

**It's UP
to YOU:
Stopping Sexual Harassment**

Facilitator's Guide for Managers

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INTRODUCTION

It's Up to You: Stopping Sexual Harassment is a comprehensive training program developed to help organizations understand, discourage and eliminate sexual harassment. Our knowledgeable host guides managers and employees alike through federal laws, states' laws and many organizational policies regarding sexual harassment to provide a solid base from which to stop sexual harassment at work. Using 14 real-world situations, **It's Up to You: Stopping Sexual Harassment** is the perfect tool to fully explore how one's actions can result in charges of sexual harassment, how to recognize these actions and how to discourage them.

It's Up to You: Stopping Sexual Harassment Training Program Overview

It's Up to You: Stopping Sexual Harassment presents a clear and ordered way to train both managers and employees. This training program is broken down into three sections, and includes and follows the comprehensive 14-scenario version **for Employees**:

- **DEFINITIONS:** Definitions of the law concerning sexual harassment, including the impact of state laws and organization policies that may further extend the reach of sexual harassment definitions.
- **HOW TO RESPOND:** Explains the responsibility of employees and managers, and how to respond to sexual harassment.
- **SCENARIOS:** Introduction of 14 real-world scenarios that illustrate sexual harassment behaviors that are common to many organizations. Each scenario includes a discussion section.
 - **DISCUSSION POINTS and HOW WOULD YOU JUDGE?: How Would You Judge?** is a place in each scenario where a trainer may pause the program to allow the participants to judge the scenario just seen. After the scenario has fully played out, use the **Discussion Points** to open up a dialogue about specific behavior and how or whether it constitutes sexual harassment. The included points facilitate conversation to help provide a more thorough understanding of the behavior just seen.
 - **REPRODUCIBLE MATERIALS:** For each vignette, reproducible materials are provided to encourage personalizing the experience, and to deepen the connection between what was seen in the scenario and personal experience. These include a **Pre- and Post-Assessment Test**, a **Post-Viewing Quiz** and **Role-Playing** scenarios. (Please refer to **About Reproducible Materials** in the following section for more information).

ABOUT REPRODUCIBLE MATERIALS AT THE END OF THIS MANUAL...

Reproducible materials included with this guide:

1. Pre-Assessment Test

This test is designed for employees to discover the depth of their understanding of sexual harassment issues today. This assessment should be given before training begins. After viewing the program, the Assessment should be revisited to compare their answers before with what they've learned over the course of the training session.

2. Post-Viewing Quiz

The Post-Viewing Quiz should be given following the presentation of the video program. When the Quiz is complete, the trainer should go through the questions and discuss the proper response to each.

3. Role-Playing Scenarios

For each scenario, an alternative scenario is provided, including two roles to play. Participants can be asked to assume one of the roles, and act out the scenarios to further their understanding of what constitutes sexual harassment.

4. Overhead Slides

The Overhead Slides illustrate the main points of each vignette and include opening definitions of sexual harassment and a conclusion.

5. Training Statement

This document records the fact that sexual harassment training was received, and can be distributed and signed after the training session.

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SUGGESTED TRAINING SCHEDULE:

1. Introduce the training session, and what the attendants should expect to learn during the course of the training: **How to Recognize and Stop Sexual Harassment**.
2. Administer the **Pre-Assessment Quiz** (reproducible).
3. Introduce **the Law and Sexual Harassment Definitions**.
4. Introduce **How Employees Should Respond to Offensive Behavior**.
5. Watch the video.
6. Stop the video at each **How Would You Judge** to discuss the behavior and have attendants answer the **How Would You Judge Questions**.
7. Continue video, pause at the end of each scenario to hold discussion based upon **Scenario Discussion Points**.
8. Continue for each scenario, reinforcing major points and definitions.
9. Administer **Post-Viewing Quiz** (reproducible).
10. Revisit the **Pre-Assessment Test**.
11. Use **Role-Playing Scenarios** to further discuss each scenario point from the video (reproducible).
12. Have attendants sign **Training Statement**.

