Sexual Harassment: Is It or Isn’t It?
Situations for Discussion

Training Leader’s Guide
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**Sexual Harassment: Is It or Isn't It?**

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Sexual Harassment: Is It or Isn’t It?
Situations for Discussion

Preparation Materials
Introduction

In 1980, the Equal Employment Opportunities Commission issued federal guidelines declaring sexual harassment an unlawful employment practice. In 1986, the Supreme Court decision in Meritor vs. Vinson affirmed these guidelines and the fact that harassment on the basis of sex is illegal.

Although sexual harassment has been declared illegal, several problems concerning the prevention and handling of sexual harassment continue to plague workers and employers alike. Sexual harassment is a topic few people can address without embarrassment. There is a natural reluctance to delve deeply into this sensitive topic even though a major portion of the workforce, both men and women, have been affected.

Is It or Isn't It? is a video-based training program with interactive vignettes designed to stimulate discussion about the not-so-obvious forms of sexual harassment and the hostile work environment it can create. You may stop the tape for discussion after each vignette or let Greg Naylor, an attorney specializing in employment law, continue narrating the legal viewpoints for each scenario.

Coastal’s sexual harassment video programs and accompanying Training Leader’s Guides are designed to assist your efforts in communicating the latest information on identifying and dealing with sexual harassment. They provide management and employees alike with valuable tools to help eliminate the emotional and financial problems of sexual harassment in the workplace. The programs can be used on their own or used together for a comprehensive training course on sexual harassment.

Upon completing this training session, your participants should be able to:

- Define sexual harassment and offensive behaviors that can be considered harassment.
- Recognize the effects that harassment has on people.
- Stimulate discussion and examine personal feelings about sexual harassment.
- Promote the concept that sexual harassment of any type is a form of discrimination and cannot be tolerated.
- Discuss your organization’s policies and procedures related to sexual harassment.
Training Session Checklist

Use this checklist to help you gather all necessary materials for the training session.

Meeting Preparation

- Determine your training objectives.
- Measure the current status of your participants, using the Pretraining Survey.
- Choose different ways to train to ensure transfer of information.

Location

- Create a relaxed environment.
- Make sure all seats have a good view of the visuals.
- Make sure there is enough light to take notes when participants view the video.
- Provide an adequate writing surface for participants.
- Check for good acoustics.
- Verify that your room is accessible and equipped for participants with disabilities.

Video Equipment

- Make sure the VCR is properly connected to the monitor.
- Test the VCR, and check monitor for proper picture, color and volume.
- Make sure the tape is rewound and ready to play before beginning your session.
- Check all other equipment for proper operation.

Materials

- Training Leader's Guide
- Videotape—Sexual Harassment: Is It or Isn't It?
- How-To Book—Stopping Sexual Harassment Before It Starts
- Overheads
- Paper and Pencils
- Additional Equipment
- Participant Worksheets
Trainer’s Instructions for Using the Book Stopping Sexual Harassment Before It Starts

Group Training Sessions

Stopping Sexual Harassment Before It Starts, part of Coastal’s How-To Book Series, is an excellent complement to your group training session. Throughout this guide, we have included several exercises from Stopping Sexual Harassment Before It Starts.

To use the book effectively, you may:

• Use the exercises we have developed for this course, incorporate other exercises from the book that you feel better meet the needs of your organization, or use a combination of both.
• Assign reading of an entire chapter of the book that covers an area you wish to emphasize in your session.
• Assign reading of the entire book and completing of assigned exercises.

Self-Study

No time to call everyone together for training? No problem—Coastal has made training even easier with its self-study programs. By combining the effectiveness of the video Sexual Harassment: Is It or Isn’t It? and Coastal’s How-To Training Book Stopping Sexual Harassment Before It Starts, your employees can improve their skills through self-guided study.

Written in a user-friendly, easy-to-understand style, the book includes interactive exercises in each chapter to help the reader process the information and put it into action—ensuring that the information makes an impact.

On-the-Job Reference Tool

Providing copies of the book to each training participant allows you to continue instilling the importance of improving workplace performance after your session is completed. The book is an excellent tool for continued learning and provides an easy, hands-on reference for use on the job.

Order discounted copies for all your session participants today.
Tips for Transferred Learning

Keep in mind the following tips when conducting any adult training. You may wish to review these tips and incorporate them into your session planning.

1. **Adults learn when they feel they need to learn.**
   Discuss ways your training will help participants improve job performance by learning how to motivate employees.

2. **Adults learn by doing.**
   Use the exercises found in this Training Leader's Guide or create your own to give participants an opportunity to practice skills they can take back to their jobs. Also, provide reinforcement tools, such as copies of the How-To Book *Stopping Sexual Harassment Before It Starts*, for your participants to take back to their jobs for continued and reinforced learning.

3. **Adults learn by solving realistic problems.**
   Discuss and analyze actual on-the-job situations. Allow the trainees to solve these real-life problems by using what they have learned.

4. **Adults learn in an informal environment.**
   Design your training room to be as informal as possible. Avoid classroom-style seating. If appropriate, encourage training participants to wear casual clothing. Encourage discussion and interaction to make participants feel more comfortable.

