

The Right Side of the Line

Creating a Respectful and
Harassment-Free Workplace

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Facilitator Guide

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Important Legal Information about *Right Side of the Line* Harassment Training

Legal Disclaimer

This material is designed and intended for general informational purposes only, and is not intended, nor should it be construed or relied upon, as legal advice. Please consult with your attorney if specific legal information is desired.

State-Specific Requirements

As of the date this program was reviewed for legal accuracy in July 2005, no states other than California, Connecticut, and Maine had laws requiring mandatory training on sexual harassment, or any other form of harassment, in the workplace. If, in the future, any other states, or the federal government, require such training, please contact your legal counsel to determine how this program may comply with such new requirements and/or how you may need to supplement it. Also, please contact VisionPoint to request any course supplements that may be in development.

This Workshop is Designed to...

This Workshop is designed to help organizations build respectful and harassment-free work environments.

Designed for all employees, this Workshop helps participants take a proactive approach to creating and maintaining respectful organizational cultures in order to remain legally compliant, to ensure adherence to organizational policies and to thrive and prosper. Regardless of position, title or level in the organization, it is the job of every employee to help create a professional workplace by demonstrating appropriate behavior, following organizational policies and complying with the law. By the end of the Workshop, participants will be able to recognize and respond appropriately to unprofessional, prohibited and illegal behaviors in the workplace before they escalate into costly lawsuits and lost productivity.

Because managers have additional responsibilities in the organization, a separate module has been provided in the Facilitator Resource Section of this guide to address management-specific needs that go beyond their role as an employee.

The Rock-Bottom Benefits of the Workshop are...

For participants:

- Learn to recognize a range of behaviors that could escalate into more serious situations
- Learn to defuse situations and prevent them from escalating
- Understand what is or is not considered acceptable behavior in your organization

For organizations:

- Eliminate illegal behaviors in the workplace
- Eliminate unacceptable behaviors while they are still manageable and before they escalate into illegal behaviors
- Eliminate unacceptable behaviors that negatively impact morale, productivity and retention
- Promote a respectful workplace

Participants Will be Able to...

After completing the Workshop, participants will be able to:

- Describe how and why maintaining a harassment-free and respectful culture benefits them and the organization
- Explain the difference between inappropriate, prohibited and illegal behavior
- Identify behaviors that could escalate into more serious situations
- Respond appropriately to defuse situations and prevent them from escalating

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Participants Will Experience...

The Right Side of the Line uses...

- Pre- and Post-Assessments of knowledge and skills
- A video to focus attention on three types of unacceptable workplace behaviors and appropriate responses to the behaviors
- A variety of focused discussions and exercises that build knowledge and skills
- Worksheets to support discussions, exercises and case studies
- Action plans to use the knowledge and skills back on the job

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The Complete Package Includes..

- DVD with bonus materials*
- ***The Right Side of the Line*** VHS videotape
- Facilitator Guide
- Reproducible Participant Materials
- Reproducible Self-Study Workbook
- PowerPoint Slides
- Trainer Pack

*Bonus materials include:

- Video vignettes
- ***SMART-START™ Harassment & Discrimination*** video
- Interview with attorney
- Interview with master trainer
- Classroom slides

Set Your Agenda

This facilitator guide provides you with a step-by-step, two-hour agenda for training all employees. A one-hour overview option, a one-hour “Let’s M.E.E.T.” follow-up workshop, a two-hour manager workshop and other supplemental activities are found in the Facilitator Resource Section of this guide.

The chart below will help you select the agenda option that is best for your organization.