Also included are Overhead Slides and a PowerPoint Presentation to further enhance your training session. If you have a version of PowerPoint, you can further customize this presentation by duplicating slides and including your own materials, such as organizational policies and specific state laws concerning sexual harassment.

SEXUAL HARASSMENT DEFINED?

The trainer should fully explain the definition of sexual harassment. Please review the definitions below and carefully cover this material. This can be done before the video, or during a pause after the Host introduces the definitions.

Sexual harassment is against the law!

Sexual harassment is against the law, and can lead to serious consequences for both employees and organizations alike, including loss of jobs and lawsuits. It is a serious issue, and must be taken seriously at all times. The goal of this training program is to explain the law, explore behavior that is considered sexual harassment, and help you gain both the knowledge and tools to stop sexual harassment in the workplace.

According to the law, unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature that

- 1. Affects an employee's performance or**
- 2. Fosters a hostile or offensive work environment and**
- 3. Is unwelcome behavior**

is considered sexual harassment. Behavior in which people are treated differently on the basis of their gender is also prohibited.

Sexual harassment behavior can occur in many different ways, and is always considered unwelcome behavior. Remember:

- 1. Harassers and victims can be of either sex. Harassment can occur between people of the same sex.**
- 2. Harassers and victims can be both employees and managers, and can also include third parties, such as vendors, customers or guests.**
- 3. Victims do not have to be the person to whom the behavior is directed, but anyone who is offended, such as someone overhearing offensive conversations or jokes.**

What Constitutes Hostile Environment Sexual Harassment?

Sexual harassment is behavior that creates a hostile environment. This can be broken down into two categories: **Quid Pro Quo behavior** and more general **Hostile Environment** sexual harassment.

Quid Pro Quo Sexual Harassment

Quid Pro Quo is Latin for ‘this for that,’ and occurs when giving or denying employee benefits are predicated on sexual favors, or when sexual favors are used to deny another person employee benefits. For example, if a supervisor or manager demands sexual favors in exchange for promotions, or upon threat of dismissal or demotion, this would be Quid Pro Quo behavior.

Hostile Environment Sexual Harassment

Hostile Environment sexual harassment is any unwelcome sexual behavior that interferes with an employee’s work conditions or performance, creates a threatening or uncomfortable environment, or is abusive and offensive enough to create a hostile environment. Examples of this would include inappropriate touching, sexual comments or slurs, obscene gestures, offensive pictures or e-mails, and much more.

Keep in mind, also, that gender harassment and pregnancy-related harassment are also considered sexual harassment and are against the law.

HOW TO RESPOND TO SEXUAL HARASSMENT

It is extremely important that organizations and employees themselves have zero tolerance for sexual harassment. It is vital that such behavior is confronted and stopped before it escalates. If you are offended by sexual behavior, please remember:

- 1. Tell the harasser that you are offended, and want the behavior to stop.**
- 2. Let your manager or supervisor know immediately about the offensive behavior.**
- 3. If the behavior continues, use other means to report it, such as another supervisor or the Human Resources Department.**

Stopping behavior before it gets out of hand is your goal. Understanding how your behavior could be perceived is part of your responsibility as an employee or manager. Remember, just because you feel your behavior is well intentioned or harmless, it doesn't mean someone else may not be offended.

If someone is offended by your behavior, please consider:

- 1. Be sensitive to their concerns.**
- 2. Apologize, and let them know you understand how your behavior is offensive.**
- 3. Think about your behavior from others' perspectives before you act.**

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It's Up to You: Stopping Sexual Harassment Scenario Training Section

“IMPORTANT FOR YOUR CAREER” DISCUSSION POINTS

The following are discussion points about Scenario 1. Use these to open dialogue about the behavior exhibited.

What is Quid Pro Quo behavior?

Take a moment to introduce the term, and definition of Quid Pro Quo behavior. Cite examples.

How would you respond if you were in the man’s situation?

Encourage participant discussion about the rights and responsibilities of employees in regard to sexual harassment in your organization.

In what ways are the manager’s suggestions for a meeting at her house inappropriate?