5. **Adults learn by different training methods.**
   Vary your training methods. Combine discussions, role-plays, case studies, self-evaluations, and action planning in your training session. Using a variety of methods reinforces your message and promotes audience involvement.

6. **Trainers learn by follow-up methods.**
   Follow-up methods are crucial when determining the success of transferred training. Feedback from your participants' managers; follow-up surveys or training sessions; three-, six- and nine-month skill-testing sessions, etc., can help you evaluate the information being used on the job site.
Possible Session Agendas

Two session agendas have been provided to help guide you through your Sexual Harassment: Is It or Isn’t It? session. You can modify these agendas to meet the needs of your participants. A blank agenda sheet is also provided on page 13 if you wish to create your own agenda.

### 1 1/2-Hour Session

<table>
<thead>
<tr>
<th>Activity</th>
<th>Time</th>
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<tbody>
<tr>
<td>Introducing the Session to Participants</td>
<td>15 minutes</td>
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<tr>
<td>Sexual Harassment Overview</td>
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<td>20</td>
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<td>Training Vignettes</td>
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<td>Office Environments</td>
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<td>Manufacturing Environments</td>
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<td>Health-Care Environments</td>
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<td>Acknowledgement of Sexual Harassment Training</td>
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<td>Session Evaluation</td>
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### 3+ Hour Session

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<th>Activity</th>
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<td>Pretraining Survey Discussion</td>
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<td>Stopping Sexual Harassment Before It Starts</td>
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<td>Training Review</td>
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<td>Posttraining Survey</td>
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<td>Acknowledgement of Sexual Harassment Training</td>
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<td>Optional Exercise for the Sexual Harassment</td>
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<td>Desk Reference Guide</td>
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<td>Session Evaluation</td>
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You may want to plan a session that is different from the agendas provided on page 12. Below is a blank agenda to assist you in outlining your session.

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**Invitation Memo to Participants**

This memo can be sent to your participants approximately one to two weeks prior to your training session. Modify the memo to fit your specific needs.

(Today’s Date)

TO: (Participant’s Name)  
FROM: (Trainer’s Name)  
RE: Sexual Harassment: Is It or Isn't It? Training Session

Although sexual harassment has been defined and declared illegal, several problems concerning the prevention and handling of sexual harassment continue to plague workers and employers alike.

On (insert date), we will hold a training session to explain our policy regarding sexual harassment, discuss how it affects you, and review common situations that may or may not be harassment. The session will be held at (insert location). During the session, you’ll have the opportunity to:

- Define sexual harassment and offensive behaviors that can be considered harassment.
- Identify the effects that harassment has on people.
- Examine personal feelings about sexual harassment.
- Recognize that sexual harassment of any type is a form of discrimination and cannot be tolerated.
- Discuss our organization’s policies and procedures related to sexual harassment.

To help us get the most out of our training session, please complete the enclosed Pretraining Survey and return it to me by (insert date). Your honest responses to the questions will help us to place emphasis on critical areas.

Please mark your calendar so you can attend this very important training session.
Trainer’s Instructions for the Pretraining Survey

1. Complete the Invitation Memo to Participants (page 14), and send it along with a copy of the Pretraining Survey (included with Participant Materials) to each of the participants. Ask participants to complete the survey and return it to you at least five days before the training session.

2. Use the Pretraining Survey to evaluate the needs of your participants. This survey will allow you to design the training session to emphasize areas or topics of importance.

3. A Posttraining Survey is also provided for use at the end of the training session, to determine if your training goals have been met or if further education and training are necessary.
Sexual Harassment: Is It or Isn’t It?
Situations for Discussion

Training Materials
Introducing the Session to Participants

Time Required:
- 15 minutes

Materials Needed:
- Overhead 1
- Overhead 2

Objective:
- To introduce participants to the subject of sexual harassment.

1. Read or paraphrase the following:

   Everyone loses when sexual harassment occurs. It affects productivity and lowers morale at all levels of an organization. Most importantly, it can even result in a lawsuit.

   Everyone has the right to work in an environment free from sexual harassment and to be evaluated solely on his or her work performance.

2. Show Overhead 1 and read or paraphrase:

   Upon completing this training session, you should be able to:
   - Define sexual harassment and offensive behaviors that can be considered harassment.
   - Identify the effects that harassment has on people.
   - Examine personal feelings about sexual harassment.
   - Recognize that sexual harassment of any type is a form of discrimination and cannot be tolerated.
   - Discuss our organization's policies and procedures related to sexual harassment.

   Every situation is different, but we all need to be aware of how our actions affect others. There are different forms of sexual harassment—some are obvious and some are subtle. Two types of sexual harassment are quid pro quo and hostile environment.
3. Show Overhead 2 and read or paraphrase:

Quid pro quo sexual harassment occurs when employment decisions or expectations—hiring decisions, promotions, salary increases, work assignments, or performance evaluations—are based on an employee's willingness to grant or deny sexual favors.

Hostile environment sexual harassment occurs when verbal or nonverbal behavior in the workplace:
- Focuses on the sexuality of another person or occurs because of the person's gender.
- Is unwanted or unwelcome.
- Is severe or pervasive enough to affect the person's work environment.

