

SEXUAL HARASSMENT



INSTRUCTOR GUIDE 4-HOUR COURSE

HRDQ[®]

SEXUAL HARASSMENT

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Instructional design and learning philosophy

We are committed to providing the best core skills content possible for Instructor-Led Training (ILT). The following principles are applied in the development of programs:

Sound Instructional Design

All course content is developed using a variety of research techniques. These include:

- Brainstorming sessions with target audience
- Library research
- Online research
- Customer research (focus groups, surveys, etc.)
- Subject Matter Experts (SME)
- Interviews with trainers

Expert instructional designers create imaginative and innovative solutions for your training needs through the development of powerful instructional elements. These include:

- Learning objectives — effective tools for managing, monitoring and evaluating training
- Meaningfulness — connects the topic to the students' past, present and future
- Appropriate organization of essential ideas — helps students focus on what they need to know in order to learn
- Modeling techniques — demonstrate to students how to act and solve problems
- Active application — the cornerstone to learning — helps students immediately apply what they have learned to a real-life situation
- Consistency — creates consistent instructions and design to help students learn and retain new information
- Accelerated learning techniques — create interactive, hands-on involvement to accommodate different learning styles

Application of Adult Learning Styles

Adults learn best by incorporating their personal experiences with training and by applying what they learn to real-life situations. Our experienced instructional designers incorporate a variety of accelerated learning techniques, role-plays, simulations, discussions and lectures within each course. This ensures that the learning will appeal to all learning styles and will be retained.

Course timing

Type of Activity	Segment	Time
	Icebreaker: Matching statistics	20
	Defining sexual harassment	20
	You be the judge	20
	How to confront the harasser	20
	Confrontation practice	20
	Documentation and retaliation	20
	Conducting an investigation	20
	Investigation role-play	20
	Preventing sexual harassment	20
	Review appendix items	20
	Wrap-up	20



Reading



Written
Exercise



Facilitate



Group
Activity

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Course objectives

Successful completion of this course will increase your knowledge and ability to:

- Administer an effective sexual harassment policy

- Determine what qualifies as sexual harassment and what does not

- Conduct a thorough investigation when a claim of sexual harassment is made

- Implement steps to prevent the occurrence of sexual harassment

ModuleOne



OVERVIEW OF SEXUAL HARASSMENT

Chapter 1: Learning Objectives

- Describe how sexual harassment impacts individuals and the workplace
- Define sexual harassment from both a legal and real-world perspective
- Identify examples of sexual harassment



Learning objectives

Successful completion of this module will increase your knowledge and ability to:

Describe how sexual harassment impacts individuals and the workplace

Define sexual harassment from both a legal and real-world perspective

Identify examples of sexual harassment

Introduction

25%

75%

\$6.7 million

90%

1980

40%

15,222

12%

66%

\$34 million

Icebreaker activity: Hand each participant an index card or sticky note with a statistic or the "answer" located in the appendix.

Note: Depending on group size, you may have to duplicate some of the statistics and answers. Tell participants to circulate around the room, introduce themselves and share their statistic or answer. When they think they have a match they can stop. When everyone is paired up, or after about five minutes, debrief by reviewing the statistics and their answers. Emphasize how pervasive sexual harassment is and how large the cost, both financially and in terms of productivity to an organization, and emotionally to an individual. Note: These statistics are from the resources listed at the back of the workbook—in particular, the books and the EEOC Web site.

Statistics	
1980	1 st EEOC regulation making sexual harassment illegal
1986	1 st U.S. Supreme Court ruling finding sexual harassment illegal
25%	% of women who are sexually harassed who use a leave of absence
15%	% of women who quit their jobs due to harassment
40%	% of women who have experienced sexual harassment

Statistics	
90%	% of cases involving men harassing women
75%	% of situations that get worse when ignored
61%	% of women in the U.S. Army who have experienced sexual harassment
12%	% of men who filed complaints with the EEOC in 1999

Statistics	
66%	% of female doctors who have received offensive comments about their gender
15,222	# of sexual harassment complaints filed with the EEOC in 1999
\$6.7 million	Annual cost to average company that ignores harassment
\$34 million	Largest settlement from a sexual harassment lawsuit

Review the EEOC definition of sexual harassment. Mention that federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not extremely serious. The conduct must be sufficiently frequent or severe to create a hostile work environment or result in a "tangible employment action," such as hiring, firing, promotion, or demotion.



What is sexual harassment?

A legal definition

According to the Equal Employment Opportunity Commission (EEOC):

Sexual harassment is a form of unlawful sex discrimination.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that are made a condition of employment, that unreasonably interfere with work performance, or that create an intimidating, hostile, or offensive work environment.

Employers are responsible for maintaining a workplace free of sexual harassment, and they may be liable for the unlawful conduct of their supervisory employees, employees, and, in certain circumstances, even non-employees who sexually harass employees at work.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

Categories of sexual harassment

Quid pro quo

Request for sexual favors in exchange for a promotion, a raise or even keeping a current position.

One incident is usually enough to support a claim of sexual harassment.

Hostile work environment

Unwelcome sexual advances or other verbal or nonverbal behaviors that interfere with work performance or create an intimidating environment.

The conduct must be "severe or pervasive enough to create an objectively hostile or abusive environment that a reasonable person would find hostile or abusive" according to the U.S. Supreme Court.

The victim must "subjectively perceive the environment to be abusive."

A layman's definition

Sexual harassment is deliberate or repeated behavior of a sexual or gender-based nature that is unwelcome.

Four elements in determining sexual harassment

Was the conduct sexual or gender-based in nature?

Behavior versus attitude

Was the conduct unreasonable?