Consider and discuss the implications of the manager’s suggestion that they meet at her house to discuss the employee’s role in the upcoming conference.

What would be the appropriate response to the manager’s behavior?

Suggest actions the employees can take in this situation, and help employees understand the best way to respond.



Is this an instance of sexual harassment?

- Does the behavior of the manager constitute sexual harassment from the viewpoint of a reasonable person?
- In what ways would this situation be considered sexual harassment? What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond to the manager's behavior as a reasonable person?

For Managers

Managers and supervisors should never abuse their positions by using their rank to demand sexual favors, or ever suggest such a thing. Quid Pro Quo behavior is strictly illegal, and the consequences are severe.

What is important is that managers and supervisors fully educate themselves about federal and state laws and organizational policies regarding sexual harassment. You are the first line of defense, and you set the example for employees. Make sure that you have a comprehensive understanding of what constitutes sexual harassment, and are able to communicate this to employees.

Remember, stopping sexual harassment begins with education.

“DINNER AND A MOVIE” DISCUSSION POINTS

The following are discussion points about Scenario 4. Use these to open dialogue about the behavior exhibited.

At what point can requests for dates be considered sexual harassment? Why would this behavior be considered sexual harassment?

Discuss the meaning of persistent, repeated requests, and the concept of “no means no.”

In what ways do the woman’s response indicate that the requests for dates have become harassment?

Explore how the woman’s response clearly spells out her objection to dating the man, and how his requests are a pattern of harassment.

Is the man’s behavior harmless? Does it matter that he considers his requests harmless?

Reinforce the idea that what matters is how the harassed person *perceives* the behavior, not the intent.

Is the woman’s reaction appropriate? What else should she do in this situation?

Discuss how to make it absolutely clear that the behavior is not welcome, and how the woman should respond at this point: bringing the matter to a supervisor’s attention.



Is this an instance of sexual harassment?

- Do the repeated requests of the man constitute sexual harassment from the viewpoint of a reasonable person?
- In what ways would this situation be considered sexual harassment? What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond to this behavior as a reasonable person if you were in the woman's position?

For Managers

As previously mentioned, education is key in stopping sexual harassment. Managers and supervisors should actively train employees about the law and organizational policies. Role-playing, quizzes and scenario-based training like this program are excellent ways to educate and train employees.

Document and follow employees' progress so that you feel confident that they fully understand the law, and the repercussions from engaging in sexual harassment, from lawsuits to loss of employment.

Remember, a well-trained employee who is familiar with all types of offensive behavior will be less likely to engage in sexual harassment behavior.

“PRESSURE POINTS” DISCUSSION POINTS

The following are discussion points about Scenario 10. Use these to open dialogue about the behavior exhibited.

What types of physical contact could be perceived as sexual harassment?

Take a moment to discuss various types of physical contact. Discern the difference between sexually charged contact such as pinching or stroking, and contact that is harmless or well intended such as hugging or patting someone on the shoulder. Discuss how all of this behavior can lead to charges of sexual harassment, based on the perception of the victim.

Why would the woman find the man’s behavior offensive?

