

Sexual Harassment? You Decide.

Real Situations for Discussion

Participant Materials
One and a half-Hour Agenda

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Pretraining Assessment

1. How do you define sexual harassment?
2. True or False. There are two main kinds of sexual harassment—hostile work environment and quid pro quo sexual harassment.
3. True or False. Most sexual harassment is about sexual attraction.
4. True or False. Most people want money as a result of filing a sexual harassment complaint.
5. What steps would you take if you were sexually harassed?

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?

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Notes:

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?

Notes:

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?

Notes:

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?

Notes:

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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?

Notes:

Situation 6: The Road Trip...

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

Notes:

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?

Notes:

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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?

Notes:

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?

Notes:

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Situation 10: A Banana A Day...

- Do you believe this is sexual harassment?

Notes:

Situation 11: The Critique

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

Notes:

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

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

Notes:

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

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

Notes:

Situation 14: The Birthday Girl

- Do you believe this is sexual harassment?

Notes:

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.

Notes:

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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?

Notes:

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Posttraining Assessment

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.
2. Fill in the blank. The two types of sexual harassment are quid pro quo and _____.
3. True or False. People harass other people because they have a sexual attraction to them?
4. What is the reasonable person standard?
5. What is the most important thing you learned from this program?

Session Evaluation

Please circle the number that best describes your evaluation of the training session.

	Strongly Agree	Agree	Disagree	Strongly Disagree
This training program concentrates on how to effectively identify sexual harassment in the workplace.	4	3	2	1
This training program helped me understand the importance of taking action if I observe a harassment situation.	4	3	2	1
As a result of this program, I am more confident in MY ability to identify a sexual harassment situation.	4	3	2	1
The objectives of the program were clearly presented.	4	3	2	1
Opportunities to ask questions and discuss issues were sufficient.	4	3	2	1
The session was well organized.	4	3	2	1

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The best part of the program was:

This program could be improved by:

Additional comments:

I would recommend this session to others (circle one). Yes No

Sexual Harassment FAQ's

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, you should follow-up with the complaint just as you would if the person were an employee of your

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organization. Also, if your employees are harassing someone outside of your organization, you are responsible for their 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 makes—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 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.

Notes:

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