		Learning Activities					
		Video	Discussion Opportunities	Self-Assessments	Key Concepts in Detail through Exercises	Case Studies	Guided Application
Two-Hour Workshop	This agenda option provides ample opportunity for discussion, practice and application. It provides thorough coverage of key concepts and is ideal for organizations that want to maximize the learning experience and provide guided help for application.	X	X	X	X		X
One-Hour Overview	This agenda option introduces key concepts through video and discussion. It is ideal for organizations that want to provide participants with an overview.	X	X				
Two-Hour “Let’s M.E.E.T.” Follow-Up Workshop	This agenda option reinforces key learnings and presents a new model for responding to unacceptable behaviors in the workplace.	X	X		X	X	X
Two-Hour Manager Workshop	This agenda option is designed specifically for managers with their specific responsibilities in mind, combining key concepts from the two-hour workshop and the “Let’s M.E.E.T.” follow-up overview.	X	X	X	X	X	X
Self-Study	Self-study materials are provided and are ideal for individuals who missed training or are new to a work group that has already gone through the workshop.	X		X	X		X
Supplemental Activities	Optional Activities are provided in the resource section and provide additional skill-building and application opportunity.		X			X	

Step 1

Arrival of Participants

Time it takes: As much time as necessary to set up the room, equipment and materials prior to the arrival of participants.

What it is about: Preparation of the room, equipment and materials.

What you will need:

- PowerPoint slide #1
- **SMART-START™ Harassment & Discrimination** video (OPTIONAL)
- Name tents
- Markers
- Set of Participant Materials for each participant

How to do it:



1. Arrive early to demonstrate organization and excitement.
2. Display PowerPoint slide #1 (Welcome to Training).
3. Begin playing the **SMART-START™ Harassment & Discrimination** video at least 15 minutes prior to the expected arrival of the first participant. If you are using the DVD, set it to repeat itself. If you are using the VHS, the video should repeat automatically four

times. An optional activity to help connect this video to the overall Workshop is provided on page 66 of the Facilitator Resource Section.



4. Ask each participant to put his or her first name on a name tent, using letters big enough for everyone to read. It is a good idea to put names on both sides of the tent so people sitting next to each other can see the names as well.



5. Personally hand each participant a set of Participant Materials.
6. Ask participants if they brought their completed Pre-Workshop Assessment they received with their invitation to the Workshop. If not, refer them to a copy of the assessment in the Participant Materials on page 1. Ask them to complete the assessment. They will reference it at the end of the Workshop to compare with the Post-Workshop Assessment.

Step 2

Introductory Activities

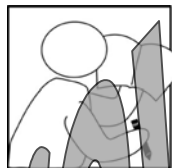
Time it takes: 20 minutes

What it is about: An introduction of you, a description of the Workshop, a review of the Workshop Purpose, Learning Outcomes and Agenda and introductions by participants.

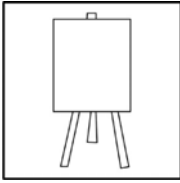
What you will need:

- Participant Materials
- PowerPoint slide #2, 3, 4, 5
- Flipchart #1, 2

How to do it:



1. Introduce yourself briefly and share appropriate information about your background and experience.
2. Mention that the Workshop focuses on creating a workplace that is respectful, professional and harassment-free and ask participants to jot down on page 4 in the Participant Materials their answers to the question: "What makes me feel respected at work?" Allow 2 minutes.
3. Show and review PowerPoint slide #2 (Introductions). Ask participants to introduce themselves, including their job title, responsibilities and one item from their response to the previous question.



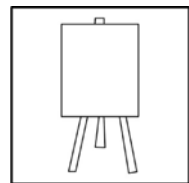
4. Chart responses on flipchart #1.

Possible responses: when people listen to me; when they ask for my opinion or input; not putting me down; using pleasant and professional language in conversation or meetings; including me in decisions.

5. Post the flipchart for later reference.



6. Ask participants how your organization can benefit if everyone demonstrated these respectful behaviors.



7. Chart responses on flipchart #2.

Possible responses: more effective teamwork; increased workforce retention; better performance and increased productivity; more customers who want to do business with us; fewer grievances; be seen as an employer of choice; better able to compete; comply with regulations.