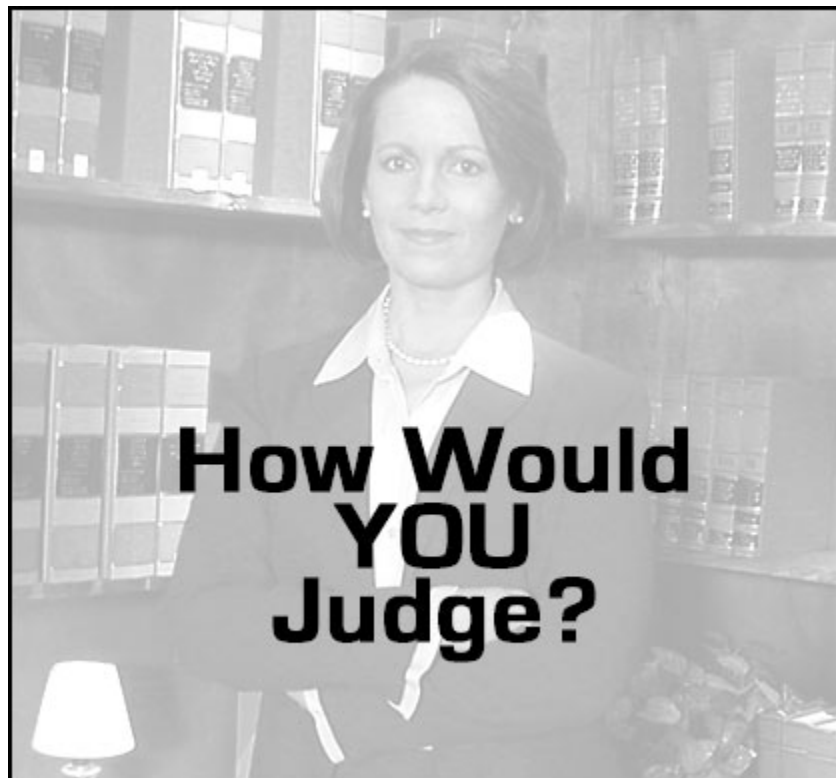
Again, discuss why the man’s behavior, though well intended, is perceived as offensive by the woman.

Could this be considered a pattern of touching, based on her reaction?

Discuss one-time occurrences versus patterns of harassment, and how such behavior should be stopped before it becomes a pattern of abuse. Based on the woman’s reaction, the man has clearly established a reputation for “helpful” physical contact.

How does/should the woman handle the situation?

Explore how one should respond to someone who is displaying offensive behavior. Discuss how to tell a person to stop, and then how to report behavior, if necessary.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider this a case of sexual harassment?
- What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond as a reasonable person if you were in the woman's situation, and this was a one-time occurrence? How would you respond if this were repeated behavior?

For Managers

Inappropriate touching is a major issue in most organizations today. And much of this behavior is done in a well-meaning manner. But the bottom line is that any physical contact can be perceived as sexual in nature, and ultimately lead to charges of sexual harassment.

As managers and supervisors, it's important to observe employees for signs of physical contact that could be inappropriate. Especially be on the lookout for back rubbers, or massagers, or employees who hug frequently.

If you see someone who frequently engages in physical contact, you may want to speak privately about the behavior and let him or her know that no matter how well-intentioned, it may make others feel uncomfortable and be considered offensive.

“HARMLESS FUN” DISCUSSION POINTS

The following are discussion points about Scenario 3. Use these to open dialogue about the behavior exhibited.

What are some of the many ways that e-mails, the Internet and other computer-related tools can be used to sexually harass someone?

Open a dialogue about policy and the different ways that these things can create sexually offensive situations, such as chain letters, pictures, Web-based games, etc.

How did this situation go from harmless fun to sexual harassment?

Discuss the issue of “crossing the line,” and what constitutes sexual harassment in this instance.

Is Sharla to blame for this conduct, since she instigated the exchange?

Explore the idea of complicity and blame, considering the outcome of this scenario.

How should Sharla respond to this situation? What are her options for recourse?

Let employees know who they can turn to if the harasser is their direct supervisor. Encourage discussion about the illegality of retaliation.



Is this an instance of sexual harassment?

- Does the behavior of the manager constitute sexual harassment from the viewpoint of a reasonable person?
- In what ways would this situation be considered sexual harassment? What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond to this behavior as a reasonable person?

For Managers

Managers and supervisors should NEVER engage in this type of behavior. Your role is to be the person to whom employees can confidently feel comfortable coming to in order to discuss sexual harassment. By engaging in this behavior, you betray that trust and set a terrible example.

In situations like this, make sure that employees know who they can turn to if it is indeed their direct manager or supervisor who is engaged in the offensive behavior.

Also, you should make sure that employees understand your organization's policies concerning e-mail, the Internet and Web pages. You could remind them of these guidelines frequently to help prevent abuses such as the one we've just seen.

“MAID MY DAY” DISCUSSION POINTS

The following are discussion points about Scenario 6. Use these to open dialogue about the behavior exhibited.