Today we are going to view examples of several situations that might be considered sexual harassment. We will discuss whether or not these situations could be considered sexual harassment—subtle or obvious—and what steps should be taken if the act is considered sexual harassment.

By discussing a variety of different situations, you can increase your understanding and avoid sexual harassment in the workplace.

The more you know about sexual harassment, the better off you and your organization will be if a sexual harassment situation occurs.
Sexual Harassment Overview

Time Required:
- 10 minutes

Materials Needed:
- Overhead 3
- Overhead 4

Objective:
- To discuss what is and isn't sexual harassment.

1. Have a large-group discussion about each one of the questions below. Overheads 3 and 4 are provided with the questions for your assistance. (You may wish to divide your participants into small groups or pairs to discuss their thoughts on each question and present their thoughts to other participants.)

2. Allow time for questions and feedback. Answers to the questions are provided below to assist you with discussion.

- **What behavior is harassing?**
  Sexual harassment behavior falls into four main groups—verbal, visual, physical, and written. The behavior can be blatant or very subtle. Any behavior in any of the categories listed is considered sexual harassment if the behavior is unwelcome.

- **Why do people sexually harass others?**
  The majority of people who harass do so as a conscious or unconscious way of expressing dominance or power. It may be used as a method for organizational or social control over someone else. Sometimes people harass others in an attempt to keep them in their place. Others harass in front of their peers in an attempt to seek peer approval. Sexual harassment is a bullying tactic used by some to get what they want. Very little harassment is based on sexual desire.

- **Who harasses, and how can they be identified?**
  There is really no typical abuser. Some sources give characteristics of typical or potential harassers, but there can be no positive identification until the harassing is committed. Anyone can harass, just as anyone can be a target of harassment regardless of sex, sexual preference, age or professional position.
• **What is the difference between sexual attraction and sexual harassment?**
  First of all, sexual harassment is a form of discrimination and may have nothing to
do with one person's physical attraction to another. It is a misuse of power. From
the beginning, the harasser is out to prove his or her dominance over the victim.
The harasser's goals are usually intimidation and control, not the pursuit of a
mutually satisfying relationship.

• **Who are the most frequent victims of sexual harassment?**
  Early statistics on sexual harassment indicated that this was a problem of working
women. Additional studies, conducted as a result of increased interest in the
subject, indicate that it is becoming a growing problem for men as well. There is
also an increase of homosexual harassment incidents reported.

• **Can a sexual harassment claim be made by an employee even if that
  employee consented to the sexual activity?**
  Yes. Submission to the sexual activity by the employee citing harassment is not a
defense an employer can use to avoid liability in a sexual harassment suit. The
employee may have consented to the sexual activity only after pressure from the
harasser.

• **What do most people want as a result of filing a sexual harassment claim?**
  Studies show that the majority of these people just want the harassment to stop.
More and more people are filing complaints with employee-rights agencies like the
EEOC because employers fail to take action. It's interesting to note that the
majority of people who have been harassed quit or transfer out of the offensive
work environment.

• **How can sexual harassment be prevented?**
  Of course, the best method to stop harassment is to prevent it from happening.
Prevention begins with an attitude that sexual harassment in any form will not be
tolerated.
Pretraining Survey Discussion

Time Required:
- 15 minutes

Materials Needed:
- Pretraining Survey (participants should have received and completed these prior to the training session)

Objective:
- To apply acquired knowledge from previous discussion to specific situations.

1. Read each question and ask your participants to discuss each situation and decide if it is or isn’t sexual harassment.

2. When they have come to a conclusion, read and discuss the answer.

Connie, a shop foreman, has known for some time about the affairs between some women and their bosses. Furthermore, these women have received perfect reviews, while other, more-deserving employees did not. When Connie comes up for a promotion, it is made clear that “socializing” will be part of the new job. She rejects the offer and receives a poor performance appraisal and a probation period and loses an opportunity for an increase in salary. Is Connie being sexually harassed?

Yes, on two accounts. First, because some women in Connie’s office have in the past received a promotion or financial gain in return for sexual favors, Connie is a victim of environmental sexual harassment. Even though Connie was not at first being harassed directly, she was forced to work under intimidating conditions. And second, Connie is denied a promotion and salary increase because she will not give in to sexual demands.

Jane works for a construction equipment company in their maintenance shop. Through the course of the working day, Jane is subjected to suggestive jokes, remarks and questions about a woman’s sexual behavior. She is “accidentally” touched repeatedly. Does such behavior by Jane’s coworkers constitute sexual harassment?

Yes. Any repeated offensive or suggestive language or inquiries about a person’s sexual behavior is considered sexual harassment when the victim asks the perpetrator to stop the offensive behavior and he or she refuses. Any touching of intimate body parts, accidental or not, is considered sexual harassment. Stroking someone’s hair,
Putting an arm around their shoulder, or anything of a similar nature is considered sexual harassment when the victim asks the perpetrator to stop the offensive behavior and he or she refuses.

In their monthly work group meetings, Mr. Blake always requires Liz to set up the meeting in the break room, provide coffee and take notes. The work group consists of three supervisors: Liz, Tom and Jack. Is Mr. Blake discriminating against Liz?

Yes. Mr. Blake is discriminating against Liz by requesting that she set up the meeting, make the coffee, and take notes. He is expecting her to perform tasks not required of Tom and Jack. These requests are not sexual in nature, but they do discriminate.