8. Post the flipchart for later reference.

9. Refer to flipcharts #1 and #2 and make comments such as:

The behaviors you mentioned are examples of the professional way in which we should all treat each other at work. You could call it the “right” way to behave. In our organization, we want to make sure that everyone stays on the “right side of the line” and engages in appropriate, professional behavior so that we can thrive and

Step 3

Introduction to the Workshop

Time it takes: 5 minutes

What it is about: Focusing participants on the Workshop process and content.

What you will need:

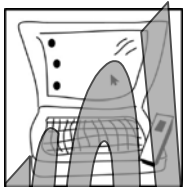
- PowerPoint slide #6
- Participant Materials

How to do it:

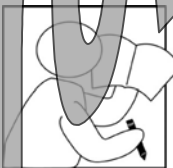


1. Introduce the process and content of the Workshop with comments such as:

The Workshop uses a video with six scenarios or “vignettes” showing coworkers who are demonstrating behaviors that are inappropriate in the workplace.



2. Show and Review PowerPoint slide #6 (Unacceptable Workplace Behaviors) and refer participants to page 5 in the Participant Materials.



3. Continue by saying:
You’ll see three types of unacceptable behaviors in the scenarios:



- Behaviors that are unprofessional—they’re offensive, disruptive and disrespectful.
- Behaviors that are prohibited—they’re against company policy.
- And behaviors that are illegal—they’re against the law.

Each scenario will feature one of these types of behaviors. When you watch each scenario, you’ll know ahead of time which type of behavior will be featured because it will be indicated on the screen.



4. Refer participants to page 6-19 in the Participant Materials and continue by saying:

As you’re watching, ask yourself why the behaviors the coworkers are demonstrating are an example of the particular type of unacceptable behavior that is being featured. Then jot down some notes about your thoughts or make note of any questions you may have about what you’re seeing.



We’ll stop the video after each scenario to discuss what happened and what you should do if you were in a similar situation to stay on the “right side of the line.”

5. Ask for any questions.
6. Transition to the video by mentioning that the first vignette will feature behaviors that are considered unprofessional.



Step

4

Discussion of Video Vignettes

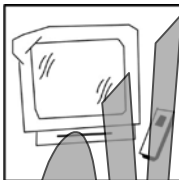
Time it takes: 85 minutes

What it is about: Helping participants recognize behaviors that are unprofessional, prohibited and illegal and identifying appropriate actions to take if they should find themselves in similar situations.

What you will need:

- The first segment of *The Right Side of the Line* video
- Participant Materials
- Flipchart #1, 2

How to do it:



1. Show the first video vignette (“*Just some good, clean fun...*”), which presents an example of unprofessional behavior. Stop the video when the screen goes black.



2. Referring to page 7 in the Participant Materials, debrief the vignette with the following questions:

- **What specific behaviors did Aaron’s coworkers engage in that are unprofessional?**
Possible responses: teasing him; calling him by unwanted nicknames; gluing his lunch box shut.
- **How do Aaron’s coworkers view their actions?**

Possible responses: we're just "breaking in" the new guy; we've always done this; it's tradition; there's nothing wrong with what we're doing; we're having fun; Aaron's too sensitive.

- **What is Aaron's reaction? How does he see this?**

Possible responses: he is frustrated and angry; he doesn't find this funny; he wants it to stop.

- **How are the coworkers' behaviors on the "wrong side of the line?"**

Possible responses: the situation has been going on for two months; the kidding and practical jokes are at Aaron's expenses; Aaron has asked them to stop, but they've ignored his requests; Aaron is clearly angry, but they're ignoring his feelings.

- **If the coworkers continue these behaviors, how could the situation possibly escalate into something more serious?**

Possible responses: it could start to break down teamwork, relationships and communication; Aaron could start calling in sick or even quit; it could lead to a fight in which people and equipment could get hurt; Aaron might retaliate; Aaron might feel that he is being bullied, intimidated or discriminated against because of his age; it might lead to a claim of a hostile work environment.