Can non-employees create instances of sexual harassment?

Discuss the concept of non-employee sexual harassment, including customers, vendors and other examples, and how they can create hostile environment sexual harassment

Was the woman’s response appropriate when explaining her position to her manager? Was the manager’s response appropriate?

Take a moment to examine how the woman responded to the manager’s request to return to the offensive guest, even though she’s made her unease clear. Also, discuss the manager’s response, and what the woman should do in this instance to stop this behavior.

Is dealing with sexually offensive guests, customers or vendors just “part of the job”?

Discuss the parameters of one’s role, and how sexual harassment plays no part in doing one’s job.

What could be some repercussions stemming from the manager’s position and response?

Discuss the legal ramifications of the manager’s response, and the impact of losing good employees because of the manager’s attitude.



Is this an instance of sexual harassment?

- Does the guest's behavior constitute sexual harassment from the viewpoint of a reasonable person?
- In what ways would this situation be considered sexual harassment if continued? What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond to this behavior, as a reasonable person, were you in the woman's position? How should the manager respond to the employee?

For Managers

Customers, vendors or any non-employee can also be considered harassers. As managers and supervisors, make sure that employees understand this concept, and that it is not “part of their job” to put up with sexual harassment.

As a supervisor, you have a responsibility and a duty to take every complaint of sexual harassment seriously. Failure to do so can lead to very severe consequences, for you and your organization.

Also, make sure employees know that they, too, can be responsible for initiating sexual harassment against third parties, such as customers or vendors.

“MAKES ME LOOK GAY?” DISCUSSION POINTS

The following are discussion points about Scenario 11. Use these to open dialogue about the behavior exhibited.

In what ways can sexual harassment occur between people of the same gender?

Discuss the common misperception that sexual harassment occurs only between men and women, not between people of the same gender. Also, this might be a good time to talk about the inappropriateness of discussing a person's sexual orientation, and how that can lead to sexual harassment.

How can we tell that the offender's question is part of a pattern of abuse?

Explore the reaction of the man whose sexuality is called into question, and how this situation could be interpreted as hostile environment harassment.

Is the reaction of the woman appropriate in this situation?

Discuss the role the woman played in this scenario, especially the fact that she tries to diffuse the situation and asks the man to stop bothering his coworker.

How should the offended man react?

Again, explore how someone who is offended should respond, and the channels to go through to stop the behavior before it becomes worse.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider this a case of sexual harassment?
- What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond as a reasonable person if you were in the man's situation, and this were part of a pattern of sexually offensive behavior?

For Managers

Sexual-orientation sexual harassment is a common problem today, and the issue should be discussed frankly. Depending on your state's law or organizational policy, it could also be illegal.

It's important to let employees know that it is part of their responsibility to help stop sexual harassment in the workplace. Remember, it doesn't have to be the harasser's victim who can be offended. If employees see behavior that could lead to sexual harassment, let them know they can speak up, and that they can come to you with their concerns.

It takes all of us to stop sexual harassment in the workplace, and much that could lead to enormous trouble down the road can often easily be stopped before it becomes a problem.

“NICE RACK” DISCUSSION POINTS

The following are discussion points about Scenario 2. Use these to open dialogue about the behavior exhibited.

How is this “compliment” lewd or sexual in nature?

Introduce the fact that lewd comments, even if intended as a compliment, could be construed as sexual harassment.

Is Ada misinterpreting the young man’s remarks? Could they be considered harmless?

Clearly the man’s comments are not “harmless,” yet he attempts to disguise them as a harmless compliment about her work-related skills. Discuss the importance of “perception” over intent.

From Ada’s reaction, could we assume that the man’s behavior is part of a pattern?

If a pattern of harassment exists, a case for sexual harassment can be made. It is important to discuss the ramifications of continued harassment versus one-time incidents, which can most likely be dealt with through proper employee/organization actions.

How should Ada respond to the man’s “compliment”?

If an employee feels harassed, he or she should take the appropriate actions to stop such behavior, before it becomes a pattern.



