

IN THIS

together™



Leader's Guide

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INTRODUCTION

This leader's guide is a short, easy-to-read booklet that will help prepare you for your upcoming class and the follow up steps you may need to take. It is divided into the following sections:

- **Introduction**
- **Getting Started**
- **Leading the Session**
- **Closing the Session**
- **Preparing For a Harassment Complaint**
- **Class Aides**

This guide is designed to orient you to the training program and give you facilitation ideas. However, it is not an in-depth discussion of the video or participant materials. While this booklet will get you started, your study of the video, participant materials, and your company's harassment policy and procedures will best prepare you to teach.

GETTING STARTED

To help you get ready for your class, we've included a *Pre-class Checklist*. Use it every time you schedule an *In This Together* workshop.

PRE-CLASS CHECKLIST

- Order workbooks and pocket cards (one per participant).
- Watch the video.
- Read the Employee Q & A handbook.
- Read this booklet.
- Have the Harassment Policy statements ready (one per participant)
- Have the "I understand" forms ready (one per participant)
- Prepare your kit for handling a harassment complaint.

FACILITATING THE CLASS

You can come up with your own introductions or use the following ideas to introduce the *In This Together* training program.

INTRODUCE THE FILM

“Today we’re going to see a film called *In This Together*. It’s talking about the issue of respect - what that means to us here and what it *should* mean to us. It takes a look at a lot of issues, ranging from everyday courtesies to sexual harassment. The company bought this program because it is committed to making this a place where we do show respect for each other. I hope that none of you are having problems in this area, but I can’t be aware of everything that goes on, so this will be a good tool to make sure that our team is working together with respect....and where we might be able to improve.

INTRODUCE THE HANDBOOK

Show them a copy of the *In This Together* handbook and explain that they will be handed out after viewing the video.

INTRODUCE THE SURVEY

“You’re going to be filling out a survey as you watch this video. The most important thing I want you to know about this survey is that it’s private. You will not have to share your answers with anyone and no one should pressure anyone else to share what they wrote down. As we hand them out, please don’t discuss the questions with each other.

Just one more thing – the issues that will be raised in this video are important and serious. So please don’t make any jokes about the issues or personalize them toward any of your co-workers.”

SHOW THE VIDEO

We recommend that you show the video in its entirety. There is typically **no** need to pause the video in order to answer the program’s survey questions.

VIDEO DISCUSSION -

When the video is over, encourage the participants to put away their survey sheets. Then move into group discussion by asking the group for their reaction to the film. Either small-group discussion or classroom discussion will help reinforce the concepts. Additional discussion questions:

- What did you think of the program?
- Were there things about Respect that the program missed?
- How do you think this group is doing, in terms of showing respect?
- Do we face any issues here that weren't in the film?

INTRODUCE AND DISTRIBUTE HANDBOOK

Hand out the handbooks and introduce it by saying something like, "Right now we're handing out the *In This Together Handbook* that goes along with the film. I've read through it and it's got a lot of practical answers to some difficult questions. These are yours to keep. Take them home if you like, but make sure you take the time to read them through."

DISTRIBUTE THE POLICY STATEMENTS AND THE "I UNDERSTAND" FORMS

Hand out your company's policy statements or use those you'll find in the CLASS AIDES section of this book. (The supplied policy statements are read by a narrator in their entirety, at the completion of the video program. This is to insure that each participant has read them, even those who may be too embarrassed to admit that they struggle with reading skills or reading English as a second language.)

Ask them to read the policy statements and sign the "I understand" form.

CLOSING THE SESSION

Before you close the session:

- ✓ Collect the "I Understand" forms from each participant.
- ✓ Make sure that each participant has a copy of your company's harassment policy and encourage them to come to you any time if they have any questions concerning it.

PREPARING FOR A HARASSMENT COMPLAINT

The *In This Together* video and Q & A handbook were designed to raise the respect level in your workplace. At the same time they will also raise your team member's awareness of harassment issues and the need to let someone in management know if something inappropriate is going on. This means that after going through this training program, it may be more likely that an employee will come to you with a complaint. Realizing this, we wanted to give you some practical steps that you can take to be ready:

- If you have a Human Resources department in your company, check with them for their exact harassment procedures and get their forms.
- Study your company's harassment policy.
- Study the four action steps for handling a complaint.
- Put all of your materials together in an easily accessible kit.
- Prepare for the first conversation with a complainant

You've heard of emergency preparedness? Essentially, that is what this is all about. You want to get your kit together now, so you will be prepared to act if an employee comes to you with a complaint.

