

Sexual Harassment

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Sexual Harassment

All Protected Classes

Sex, race, religion, color, national origin, people over 40
and people with physical or mental handicaps

Sexual Harassment

All Protected Classes

Sex, race, religion, color, national origin, people over 40
and people with physical or mental handicaps + bullying

Sexual Harassment

In policy manual, no meaningful training

Sexual Harassment

Policy

Training

What to do



Policy is the Policy

Sexual Harassment

****Training****

Review policy

Definition

Examples (verbal, information)

Perception

If you report it, there will be an investigation

Potential discipline

Managers-what is your responsibility

Sexual Harassment

****Nature of Sexual Harassment****

Often motivated by anger rather than sexual attraction.

To some people, power is exciting and “sexy”. Power is used to embarrass, intimidate, control or get revenge.

Sexual Harassment (Hostile Environment)

Offensive Language

Lewd pictures or reading material

Offensive jokes

Innuendo, rumors

E-mail, messaging between co-workers

Dating co-workers? Why is it often forbidden?

Sexual Harassment Continuum

Environmental Visual	Staring	Ogling	Obscene gestures
	Mooning	Simulating masturbation	Simulating intercourse
Environmental Written	Magazines	Flyers	Graffiti
	Cartoons	Photos	Posters
	Obscene fax messages	Obscene E-Mail	Obscene poems
	Unwanted notes/letters	Obscene T-Shirts	
Environmental Verbal	Sexual innuendoes	Lewd comments	Using sexist derogatory language
	Unwanted requests for dates	Insulting sounds	Questions about personal life
	Comments about body	Dirty jokes	
	Rating	Spreading rumors	
Environmental Physical	Standing "too close"	Brushing against	Touching
	Patting	Grabbing	Pinching
	Caressing	Kissing	Touching hair
	Fondling	Flipping skirt up	Stalking
	Coerced sex	Bra snapping	
Quid Pro Quo Verbal	Pressure for dates	Pressure for sex	Unwanted phone calls
	Implied threats of retaliation		
Physical Force	Physical coercion for sex	Physical assault	Rape

Harassment is all about PERCEPTION.

You may think it's funny.

Tom may think it's funny.

Mary may think it's funny.

What does Brenda think?

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Intent vs. **Impact** (effect the way someone acts)

Sexual Harassment

Investigation

Both sides

He said/she said, both put on notice

Sexual Harassment

Email is a business communication tool and users are obliged to use this tool in a responsible, effective and lawful manner. Although by its very nature email seems to be less formal than other written communication, the same laws apply. Therefore, it is important that users are aware of the legal risks of email:

- If you send emails with any libelous, defamatory, offensive, racist or obscene remarks, you and your entity can be held liable.
- If you forward emails with any libelous, defamatory, offensive, racist or obscene remarks, you and your entity can be held liable.
- If you unlawfully forward confidential information, you and your entity can be held liable.
- If you send an attachment that contains a virus, you and your entity can be held liable.



DVD

Sexual Harassment

****Third party****

Vendors

Visitors

Patrons

Delivery Workers

Parents

Contractors

General Public

Harassment vs Flirting

Flirting relates to attraction.

Harassment relates to abuse of power.

Harassment is “in the eye of the beholder”.

Harassment vs Flirting

How was it received by the victim?

How was it received by others?

How is productivity impacted?

Priming

Workplace contains objects that encourage stereotypical thinking

Sexual jokes, nude pictures

Sexual Harassment

Lack of clear communication

People do not communicate clearly.

When does “*NO*” mean “*YES*”?

When at work, always assume “no” means “NO!”

What Can the Victim Do?

- Tell the harasser the behavior is unwanted.
- Keep a record. *(Dates, times, names of witnesses)*
- See if others are affected. *(If so, get help with resolution.)*
- Seek help from third party. *(Co-workers, counselors, clergy)*
- Inform the employer or supervisor
 - Inform the supervisor's boss
 - Consult an attorney for advice

What can you do?

Recognize your “power”

Take ownership, be a good steward

Be concerned about others (priming)

Act as if your mommy, favorite teacher or a Federal Court Judge is looking over your shoulder (model expected behavior)

Supervisor Dos and Don'ts

- *Don't try to be “funny” with coworkers
 - * NEVER discuss your personal life with subordinates...especially underage ones
- *Know policy and laws regarding harassment and reporting procedures
- *Never give a gift of a personal nature to an employee

Management Concerns

Supervisors are held to higher standard

Most victims respond to harassment by ignoring it

If management is unresponsive to the complaints, they
are part of the problem, not the solution

Management Concerns

■ *Supervisors.....*

- Did you know?
- Should you have known?

■ *If yes to either, you and your employer could be liable.*