Kelley is hired by a company as a timekeeper. Upon reporting for work, she is presented with a uniform that she finds too tight. She objects to the uniform but agrees to wear it when she is told it is required for the job. For two days, Kelley is subjected to repeated abusive comments and suggestions by employees passing her office. When she complains, her employer orders her to wear the uniform or quit. Is this sexual harassment?

Yes. Kelley's employer has made it perfectly clear that one of the terms of her employment is to wear a sexually suggestive uniform. If Kelley refuses to wear the outfit, she will lose her job. Such conditions are considered sexual harassment when they intimidate the employee, subject the employee to abusive comments and sexual suggestions, or are contingent on the employee retaining her position.

Clare and Mark work for a welding company. They are often teamed together on special projects and spend a considerable amount of time together. Mark is attracted to Clare and has asked her out on several occasions. Clare repeatedly rejects his offer, but Mark believes in the theory that persistence will win out, so he keeps asking. Is Mark sexually harassing Clare?

Yes. Clare has told Mark on several occasions that she is not interested in going out with him. Mark's repeated request for a date is considered sexual harassment.
Max's boss, Shirley, invites him to a bar after work to celebrate his record-breaking production rate. However, when he arrives, he discovers that she is seated at a very secluded table. After a brief discussion of his job performance and the chance for a possible promotion, Shirley asks Max back to her house. Is Shirley sexually harassing Max?

**Yes.** Shirley implies that Max's career potential and the chance at a possible promotion are contingent on his sexual cooperation—"coming back to her house for a nightcap." In this case, Max is the victim of sexual harassment.

Linda is very attracted to her boss, Dan. Since they're both single, she asks him over to her house for dinner. After a very pleasant evening and a few too many drinks, they wind up spending the night together. Could this be considered sexual harassment?

It would appear that this situation is mutually desired by two consenting adults. However, in cases like this, there is no black-and-white answer. Because Dan is Linda's boss, the organization could be open to a future sexual harassment suit. At some point, Linda could sue her employer, saying that she felt compelled to sleep with Dan for a variety of job-related reasons. Because suits like this are becoming more common, managers, supervisors, and team leaders should be aware of how their sexual relations with a subordinate could have detrimental effects on the organization.

Perception is key to defining sexual harassment. By doing exercises like this one, you will see that perception can differ in every situation.
Training Vignettes

Time Required:
• 55 minutes

Materials Needed:
• Video—Sexual Harassment: Is It or Isn’t It?
• Video Case Study Sheets for the trainer
• Copy of your organization’s policy on sexual harassment

Objective:
• To help participants identify sexually harassing behavior.

1. Divide your participants into teams of four. Explain that they will be watching a series of video vignettes in which characters face possible sexual harassment situations.

2. Before each vignette, read or paraphrase:
   If you were faced with the following situation, what would you do? Discuss your thoughts as a group and write your answers on the worksheet for each situation presented.

3. Play the first vignette in its entirety.

4. Following the first vignette, stop the video and ask the questions found on the Video Case Study Sheets.

5. After five minutes, ask one person from each group to explain the group’s answers. After each series of questions, show the Legal Viewpoint as it relates to each situation.

6. Continue this process for each vignette.
Vignettes for
Office Environments
Video Case Study 1 - The Word Game

Show video to the next fade-to-black.

**SCRIPT**

A male manager is working and picks up the phone to buzz his secretary.

**Manager:** Could you track Lucy down and let her know I want to see her right away? (pause) Great. Tell her to come right in.

A few moments later, there is a knock, and Lucy pokes her head in the door.

**Lucy:** You wanted me?

**Manager:** Of course I want you, but we can talk about that later. What I need right now is an update on the central savings project.

Lucy is fully aware that she set herself up. She tries to cover up her annoyance for the unwarranted sexual innuendo.

---

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were Lucy, how would you respond in this situation?**

3. **Can you think of any other sexual innuendoes or comments you've encountered in the workplace?**

4. **What steps should Lucy take now?**

(State your organization's policy as it relates to this situation.)

---

**Legal Viewpoint**

Although this man's words weren't specifically sexual in nature, what he said had sexual implications. According to law, sexual innuendoes and conversations that imply sexual meaning are just as unlawful as using direct sexual language. To be considered sexual harassment, the objectionable comment must be unwelcome by the victim. Usually, one word or action isn't severe enough to be harassment. Typically, harassment is a pattern of repeated behaviors or words that interfere with a person's work. If this behavior continues, this example could be considered hostile work environment sexual harassment.
Video Case Study 2–All in Fun

Show video to the next fade-to-black.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were Janelle, how would you respond in this situation?

3. Is it illegal to tell jokes and laugh in the work environment?

4. Would it make a difference if, the day before, Janelle told ethnic jokes to the same group of people?

5. What steps should Janelle take now?

(State your organization’s policy as it relates to this situation.)

In this case, the off-color and demeaning jokes told by the men were upsetting to the woman, and the men knew it. It is also clear that their comments were only directed at females. They created a hostile work environment for the woman. According to law, this could be considered sexual harassment.
Video Case Study 3–An Intended Compliment?