Step 5

Next Steps and Wrap-Up

Time it takes: 10 minutes

What it is about: Comparison of Pre- and Post-Workshop Assessments and evaluation of the Workshop.

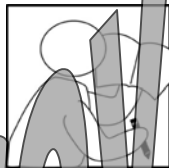
What you will need:

- Participant Materials

How to do it:



1. Mention to participants that it is important for them to leverage the investment they have made in this Workshop by deciding how they are going to use what they learned today back on the job to create a respectful workplace.



2. Refer participants to page 30 in the Participants Materials (Next Steps) and ask them to complete the form. Allow 3-4 minutes.

3. Ask if any participants are willing to share their next steps.

4. Introduce the Post-Workshop Assessment with such comments as:

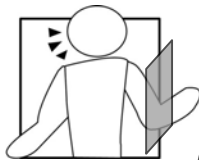


At the beginning of the Workshop you completed a Pre-Workshop Assessment of your knowledge and skills in building a harassment-free and respect-filled culture. Completing a Post-Workshop Assessment will enable you to compare your ratings with those on your Pre-Workshop Assessment. Hopefully, you'll believe that the Workshop has enhanced your knowledge and skills.



5. Refer participants to page 31 in the Participant Materials (Post-Workshop Assessment) and ask them to complete the assessment. Allow 2 minutes.

6. Introduce an evaluation of the Workshop with such comments as:



We want to know if the design, content and activities of the Workshop have met your expectations so that we can continuously improve on it. I also want to know if I facilitated the Workshop in an effective way so that I can continue to improve my facilitation skills. Your feedback is very important, so please complete the evaluation form thoughtfully and be specific in your comments.



7. Refer participants to page 32 in the Participant Materials (Workshop Evaluation). Allow 2-3 minutes.

8. When participants have complete the Workshop Evaluation forms, ask them to give you:

Case Study #6: Kristen & Dorothy (Facilitator's Copy)

Kristen, who is 28, has always received solid performance reviews. She recently returned from 12 weeks of maternity leave and is the first to arrive at a department staff meeting. The next person to arrive is Dorothy, Kristen's boss, who is 55. Upon seeing Kristen alone, Dorothy takes the opportunity to raise some concerns about Kristen's ability to meet the requirements of her job.

"Kristen, you know we have to work some long hours on occasion. And some of our clients are really demanding. I want you to think about whether you can balance the demands of a new baby and still get all your work done. I remember what it was like when I had a baby. It was such a change in our routine at home, and I was so tired—there's no way I could have done your job after just 12 weeks. Are you sure you can handle it?"

In Dorothy's view, she is bringing up legitimate concerns based on her own experience as a new mother and her observations over the years of new mothers coming back to work. But Kristen is surprised by Dorothy's remarks and replies, "Gee, Dorothy, you sound just like my mother! Things are different today! It's not like when you were my age!"

Marian, Dorothy's manager, is also taking part in the staff meeting and overhears the conversation as she enters the room.

Discussion Questions:

- **What is the issue?**
Has Dorothy engaged in unlawful conduct toward Kristen? On what basis?
- **How have the behaviors in the case study crossed the line?**
It is unlawful to discriminate against a woman because of her pregnancy and/or childbirth. It is also unlawful to discriminate against an employee for taking FMLA leave. However, if these are the only two interchanges, then neither is likely sufficient to rise to the level of "severe and pervasive" harassment or an "adverse employment action."
- **How could the situation escalate?**
Continued comments, increased scrutiny of Kristen's work and attendance by Dorothy could escalate the situation. Moreover, as Marian, Dorothy's boss, heard the conversation, she now has knowledge of Dorothy's expressed sentiments, and Marian's failure to act could aggravate the situation. While the comments like, "you're acting like my mother—it's not like when you were my age," suggest that age discrimination could be a factor, these stray comments alone, particularly coming from the subordinate to the manager, are most likely insufficient to constitute harassment based on age.