HANDLING THE INITIAL COMPLAINT - the first conversation.

When handling a complaint – attitude matters. Your initial response sets the tone for the entire investigation. So you need to give it some thought now, before you come face to face with it. If you're tempted to view this as just one more thing added to your already full plate, try looking at it this way --- This complaint may very well be saving you and your company a disruptive lawsuit that could drag on for months and cost in the hundreds of thousands of dollars. You have a chance to deal with this complaint here and now. You can resolve it before it ever ends up in a courtroom. So yes, it will take some effort on your part, but it may also be one of the most impactful things you'll ever do as a manager – setting and protecting the boundaries of respect within your team.

What NOT to say-

As we said, your attitude and response sets the tone for the whole investigation. So right off the top, we want to give you some important guidelines for what *not* to say if one of your team members comes to you with a complaint of harassment.

“You’re kidding. Really?”

“I can’t believe that could happen without me knowing.”

“I’m shocked. That just doesn’t seem like Ken”

Even though you may not mean it, these types of questions could lead the employee to feel that you doubt their story already and might stop them from being totally open in the investigation. Instead put yourself in their shoes. It took an incredible amount of courage to be where they are right now, saying what they are saying to you. Respect that courage and let them know what you’re going to do about the information they’ve just given you.

What TO say -

“I’m glad that you came forward with this. I know that it isn’t an easy thing to do. I want you to know that the company takes any and all harassment complaints very seriously and we will start an investigation immediately. I’m going to need a little time to prepare and then I’m going to ask you to come in for a formal interview to gather all of your information. I will get back to you by the end of the day tomorrow to confirm the time for the interview, ok? I will keep everything about this as confidential as possible and it would be best for you to keep this confidential throughout the investigation as well.”

TAKE ACTION

You've heard the phrase "Time is money"? In the case of sexual harassment, this holds true, although perhaps in a different way than you've thought of before. Here's how it goes. The more time you wait before dealing with a sexual harassment complaint, the more money your company or you could be liable for if the complaint ever goes to court. It is of utmost importance to take immediate action on any complaint that comes to you. We've broken that action down into the following four steps:

FOUR ACTION STEPS

1. Investigate
2. Evaluate
3. Take action
4. Follow up

STEP ONE – INVESTIGATE

Preparing for the interview -

Someone on your team has come to you with a complaint of sexual harassment. You're supposed to take immediate action, but you can't have an instant interview without some preparation time. So the first thing you want to do is assure the team member that you take this matter very seriously and that you will get back to him or her with an interview time within the next day or two. Next – place everything else aside for now and get the interview scheduled as soon as possible. As we said earlier, time is money.

Because of the sensitivity of this issue, it's a good idea to use a man and woman team to investigate, so everyone will feel fairly represented.

BE READY BEFORE IT HAPPENS - Think through whom might be a good candidate to partner with you in the investigation process. Contact him or her and set up a meeting time to discuss the possibility and go over the *Preparing for the Complaint* section of this booklet.

Investigation Checklist –

The investigation should include –

- ✓ A pre-printed complaint form
- ✓ An interview with the person filing the complaint.
- ✓ An interview with the alleged harasser, including a signed, written statement
- ✓ Interviews with witnesses

You're ready for the investigation, but what exactly do you want to accomplish? There are two major goals for a successful investigation: (1 Analyze the complainant's story for sufficient detail, consistency, and believability. (2 Search for evidence that will corroborate either side's story. Right about now, you may be thinking to yourself, "This is crazy, I'm a manager, not a lawyer or a detective." We know. This whole process can seem very complicated, so we've broken it down into four do-able steps.

1. Interview complainant
2. Interview alleged harasser
3. Interview co-workers
4. Talk to people the alleged victim may have confided in about the harassment (co-workers, counselor, doctor)

INTERVIEWING THE COMPLAINANT

At the beginning of the initial interview it's a good idea to talk through the process of what will take place and the approximate timeline of the investigation.