Show video to the next fade-to-black.

**SCRIPT**

A woman is walking down the hall at a moderate pace, looking at some papers in her hand. She is dressed in a short, tight skirt and black high heels. Someone whistles. As the woman turns around the corner, she runs into her boss (an older gentleman), who has obviously heard the whistling as well.

**Woman:** Hi, Mr. Johnson.

**Johnson:** Got yourself a fan today, huh?

He walks on. The woman remains, looking a little embarrassed.

**Woman:** Great. Just what I needed.

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were this woman, how would you respond in this situation?**

3. **Do you think this woman invited sexual harassment by the way she dressed?**

4. **What steps should this woman take now?**

(State your organization's policy as it relates to this situation.)

Perhaps you might think that the woman desired to be whistled at by the way she walked and dressed. However, a person's walk, dress or mannerisms are generally not an excuse for sexually harassing behavior. Also note that this woman’s supervisor was clearly aware of the incident. Legally, the supervisor should have reacted and immediately stopped the harassment. Failure to act could be viewed as excusing or even encouraging the illegal behavior.
Video Case Study 4–The Stud

Show video to the next fade-to-black.

**SCRIPT**

A woman stops by a man’s cubicle.

**Woman:** Hey, you big stud! How’s it hanging today?

The man looks up, a little surprised and embarrassed. She spoke loudly, and it’s apparent that others around the cubicle have heard her comments.

**Man:** Excuse me.

**Woman:** (to another man) Hey, Scott. How’s it going?

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were this man, how would you respond in this situation?**

3. **In this situation, the two people are coworkers. Would it make a difference if one was a manager and the other was not? Why?**

(State your organization’s policy as it relates to this situation.)

Sexual harassment? If this is an isolated incident, probably not. The courts have said that to be sexual harassment, actions and comments must be both objectively and subjectively offensive. That is, a reasonable person must objectively view the conduct as offensive and the victim must subjectively or personally view it as offensive. Here, one comment probably does not meet that standard. Still, this case certainly is an example of very poor judgment and conduct that could develop into illegal harassment.
Video Case Study 5 – The Secret Admirer

Show video to the next fade-to-black.

**SCRIPT**

A man's hand folds a note and puts it in an internal mailbox. Outside the mailroom, a man is walking down the hallway. He passes and greets Chuck.

Man: Hey ya, Chuck. How's it going?
Chuck: Not bad. How 'bout you?

As they pass, we notice that Chuck turns back to look at the man. The man walks into the mailroom and pulls out a memo and the note. He reads it and shakes his head.

Man: This is ridiculous.
Coworker: (Getting coffee and hearing the man react) What's ridiculous?
Man: This is the third note this week, and I've gotten at least a dozen before that. It's getting out of hand! Listen to this ... (he reads) "Hello again. I noticed you walking past me today. Nice move you got there. Someday, we're going to have some fun. Can't wait. Your friendly admirer."

**Legal Viewpoint**

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were this man, how would you respond in this situation?**

(State your organization's policy as it relates to this situation.)

Legally, it makes no difference if men harass men or if women harass women if the unwelcome conduct creates a hostile environment based upon the victim's sex. This repetitive note writing was based upon sex, and it created an abusive work environment for this man. This conduct is wrong and should be stopped.
Video Case Study 6- Touchy Typing

Show video to the next fade-to-black.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were Lisa, how would you respond in this situation?

3. Would it make any difference if the man were a supervisor instead of a coworker?

4. What steps should Lisa take now?

(State your organization’s policy as it relates to this situation.)

The courts have said that physical touching will more quickly create an illegal work environment than off-color jokes. Here, the woman let the harasser know that she wanted him to stop touching her. The best policy for the prevention of this kind of harassment is DON’T TOUCH AT WORK. Physical contact in the workplace can be unwelcome or misinterpreted. As in this case, physical touching could be considered sexual harassment.
Video Case Study 7 - The Temptress

Show video to the next fade-to-black.

SCRIPT
A woman struts through a warehouse. She's asking for attention and is getting it from the men in the area. She gets some catcalls and coyly smiles to those who have recognized her talents. She is wearing an extremely short leather skirt. She walks up to a male worker and stops just inside of his personal space.

Woman: Can you give me a hand? I've got some heavy boxes in my office that are just screaming for a strong man like you.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were this man, how would you respond in this situation?

3. What type of clothing do you feel is appropriate in the workplace?

4. What steps should this male worker take now?

(State your organization’s policy as it relates to this situation.)

This case probably would not be considered sexual harassment. The courts have said that the laws against harassment are not designed to eliminate every difference in the way that men and women routinely interact with members of the opposite sex. The woman clearly showed her approval to the male coworkers who had commented on and focused upon her looks. Still, a word of caution: a professional work environment should not feature or promote this type of interaction.
**Video Case Study 8–The Dating Game**

Show video to the next fade-to-black.

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**SCRIPT**

A man and woman are working together on a project. The man stares at the woman when she isn’t looking.

**Dana:** I can’t wait until this presentation is finally over. How do you think we’ll do?

**Scott:** So good that I think we should plan our celebration!

**Dana:** Confident, eh? Where should we do lunch?

**Scott:** Well, I was thinking about a dinner celebration.

**Dana:** Sounds a little cozy for a work celebration. Lunch will have to do.

**Scott:** Ah, Dana. When are you going to break down and go out with me?

Dana walks away from him, putting some personal space between them.