Is this an instance of sexual harassment?

- Does the behavior of the man constitute sexual harassment from the viewpoint of a reasonable person?
- In what ways would this situation be considered sexual harassment? What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond to the behavior as a reasonable person?

For Managers

It is imperative that managers and supervisors have no tolerance for sexual harassment of any kind, and that they let their employees know where they stand on this issue. Some employees may feel uncomfortable reporting offensive behavior. It's up to you to let them know you are always there for them if they need to talk.

Also, simply observing employees may give you clues to potential troubles. Changes in employees' moods, avoidance behavior around certain employees, and lapses in quality of work may all be signs of sexual harassment behavior.

If you notice such changes, consider speaking to the employee to see if there is anything you can do, or just to let him or her know you are there to talk to, if needed.

“A MAN’S JOB” DISCUSSION POINTS

The following are discussion points about Scenario 8. Use these to open dialogue about the behavior exhibited.

In what way is the behavior of the two men sexually offensive?

Discuss the instances of slurs, taunts and gestures that can lead to sexual harassment charges. In this situation, mention should be made about the implications of sexual orientation harassment, and same gender harassment.

What is the difference between good-natured joking, and the men’s behavior?

Again, it is important to note that just because an employee feels that he or she is engaging in harmless ribbing or joking, the perception of the victim is what matters.

Could this be considered both gender harassment and harassment based on sexual orientation?

Examine the specific language and gestures used by the two men to illustrate how this behavior is inappropriate.

Would you consider the harassed man’s response appropriate? How else could he handle this situation?

Take this opportunity to explain how the man’s response to the harassment clearly indicates that the behavior is unacceptable, and how he should respond if it continues.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider the men's behavior harmless joking, or behavior that could be considered sexual harassment?
- What actions or behaviors would make this a clear case of sexual harassment? Could this be considered gender bias?
- How would you respond as a reasonable person if you were in the man's situation?

For Managers

Again, listening and responding to complaints of sexual harassment are crucial roles for supervisors and managers. Never ignore or blow off such complaints.

Create safe and comfortable environments where employees can feel secure coming to you with their issues. Always listen carefully to employees' complaints, and try not to interrupt. Never argue or take sides. Remain neutral, and show respect to all parties involved.

Document witnesses, dates, remarks, everything you can to help solve the issue.

And above all, let employees know that you are taking them seriously, and that you care.

“NEW QUALIFICATIONS” DISCUSSION POINTS

The following are discussion points about Scenario 9. Use these to open dialogue about the behavior exhibited.

What constitutes third-party Quid Pro Quo sexual harassment?

Explain and discuss the concept and definitions of third-party Quid Pro Quo.

What makes the older woman believe she is denied the promotion based on sexual favors?

Clearly the woman believes this is the reason for losing the promotion, but does her perception have any basis in fact, based on this vignette? It is important in instances like this that there be clear proof needed to make a case for third-party Quid Pro Quo.

How should the older woman proceed if she feels she is a victim of third-party Quid Pro Quo sexual harassment?

Discuss the proper channels the woman should go through to determine if she is indeed a victim. Explore the essential need for communication between managers and employees.

Do the manager’s actions suggest that this is a case of third-party Quid Pro Quo?

Examine the behavior of the manager and discuss how and why the older woman came to her conclusion.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider this a case of third-party Quid Pro Quo?
- What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond as a reasonable person if you were in the woman's situation? What conclusion would you reach based solely on what you've seen in this scenario?

For Managers

Unfortunately, managers and supervisors can be harassers, as we've seen earlier. And often you are put in situations where your actions may be perceived as sexual harassment. Decision-making situations where you must choose whom to award employee benefits such as raises or promotions can often lead to speculation and rumors.

Knowing this, you should be extremely careful not to let your decisions seem like they are based in a Quid Pro Quo situation or are retaliatory in nature.

Keep this in mind, because perception plays an important role in cases of sexual harassment.

“SHE’LL DO A BETTER JOB” DISCUSSION POINTS

The following are discussion points about Scenario 12. Use these to open dialogue about the behavior exhibited.