"Just so you know what to expect, this is the process we are going to go through for this investigation. First, we will be conducting interviews with you and the alleged harasser and any other witness you may tell us about. Then we will examine our findings and inform you of our decision as soon as we can. We hope to let you know of any action that we are going to take by _____. If it's going to take any longer than that, we will let you know. Does that sound fair?"

You also want to assure the complainant that everything will be kept as confidential as possible and promise him or her freedom from retaliation.

“Everything from this interview will be kept as confidential as possible. I can’t promise absolute confidentiality, because the alleged harasser will have to be confronted, but my findings will only be shared only on a limited need to know basis. We take this issue very seriously and want you to know that we will not tolerate any form of retaliation from the alleged harasser or anyone else. This will be clearly communicated to the alleged harasser!”

Check with your company’s Human Resources department to see if they have their own harassment complaint forms. If not, you may copy and use the complaint form in the Class Aides section of this booklet. It’s best to interview the person first and then ask them to document the information by filling out the written form.

Questions to the Complainant – background

- Date
- Name
- What is your job title?
- What kind of work do you do for the company?
- How long have you worked for the company?
- Who is your supervisor?

Questions to the Complainant – concerning the incident

- Who do you feel harassed you?
- When did it take place?
- Where did it take place?
- What specifically did this person say or do?
- What did you say or do?
- Do you know of any witnesses to the harassment?
- With whom have you discussed the incident?

- Have you received any evidence (such as notes, email, pictures, or graffiti) from the person you feel harassed you?
- What has happened in addition to or since the incident?
- Do you know of or suspect that there are other individuals who have been harassed by this person?
- How has the harassment effected your work?
- What other effects has the harassment had on you? (lost sleep, problems at home)

Other questions to ask –

It's important that you also get a thorough understanding of the professional relationship between the alleged harasser and the complainant. For example:

- Does the alleged harasser control compensation? Promotions? Terms of employment?
- Do they work in close physical proximity to one another?
- Do they work on the same projects?

Ask the complainant what action he or she would like the employer to take as a consequence of the harassment. You can't promise that consequence, but it gives you a guideline of what might help to solve the employee problem.

After listening and taking notes during the interview, it's important to get a written statement documenting the information. Ask the complainant to fill out your company's harassment form or the one from the Class Aides section of this booklet.

Closing the interview comfortably -

Obviously, an interview of this type is going to be very sensitive and most likely uncomfortable or unsettling for the complaining team member. Before you close the interview, ask the complainant if there are any other questions they need or want to ask – or anything else they want to say. You want them to leave this meeting with the assurance that they were fully heard and fairly treated.

INTERVIEWING THE ACCUSED HARASSER

Be prepared for attitude. It's very likely that some strong emotions such as anger, defensiveness or denial will be directed toward you. Try to stay neutral in your response. Assure them that your job is to gather information from all involved parties and come to a quick resolution. Also let him or her know that any form of retaliation will be automatic grounds for dismissal.

Questions to the Accused harasser – background

- Date
- Name
- What is your job title?
- What kind of work do you do for the company?
- How long have you worked for the company?
- Who is your supervisor?

Questions to the Accused harasser – concerning the incident

When interviewing the alleged harasser, you need to:

1. Explain fully the charges.
2. Describe the alleged incident or events.
3. Listen carefully to his or her version of the story. "Can you tell me your version of the incident?"

It's helpful to go step by step through the interview notes from the complainant, using specific quotes whenever possible to get in-depth feedback from the alleged harasser. Your goal is to compare their versions in as much detail as you possibly can.

For example –

"I was told that you did this. Do you remember this? What happened?"

"I was told that you said this. Do you remember it? What happened?"

"I was told that she or he said this to you. How did you respond?"

Give them a chance to fully tell their side of the story, so you can assess the complaint fairly. Alleged harassers may admit that they did some of the behavior under question, but that they were never aware that the behavior was offensive. Or they may deny the charges altogether. If the alleged harasser denies the charges, ask why he or she feels that someone would make those charges.

If the alleged harasser says that he or she wasn't aware that the behavior was offensive, ask what made them feel that it was welcomed or ok. "What led you to believe that touching her was acceptable?" "What made you feel that calling him by that name was ok?"