"Reasonable person" standard

Was the conduct severe or pervasive in the workplace?

The more severe the behavior, the less it has to be repeated

The less severe the behavior, the more it has to be repeated

Was the conduct unwelcome?

The importance of speaking up

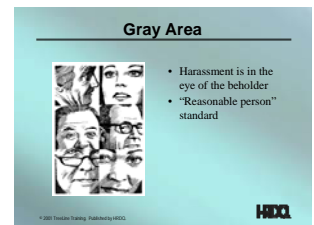


Categories of Harassment

- Quid pro quo
 - Request for sexual favors connected to tangible employment action
 - One incident enough to support claim
- Hostile work environment
 - Victim must "subjectively perceive the environment to be abusive"

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Discuss the reason there is so much "gray area" when it comes to sexual harassment — because it is "in the eye of the beholder." Certain behavior that doesn't bother one person may bother another. Or certain behavior coming from one person may not be considered harassment, but coming from another person (such as a supervisor) it may be.

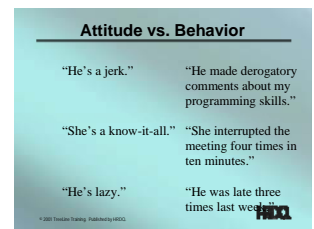


Gray Area

- Harassment is in the eye of the beholder
- "Reasonable person" standard

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Discuss the difference between behavior and attitude. For example, saying, "He hates women" reflects an attitude but provides no clues as to the actual conduct that led to that conclusion. The "reasonable person" standard was established by the U.S. Supreme Court to assess sexual harassment claims. In other words, would a reasonable person consider this sexual harassment?



Attitude vs. Behavior

"He's a jerk."	"He made derogatory comments about my programming skills."
"She's a know-it-all."	"She interrupted the meeting four times in ten minutes."
"He's lazy."	"He was late three times last week."

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Have participants work in small groups, reading each scenario and making a judgment.

1. Clearly harassment: The supervisor was found to have responsibility for allowing that environment to exist. He was required to get rid of all offensive material and monitor his staff for remarks.
2. Gray zone: Nature of remarks not clear. The woman went to the man and told him to knock it off. He did.
3. Gray zone: Because the woman didn't speak up, it wasn't necessarily clear to the man that his advances were unwelcome. The co-worker asked her boss to meet with the woman to get the situation heard by management.
4. Clearly harassment: Even though the client was not an employee, the situation created a hostile work environment.

You be the judge

The situations below may or may not be sexual harassment. Using the information you've been given, determine if each situation is clearly harassment, clearly not harassment, or in the gray zone.

1. A group of people (one woman and the rest men) worked in a building that had only one toilet. There was reading material on the back of the toilet—girlie magazines like Playboy, etc. Additionally, the men joked and called each other names like "stallion." The woman said nothing, chose not to use the toilet, and traveled to other facilities to use a bathroom. However, a gay man who worked in the building filed a sexual harassment lawsuit against the supervisor because he objected to the magazines and the comments.
2. A man and woman worked in the same organization. The man was getting married and the woman (already married) was in charge of getting a group gift. She had consulted with him several times to discuss the gift. She heard through the grapevine that the man was making remarks about her and him that weren't true.
3. A man going through a divorce hired a female college student for summer help. He made advances toward her outside of the workplace. The student complained to a co-worker that it made her uncomfortable, but she didn't say anything to the man and he didn't threaten her with losing her job.
4. Three women (a supervisor, a sales rep, and an analyst) went to Las Vegas to make a sales call on their client, a major hotel. They attended a dinner with a group of people representing the hotel. One man was drinking and making continuous comments to the analyst (e.g. asking to see her after dinner, etc). The analyst was clearly uncomfortable. The sales rep noticed it, but neither the sales rep nor the analyst knew what to do because they didn't want to jeopardize the relationship with the client.

You be the judge

5. A man took a picture of two co-workers, a man and a woman, whose stance could have been misconstrued as them having sex. The man who took the picture forwarded an e-copy to a co-worker. This co-worker then digitally altered the picture to make it obscene and sent it to another coworker. The man who received the picture proceeded to forward it to multiple people within the company. This was eventually made known to the woman in the picture who was very upset about it and took her complaint to HR.
6. A female supervisor takes one of her employees, a single male, to dinner to discuss his career plans. They are attracted to each other and after a long dinner with many drinks, they end up spending the night together.
7. A male employee in the accounts payable department asks a female employee to go to lunch on two occasions. He claims he wants to "pick her brain" on how she handles some typical problems on the job. He has never made any suggestive comments to her. The woman suspects the man is after her job.
8. A man tells an off-color joke in mixed company. All of the men and some of the women laugh, but one woman is offended.
9. A female student visits a female professor during office hours to ask for help on a project. The female professor comments that she could help the student better if they met in the evening so they could be uninterrupted. The student perceives this as a subtle come-on and feels uncomfortable. She later receives a C in the class and believes she deserved a higher grade.

5. Clearly harassment. The men involved were all suspended for one week, and the one who edited the photo was fired at the end of the week.
6. Gray zone: It's not clear whether or not this behavior is unwelcome and/or tied to a condition of employment, promotion or raise. However, it is unwise and potentially dangerous to both parties.
7. Clearly not harassment. There has been no verbal or physical action, and this man is not in a position to affect her job. Even if he does want her job, there's no evidence of sexual harassment.
8. Not harassment: A one-time occurrence is not enough to make a claim for a hostile work environment. However, if the man is asked to stop but doesn't, the woman probably has a legitimate claim.
9. Clearly harassment, but hard to prove.








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