**Dana:** Scott, we’ve talked about this a million times. I don’t do the dating thing at work. I’ve tried it, and believe me, it’s a nightmare. Okay?

---

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were Dana, how would you respond in this situation?**

3. **Is there room in the workplace for romance?**

4. **What steps should Dana take now?**

(State your organization’s policy as it relates to this situation.)

---

**Legal Viewpoint**

This man is free to ask her out, and she is free to go or turn him down. However, it becomes illegal harassment when his requests are repetitive and obviously unwelcomed.
Video Case Study 9 - Hey, Look Me Over

Show video to the next fade-to-black.

**SCRIPT**

A woman walks into Jim's work area with several papers and drops off some files into an in-basket. She sees Jim.

**Woman:** Hi, Jim. How's it going?

**Jim:** Oh, looking good. How 'bout you?

**Woman:** Oh, pretty good, thanks.

She is attractive. Her clothing is professional but fitted and feminine. As she is putting the files into the in-basket, Jim stands behind her, “checking things out.” As she swings around, he very slyly begins to focus on something else.

**Woman:** Do you have a second to go over my new product schedule with me?

**Jim:** Sure.

**Woman:** I've got them here somewhere ...

She turns her back to Jim, and innocently bends over. Jim's eyes bend with her. She swings around. Jim, just in the knick of time, moves his eyes.

**Woman:** Here we go. I've got three new products coming up, and the first needs to be dropped on the 3rd. The second needs to be out by the 16th.

She is looking at her papers while talking. Jim tries to catch a glance of her front side. She catches him in the act, and she is very annoyed.

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were this woman, how would you respond in this situation?**

3. **What steps should this woman take now?**

(State your organization's policy as it relates to this situation.)

Legally, this single incident may not be sexual harassment. However, the courts have said that if this behavior continues and creates an abusive work environment, it will be illegal. Remember, if you feel you have been harassed, it is important that you tell the harasser that their actions, words or behaviors are offensive, and you should follow your organization's policies for reporting the illegal conduct.
Video Case Study 10- Majority Rules

Show video to the next fade-to-black.

<table>
<thead>
<tr>
<th>SCRIPT</th>
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<tbody>
<tr>
<td><strong>Woman:</strong> This is so stupid. Suppose us women decided we were going to put up Chippendales everywhere?</td>
</tr>
<tr>
<td><strong>Man:</strong> Hey, chill out. Look, it's a guy thing. You're surrounded by a lot of guys, and if you want to be part of the team, you're just going to have to be a lot less sensitive.</td>
</tr>
</tbody>
</table>

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were this woman, how would you respond in this situation?

3. What special problems can face women entering a traditionally male workplace?

4. What steps should this woman take now?

(State your organization’s policy as it relates to this situation.)

According to the law, suggestive pictures, posters, calendars or lewd cartoons that are unwelcome or uninvited can create a hostile work environment. Organizations that permit employees to engage in this conduct will be liable for harassment if the organization knew or should have known of the employees’ conduct.
Video Case Study 11- Prince Charming

Show video to the next fade-to-black.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were the receptionist, how would you respond in this situation?

3. Can customers, vendors or suppliers be held accountable for sexual harassment?

(State your organization’s policy as it relates to this situation.)

Sexual harassment of sales help or employees who deal with the public, particularly by customers, is one of the most troublesome problems to deal with. This receptionist faces the dilemma of offending a customer and potentially losing business. When she goes to her supervisor with this problem, which she ought to do, the supervisor is also in an awkward position. The law is clear— the receptionist should not be subjected, as a condition of her employment, to harassment from a customer. If a tactful way cannot be devised to handle Mr. Madison, the company may have no choice but to decline to do business with him.
Video Case Study 12–Something Is Different

Show video to the next fade-to-black.

SCRIPT
Ed walks up behind Kim, who is at the copy machine.
Kim: Oh, hi, Ed.
Ed: Kimmy, you look great today. Blue is your color.
Kim: Well, thank you very much.
Ed: (Getting comfortable, and decides to start a game). There’s something different about you. Did you get your hair cut?
Kim: No.
Ed: (Leaning closer to smell her perfume) Different perfume?
Kim: No.
Ed: What is it? Something’s different.
Kim: Nothing, Ed. Go away so I can get some work done.
Ed: I’ve got it. You’re bigger.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were Kim, how would you respond in this situation?

3. What steps should Kim take now?

(State your organization’s policy as it relates to this situation.)

Legal Viewpoint

Offensive, obscene gestures can cause a sexually hostile work environment. Repeated behavior like this could create a hostile work environment for this woman. The courts have made it clear that isolated teasing or even simple rudeness is not sexual harassment. Jokes, off-color comments, and sexual acts can become illegal if they are severe, they are directed at a person because of their sex, and they negatively affect a person’s employment.
Video Case Study 13- Food Fight

Show video to the next fade-to-black.

SCRIPT
A waitress is restocking the salad bar. Her manager notices her activity.
Manager: Ya know, you handle cucumbers better than anyone I've seen.