Is discrimination or harassment based on pregnancy and pregnancy-related conditions prohibited under sexual harassment laws?

Discuss the fact that harassment or discrimination based on pregnancy or pregnancy-related conditions are prohibited by Federal law. Also explain how pregnancy is inherently gender related.

Does the woman’s complaint seem appropriate in this situation?

Explore the scenario’s underlying theme, and how pregnancy can play a role in how women are treated in the workplace.

Does the manager’s reaction to her complaint seem to be based on the fact that she is pregnant?

Again, it’s important to discuss *perception* as opposed to intent. We don’t know the manager’s side of the story, and how he came to his decision.

If the woman believes her manager’s decision is based on her pregnancy, how should she proceed?

Communication is essential. Discuss the fact that if someone feels harassed, they should voice their concerns, as the woman does, and bring it to the attention of HR or others if needed.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider this a case of sexual harassment?
- What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond as a reasonable person if you were in the woman's situation? Would you consider this pregnancy-related sexual harassment?

For Managers

Discrimination based on pregnancy and pregnancy-related conditions is prohibited by the law, and you should never discriminate based on such conditions.

In this situation, perception plays a huge role. The woman is convinced she is not receiving the promotion because of her condition, and the manager does little to dissuade her of that idea.

Management needs to understand how their actions and decisions may be perceived by employees. Consider your behavior from your employee's point of view, and be prepared to explain how you came to your decisions, if you sense that they may be misinterpreted.

“LATERALLY TRANSFERRED” DISCUSSION POINTS

The following are discussion points about Scenario 14. Use these to open dialogue about the behavior exhibited.

Is this a case of retaliation for reporting sexual harassment?

Retaliation for reporting sexual harassment is illegal. Discuss this issue, and ways in which retaliation may occur.

Should the woman not have reported her manager’s behavior to his supervisor?

Fear of retaliation should never stop someone from reporting offensive behavior.

Based on her coworker’s response, does this seem like a case of retaliation?

Could this transfer, in fact, not be retaliation? Discuss the matter of perception versus fact, and the need to look for all the reasons behind such actions if one suspects retaliation.

How should the woman proceed if she believes this a case of retaliation?

Again, discuss to whom the woman should report this behavior if she believes it to be a case of retaliation. Employees should know they always have a clear avenue of recourse.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider this a case of sexual harassment retaliation?
- How would you respond, as a reasonable person, if you were in the woman's situation?

For Managers

Again, this scenario illustrates just how important perception is in cases of sexual harassment. Without further information, the woman links her transfer with the fact that she reported sexual harassment against her supervisor.

It is vital that managers and supervisors keep clear lines of communication open so that there is a transparency of action. Encourage discussions and actively participate in conversations about potential situations that may potentially be perceived as retaliatory by employees.

Communication is essential, between managers and supervisors, as well as with employees.

FOR PREVIEW ONLY

**ADDITIONAL SCENARIOS
INCLUDED IN
THE SCENARIO-ONLY SECTION**

“WONDER IF HE CAN COOK” DISCUSSION POINTS

The following are discussion points about Scenario 5. Use these to open dialogue about the behavior exhibited.

What are common forms of non-verbal sexual harassment? Why is this behavior unacceptable in a work environment?

Explore the different forms of ogling, leering and even staring too long at someone. Explain how even complimentary behavior could be perceived as sexual harassment, based on *perception*.

If the women mean no harm and consider their behavior complimentary, could it be considered sexual harassment?

Again, discuss the difference between intent and perception. It's extremely important that people understand that even good intentions, if sexual in nature, can lead to hostile environment sexual harassment.

If the man found the women's behavior complimentary instead of offensive, would this behavior be okay?

Even if a person does not perceive behavior as offensive, it should not be encouraged. Stress that continued behavior can lead to a case of sexual harassment and should not be tolerated. Also, a third party can be offended by the behavior, not just the person to whom the behavior is directed.

How should the man react to such behavior?

Again, explore the appropriate channels for reporting and discouraging such behavior.