Get a signed, written recollection of the incident

After the verbal interview, ask the alleged harasser to write down in detail his or her recollection of the incident and to sign and date it when it is completed. (Your company's Human Resources department may have its own form. If not, you may copy and use the form in the Class Aides section of this booklet.)

INTERVIEWING CO-WORKERS:

Only interview other team members whom the complainant has mentioned as possible witnesses or whom you think work closely enough with the complainant or alleged harasser to have witnessed the events or working environment.

- Have you noticed any changes in (complainant's) behavior at work?
- Have you noticed any changes in (alleged harasser's) treatment of (complainant)?
- How would you describe (alleged harasser's) treatment of (complainant)? (For example: Supportive, indifferent, friendly, warm, professional, cold, impatient, punishing, vindictive, resentful, demeaning, patronizing)

If other team members describe the alleged harasser's treatment of the complainant as any of the negatives above --- ask them to relate in detail any incidences or verbal exchanges between the two parties where they witnessed signs of harassment.

Interviewing co-workers – background information

- What is the general atmosphere within your workplace or team?
- Do you know of any problems in the department?
- Have you heard any complaints of offensive behavior or harassment?
- Have you noticed or personally experienced any offensive or inappropriate behavior? Please tell me about it.
- Have any offensive or degrading remarks or jokes been made by people in the workgroup? Who made the remarks and what was said?

INTERVIEWING WITNESSES – SPECIFIC TO THE INCIDENT

Describe the time and place of the alleged incident and then ask:

- Did you notice anything in your workgroup that was disruptive to you or others?
- Did you see anyone talking to (the complainant)?
- Did you hear a conversation involving (the complainant)?
- Did you observe any interaction between (the complainant) and a co-worker (or a supervisor?)

STEP TWO - EVALUATE THE EVIDENCE

Now that you have gathered all the evidence, you need to ask yourself the following questions:

- Is the story of the complainant consistent?
- Is the story of the alleged harasser consistent?
- Does the complainant's account fit with the account of witnesses?

- Does the alleged harasser's account fit with the account of witnesses?
- Does the complainant's account seem believable based upon what you know of the alleged harasser's personality type and workplace history?
- Does the alleged harasser's account seem believable based upon what you know of the complainant's personality type and workplace history?
- Could the incident have taken place at the time and location given?
- Would there be any motive for the complainant to falsely accuse the alleged harasser?
-

STEP THREE – RESOLVE THE COMPLAINT

After investigating and assessing all the information you gathered, you must come to a decision. **Do you believe that the harassment took place?**

What to do if the answer is **YES**

1. Internally decide upon the appropriate disciplinary action to be taken with the harasser.
2. Meet with the harasser and notify him or her of the disciplinary action that will take place.
3. Inform the complainant of your findings and the disciplinary action taken.

What to do if the answer is **NO**

1. Immediately inform the alleged harasser of your findings.

In the big picture, you are delivering good news, but don't expect your team member to be overflowing with gratitude toward you at this moment. Understandably, someone who has been accused of something that he or she didn't do may still be angry and upset. You can help by apologizing for the discomfort caused by the investigation while explaining that the company has an obligation to take any complaint seriously. Also let your team member know that any feelings of anger are understandable and valid. If your company has any resources such as a counselor or employee assistance program to help resolve those types of feelings, encourage your team member to go talk to someone.

2. Inform the complainant of your findings in a sensitive manner.

“I’m glad that you came forward with this concern, but after investigating the claim thoroughly, we weren’t able to determine that harassment was taking place in the manner you described. The complaint and its findings will be kept on file, but based on our findings (alleged harasser’s name) won’t be reprimanded for any wrong doing.”

What to do if the answer is **WE CAN’T BE CERTAIN EITHER WAY**

1. Inform the complainant of your findings and that the matter will be on record as unresolved.
2. Inform the alleged harasser of your findings and that the matter will be on record as unresolved.
3. Remind both employees of the company’s stance against harassment of any type in the workplace.