1. Could this situation be considered sexual harassment? Why or why not?
2. If you were the waitress, how would you respond in this situation?
3. What steps should the waitress take now?

(State your organization's policy as it relates to this situation.)

This unprofessional conduct could be illegal if it is repetitive and causes a hostile, abusive work environment. Further, if a supervisor does the harassment and it produces a tangible, adverse employment action for the victim, such as a demotion or discharge, even if an employer is unaware of the harassment, the organization can still be held legally responsible. As such, the law clearly places a heavy burden upon employers to educate, train and warn managers not to engage in illegal conduct.
Vignettes for Manufacturing Environments
Video Case Study 1—The Word Game

Show video to the next fade-to-black.

**SCRIPT**

**Bill:** (on intercom) Lucy Thompson, come to the office, please.
**Lucy:** Hey, Bill. Did you want me?
**Bill:** Do I want you? (laugh) Of course I want you, but we can talk about that later. Right now I just got a couple of questions about your time card.
**Lucy:** You know, Bill, comments like that kinda bug me.
**Bill:** Well, just lighten up.

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were Lucy, how would you respond in this situation?**

3. **Can you think of any other sexual innuendoes or comments you’ve encountered in the workplace?**

4. **What steps should Lucy take now?**

(State your organization’s policy as it relates to this situation.)

Although this man’s words weren’t sexual, what he said had sexual implications. According to law, sexual innuendoes and conversations that imply sexual meaning are just as unlawful as using direct sexual language. Also, the female communicated that she didn’t like his comments. To be considered sexual harassment, the objectionable conduct must be unwelcome by the victim. Usually, one comment or action isn’t severe enough to be harassment. Typically, harassment is a pattern of repeated behaviors or words that interferes with a person’s work. Obviously, this woman had been the target of similar comments before, and this example could be considered hostile work environment sexual harassment.
Video Case Study 2–All in Fun

Show video to the next fade-to-black.

**SCRIPT**

Three men sit talking. Janelle walks to the candy machine. She is a nice-looking blonde. The guys notice and yell out to her.

Bob: Janelle, come here for a second.
Russ: Yeah, make yourself comfortable. We got some questions to ask you.
Glen: Yeah, some questions.
Janelle: What are you guys up to?
Bob: Well, we just wanted to know if you knew what the mating call of a blonde is?
Bob: I'm sooo drunk.
Janelle: Ha, Ha! That's what I sat down for?
Russ: Okay, Okay. Tell us why blondes smile during a lightning storm?
Bob: They think they're getting their picture taken!
Glen: No, seriously. How do you know if a blonde is enjoying herself sexually?
Bob: They drop their nail file. What does a blonde “you” and a 747 have in common.

Janelle rolls her eyes and gets up to leave. The guys are still laughing in the background.

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were Janelle, how would you respond in this situation?**

3. **Is it illegal to tell jokes and laugh in the work environment?**

4. **Would it make a difference if, the day before, Janelle told ethnic jokes to the same group of people?**

5. **What steps should Janelle take now?**

(State your organization’s policy as it relates to this situation.)

**Legal Viewpoint**

In this case, the off-color and demeaning jokes told by the men were upsetting to the woman, and the men knew it. It is also clear that their comments were only directed at females. They created a hostile work environment for the woman. According to law, this could be considered sexual harassment.
Video Case Study 3 - The Fan

Show video to the next fade-to-black.

<table>
<thead>
<tr>
<th>SCRIPT</th>
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</thead>
<tbody>
<tr>
<td>Whistle/catcall in the background.</td>
</tr>
<tr>
<td><strong>Woman:</strong> Hey, boss.</td>
</tr>
<tr>
<td><strong>Johnson:</strong> Got yourself a fan today, huh?</td>
</tr>
<tr>
<td><strong>Woman:</strong> I can't stand that.</td>
</tr>
<tr>
<td><strong>Johnson:</strong> Yeah. Got another work order here.</td>
</tr>
<tr>
<td>Johnson walks off. Woman looks hurt.</td>
</tr>
</tbody>
</table>

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were this woman, how would you respond in this situation?

3. Do you think this woman invited sexual harassment by the way she dressed?

4. What steps should this woman take now?

(State your organization's policy as it relates to this situation.)

Legal Viewpoint

Perhaps you might think that the woman desired to be whistled at by the way she walked and dressed. However, a person's walk, dress or mannerisms are generally not an excuse for sexually harassing behavior. Also note that this woman's supervisor was clearly aware of the incident. Legally, the supervisor should have reacted and immediately stopped the harassment. Failure to act could be viewed as excusing or even encouraging the illegal behavior.

While the courts have made it clear that isolated teasing or even simple rudeness is not sexual harassment, jokes, off-color comments, and sexual acts can become illegal if they are severe, they are directed at a person because of their sex, and they negatively affect a person's employment.
Video Case Study 4–The Stud

Show video to the next fade-to-black.

<table>
<thead>
<tr>
<th>SCRIPT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Woman:</strong> Hey, you big stud! How’s it hanging today?</td>
</tr>
<tr>
<td><strong>Man:</strong> Excuse me? (embarrassed)</td>
</tr>
</tbody>
</table>

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were this man, how would you respond in this situation?**

3. **In this situation, the two people are coworkers. Would it make a difference if one was a manager and the other was not? Why?**

(State your organization’s policy as it relates to this situation.)