Is this an instance of sexual harassment?

- Does the leering and comments of the women constitute sexual harassment from the viewpoint of a reasonable person?
- In what ways would this situation be considered sexual harassment if continued? What actions or behaviors would make this a clear case of sexual harassment?
- How would you respond to this behavior as a reasonable person if you were in the man's position?

For Managers

Managers and supervisors must set the example for discipline in their organizations. If you allow certain behaviors to go unchecked, you put yourself and your organization at risk.

Remember, have zero tolerance for behavior such as leering, ogling, staring too long or any other behavior that may negatively impact other employees.

“A WOMAN’S PLACE IS IN THE KITCHEN” DISCUSSION POINTS

The following are discussion points about Scenario 7. Use these to open dialogue about the behavior exhibited.

Why is harassment based on gender considered sexual harassment?

Discuss the law, and how gender discrimination and comments are inherently sexual in nature because they reference a person’s gender. Make it clear that gender harassment can be committed by either sex.

Would the man’s statements be considered sexual harassment if he is only stating his opinion?

Open a dialogue about the right to voice opinions and how those opinions can lead to sexual harassment, especially if they are based on gender stereotypes.

Were the other man’s objections appropriate?

Discuss the roles of all employees to stand against sexual harassment in a work environment, and reinforce the concept that hostile environment sexual harassment extends beyond the person directly harassed, and can include anyone who finds the behavior offensive.

How should the woman proceed from here if this kind of behavior is part of a pattern or an isolated incident?

Clearly define the course employees should take to report sexual harassment before it becomes a pattern of abuse, or if already a pattern, the steps an employee should take to stop it.



Is this an instance of sexual harassment?

- Does the man's behavior constitute sexual harassment from the viewpoint of a reasonable person?
- What actions or behaviors would make this a clear case of sexual harassment? In terms of the law, how is this an example of gender bias?
- How would you respond as a reasonable person if you were in the woman's situation?

For Managers

Gender harassment is a common form of sexual harassment, and is specifically against the law.

If you encounter employees who seem to have gender issues, let them know that you will not tolerate such behavior. This applies to both sexes. Women can harass men as well as men can harass women.

Let employees know, too, that even good-natured joking about the “differences between the sexes” such as jokes or stories, will not be tolerated if anyone could find the behavior offensive.

“YOU ACTUALLY THINK THAT’S FUNNY?”

DISCUSSION POINTS

The following are discussion points about Scenario 13. Use these to open dialogue about the behavior exhibited.

How is the man’s joke offensive? Are such jokes harmless?

Encourage discussion concerning any type of joke or story that is inherently offensive, and why such jokes may be *perceived* as harassment.

Was the woman’s response appropriate? What else could she do in this situation?

Discuss the woman’s active position of disapproval of the joke, and the fact that she accidentally overheard it. It is important to point out that even though the joke was not directed to her, such behavior can lead to charges of sexual harassment.

Consider the man’s response to her complaint? How should he respond?

The man clearly sees nothing wrong with his behavior. Discuss what his appropriate response should be in this situation.

What are other types of jokes or stories that could be perceived as sexually offensive?

Open up discussion to different types of stories and jokes that may seem harmless, and how someone may perceive them as offensive.



Is this an instance of sexual harassment?

- As a reasonable person, would you consider this a case of sexual harassment?
- As a reasonable person based on what you've seen, would you consider this an example of a pattern of hostile environment sexual harassment?
- How would you respond, as a reasonable person, if you were in the woman's situation? Would you consider the man's reaction acceptable?

For Managers

Encourage your employees to stand up against sexually offensive behavior. Let them know that they do not have to, and should not have to, endure offensive behavior of any kind.

Employees need to know that they can confront harassers without fear of consequences. If someone offends them, they should tell the offender to stop. If the behavior continues, they need to know that they have a responsibility to let you or someone else in management know about the situation.

By not stopping sexually offensive behavior, organizations can lose valuable employees, develop bad reputations and have lawsuits brought against them.

Remember, educate employees so that they have all the tools necessary to stop sexual harassment in the workplace.