potential harassment situations**
- **People perceive harassment situation differently**
- **I have a right to work in an environment free from sexual harassment.**

Overhead 1

**Upon completion of the video training program, you will:**

- **Understand what sexual harassment is**
- **Understand who can be a victim of sexual harassment**
- **Identify behaviors that constitute sexual harassment in the workplace**
- **Determine how to appropriately respond during a sexual harassment situation**

Overhead 2

**What is your name and  
what department do you  
work in?**

**What is one thing you  
would like to learn from  
this session?**

## Overhead 3

**Harassment means to trouble, worry or torment someone on a persistent basis. The important phrase here is “on a persistent basis.” Usually a one-time offense is not considered harassment in the eyes of the law.**

Overhead 4

## **Harassment falls into one of three groups:**

- **Verbal – includes things said, written or inappropriate sounds**
- **Physical – include hitting, pushing, blocking someone's way, inappropriate touching**
- **Visual – includes calendars, pictures, and any inappropriate object that can be clearly seen.**

## Overhead 5

**Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:**

- **Submission to such conduct by an individual is made explicitly or implicitly a term or condition of employment.**
- **Submission to or rejection of such conduct by an individual is used as the basis for an employment decision.**
- **Such conduct has the purpose or effect to interfere with an individual's work performance or creates a hostile or intimidating environment.**

## **There are two main types of sexual harassment:**

**Quid Pro Quo—which is the most blatant form of sexual harassment meaning “this for that.” Quid pro Quo occurs when employment decisions such as hiring, promotions, salary increases, work assignments or performance evaluations are based on an employee’s willingness to grant or deny sexual favors**

## Overhead 7

**Hostile Work Environment—which is the most subtle form of sexual harassment which occurs when verbal, physical, or visual behavior in the workplace:**

- **Focuses on the sexuality of another person or occurs because of the person's gender**
- **Is unwanted or unwelcome**
- **Is severe or pervasive enough to affect the person's work environment**

**Now that we have completed this program, you should:**

- **Understand what sexual harassment is**
- **Understand who can be a victim of sexual harassment**
- **Identify behaviors that constitute sexual harassment in the workplace**
- **Determine how to appropriately respond during a sexual harassment situation**