- **How can everyone respond appropriately to get to the “right side of the line?”**

Encourage discussion about how to apply all of the M.E.E.T. steps.

- **As a manager, what can you do to help everyone respond appropriately to get to the “right side of the line?”**

Talk with Dorothy about prohibited FMLA retaliation and gender discrimination, including that based on pregnancy and/or childbirth. Ensure that Kristen is given an opportunity to resume performance of her job. Review any performance evaluation that Dorothy may prepare for Kristen to ensure that any criticisms are warranted.

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Case Study #7: Bill (Facilitator's Copy)

Bill has worked for two years as a customer service representative for a medical supply company, taking telephone orders from clients and answering questions about their accounts. Bill has received high customer-service ratings and good performance reviews from his supervisor. Bill is also a transitioning pre-operative transsexual.

As part of his treatment, Bill began to display a more feminine appearance. It was not long before Bill heard from several coworkers that his look and mannerisms were not “masculine enough.” When their comments did not stop, Bill appealed to his supervisor, Joe, for help, revealing his diagnosis and treatment.

Within days of Bill's conversation with Joe, Joe began monitoring Bill's phone calls, examining Bill's computer entries, and criticizing Bill's work. And his coworkers' comments have not stopped. Bill is convinced that his employer is trying to get him to quit his job.

Discussion Questions:

- **What is the issue?**
Is Bill being subjected to unlawful discrimination/harassment based on his sex?
- **How have the behaviors in the case study crossed the line?**
While sex discrimination also encompasses discrimination based on gender. Some courts have determined that transgendered individuals may state a claim of “sex stereotyping” gender discrimination under Title VII. In contrast, the ADA specifically excludes transsexualism and gender identity disorders not resulting from physical impairments, from the definition of a covered disability.
- **How could the situation escalate?**
If the harassment continues and Bill quits, he could allege constructive discharge (when conditions become so intolerable that a reasonable person in his shoes would feel there was no other option but to quit). Or, if Joe takes an “adverse employment action” against Bill (demotion, suspension without pay, termination, etc.), Bill could claim not only harassment, but also “pure” discrimination. Furthermore, once Bill begins taking time off for the operation(s), he could be protected by the Family Medical Leave Act.

- **How can everyone respond appropriately to get to the “right side of the line?”**

Encourage discussion about how to apply all of the M.E.E.T. steps.

- **As a manager, what can you do to help everyone respond appropriately to get to the “right side of the line?”**

Regardless of whether this particular jurisdiction is one that recognizes sex discrimination claims in such circumstances, the employer should not tolerate any discrimination or harassment of its employees. It is certainly acceptable for employers to be more protective of their employees than the law requires.

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**DVD
Bonus
Materials**

Who, What, How & When

Who	What	How	When
<p>Bonus materials are provided to help facilitators supplement a training plan and prepare for an effective session.</p>	<p>Bonus materials provided on the DVD for this program include:</p>		<p>Facilitators should review the materials available while preparing for a session. Bonus materials may be used before, during or after a session.</p>
	<p>SMART-START™ Harassment & Discrimination—a short video ideal for kicking off or closing the training session.</p>	<p>See optional activity #1 in the resource section of this guide for one way to use this video. Other activities are available in VisionPoint's "Beyond the Box" activity book available for purchase.</p>	
	<p>Classroom slides</p>	<p>These slides provide a convenient reference while preparing for a session. They may also be used during a workshop in place of the overhead slides.</p>	
	<p>Trainer Talk, an interview with Master Trainer, Sue Mueller</p>	<p>While preparing for a session, tune in to this interview for insights on how to best use VisionPoint programs.</p>	
<p><i>Legal Insights</i>, an interview with attorney, Ann Kiernan of Fair Measures, Inc.</p>	<p>During a break or as follow-up training, provide insights on creating a respectful and harassment-free workplace.</p>		