STEP FOUR – FOLLOW UP

You can breathe a sigh of relief. The most intense part of the sexual harassment claim is now over. However, depending upon the severity of the disciplinary action given to the harasser, the harasser and the team member who came forward with the complaint may still be in contact with one another. Whether they see each other on a daily basis or come in contact only occasionally, it’s critical to develop a follow-up plan so you can monitor the behavior of the harasser. A good plan is to have follow up meetings with the harassed team member at two weeks, one month, three months, six months and one year, so you can make sure that the harassment has completely stopped and that no retaliation has taken place.

CLASS AIDES

You have permission to copy the following forms for use with the IN THIS together program.

- **Work Place Harassment, The Basics**
- **The Anti- Harassment Policy**
- **The Sexual Harassment Policy**
- **The "I Understand" form**
- **Harassment Compliant form**
- **Incident Investigation form**

Work Place Harassment, The Basics

Harassment is not always intentional and doesn't have to be intentional to be illegal. Men can harass men, women can harass women, women can harass men, and men can harass women. It's the behavior that counts, not the gender of the participants. A person can feel harassed even if he or she is not the intended target of the behavior. While not all harassing behavior meets the standard of illegal conduct, any workplace harassment is inappropriate and should not be tolerated. If you feel harassed at work or you are aware of incidents of workplace harassment, you have a right and responsibility to address the situation. You may confront the harasser if you feel comfortable doing so, or report the harassment to your manager or an appropriate Human Resources manager. If you report an incident of harassment, the organization will conduct a fair, discreet investigation and appropriate corrective action will be taken. It is illegal to retaliate in any way against an employee for complaining about or reporting workplace harassment.

PREVIEW

The Anti-Harassment Policy

Your Company is committed to maintaining a work environment that is free from discrimination. In keeping with this commitment, we will not tolerate harassment of our employees by any supervisor, co-worker, vendor, or customer of this company. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's protected status, such as sex, color, race, religion, national origin, age, physical or mental disability or other protected group status. The company will not tolerate harassing behavior that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, kidding, teasing or practical jokes directed at a person based upon his or her protected status. All employees are responsible to help assure that we avoid harassment. If you feel that you have experienced or witnessed workplace harassment, you are to notify the Human Resources manager, your department head, or your supervisor. The company forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or co-operating in a harassment investigation. If you feel you have been retaliated against, you are to notify the Human Resources manager, your department head, or your supervisor. Your company's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the company will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the company will take corrective action, including discipline, up to and including immediate termination of employment.

The Sexual Harassment Policy

Your company fully supports laws and regulations designed to prevent sexual harassment within the work environment. Sexual Harassment consists of unwelcome sexual conduct, sexual advances, requests for sexual favors and other visual, verbal or physical conduct of a sexual nature, that is a term or condition of employment. It is sexual harassment when submission to or rejection of such conduct is used as a basis for employment decisions, such as hiring, scheduling or continued employment. It is also sexual harassment when such conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment. Sexual harassment will not be tolerated and will result in disciplinary action, including possible termination. If you feel that you are being subjected to sexual harassment, promptly contact your immediate supervisor, your supervisor's supervisor, the Human Resources manager, or any appropriate Corporate Officer or Company representative.

PREVIEW

I Understand

▶ I have viewed the "In This Together" video and have received the printed handbook.

▶ I have read and I understand my company's policy statements entitled:

Workplace Harassment, The Basics.
The Anti-Harassment Policy
The Sexual Harassment Policy

▶ I understand what harassment is and what I should do if I feel I am being harassed.

▶ I understand that I will not be retaliated against for reporting harassment or assisting in a harassment investigation.

Name

Date

HARASSMENT COMPLAINT FORM

Please fill out this form in as much detail as you can.

Date: _____

Name: _____

What is your job title?

What kind of work do you do for the company?

How long have you worked for the company? _____

Who is your supervisor? _____

Concerning the incident:

Who do you feel harassed you?

When did it take place?

Where did it take place?

What specifically did this person say or do?

What did you say or do?

Do you know of any witnesses to the incident?

With whom have you discussed the incident?

Have you received any evidence (such as notes, email, pictures, or graffiti) from the person you feel harassed you? If so, what is it?

What has happened in addition to or since the incident?

Do you know of or suspect that there are other individuals who have been harassed by this person?

How has the harassment effected your work?

What other effects has the harassment had on you?