Sexual harassment? If this is an isolated incident, probably not. The courts have said that, to be sexual harassment, actions and comments must be both objectively and subjectively offensive. Here, one comment probably does not meet that standard. Still, this case certainly is an example of very poor judgment and conduct that could develop into illegal harassment.
Video Case Study 5–Locker Talk

Show video to the next fade-to-black.

**SCRIPT**

Bob: Hey, Sammy, heard ole Jeff asked you out the other day.
Sam: Get off my back.
Jim: Sounds like he's got it bad for ya.
Sam: Look, he's just a guy like everyone else, you know.
Bob: Sure, sure. Just a guy like everybody else!
Jim: Except he likes guys. Maybe guys like you, Sammy.
Bob: Maybe we could double-date!

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were Sam, how would you respond in this situation?**

3. **What steps, if any, should Sam take now?**

(State your organization’s policy as it relates to this situation.)

Same-sex harassment— that is, men harassing men and women harassing women—is also illegal. Further, the law is clear that the harassing conduct does not need to express sexual desire or sexual affection to be illegal. Here the constant badgering and sexual innuendoes created a hostile work environment. This man's coworkers have humiliated him based solely upon his sex—clearly these abusive comments would not have been made to females.
Video Case Study 6 - Relax

Show video to the next fade-to-black.

1. Could this situation be considered sexual harassment? Why or why not?
2. If you were Lisa, how would you respond in this situation?
3. Would it make a difference if the man were a supervisor instead of a coworker?
4. What steps should Lisa take now?

(State your organization’s policy as it relates to this situation.)

The courts have said that physical touching will more quickly create an illegal work environment than off-color jokes. Here, the woman let the harasser know that she wanted him to stop touching her. The best policy for the prevention of this kind of harassment is DON’T TOUCH AT WORK. Physical contact in the workplace can be unwelcome or misinterpreted. As in this case, physical touching could be considered sexual harassment.
Video Case Study 7 - Strong Man

Show video to the next fade-to-black.

SCRIPT
A woman struts through a warehouse. She's asking for attention and is getting it from the men in the area. She gets some catcalls and coyly smiles to those who have recognized her talents. She is wearing an extremely short leather skirt. She walks up to a male worker and stops just inside of his personal space.

Woman: Can you give me a hand? I've got some heavy boxes in my office that scream for a big strong man like you.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were this man, how would you respond in this situation?

3. What type of clothing do you feel is appropriate in the workplace?

4. What steps should this male worker take now?

(State your organization's policy as it relates to this situation.)

This case probably would not be considered sexual harassment. The courts have said that the laws against harassment are not designed to eliminate every difference in the way that men and women routinely interact with members of the opposite sex. The woman clearly showed her approval to the male coworkers who had commented on and focused upon her looks. Still, a word of caution: a professional work environment should not feature or promote this type of interaction.
Video Case Study 8–The Dating Game

Show video to the next fade-to-black.

SCRIPT

A man and woman are working on some big valves. The woman studies the man when he bends over to tighten a bolt.

Scott: I’ll be glad when this place is back up running. It’s been too much overtime for me.

He looks up.

Dana: We should celebrate.

Scott: Arnie’s for lunch?

Dana: I was thinking more along the lines of a nice dinner somewhere. Scott looks a bit wary and tries to steer the course of this conversation in a different direction.

Scott: No. Let’s just do lunch.

She gives him her best innocent look.

Dana: Ah, Scott, c’mon. When are you gonna take me out, huh?

Scott: Look, Dana, like I told you before, I don’t date people I work with. It doesn’t work, okay?

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were Scott, how would you respond in this situation?

3. Is there room in the workplace for romance?

4. What steps should Scott take now?

(State your organization’s policy as it relates to this situation.)

This woman is free to ask him out, and he is free to go or turn her down. However, it becomes illegal harassment when her requests are repetitive and obviously unwelcome.
Video Case Study 9 - Hey, Look Me Over

Show video to the next fade-to-black.

SCRIPT
A woman walks into Jim's work area with several papers and drops off some files into an in-basket. She sees Jim.

Woman: Hi, Jim. How's it going?
Jim: Oh, looking good. How 'bout you?
Woman: Oh, pretty good, thanks. Do you have a second to go over my new product schedule with me?
Jim: Sure.
Woman: I've got them here somewhere...
She turns her back to Jim and innocently bends over. Jim's eyes bend with her. She swings around. Jim, just in the nick of time, moves his eyes.

Woman: Here we go. I've got three new products coming up, and the first needs to be dropped on the 3rd. The second needs to be out by the 16th.
She is looking at her papers while talking. Jim tries to catch a glance of her front side. She catches him in the act, and she is very annoyed.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were this woman, how would you respond in this situation?

3. What steps should this woman take now?

(State your organization's policy as it relates to this situation.)

Legal Viewpoint

This single incident may not be sexual harassment. However, the courts have said that if this behavior continues and creates an abusive work environment, it will be illegal. Remember, if you feel you have been harassed, it is important that you tell the harasser that their actions, words or behaviors are offensive. You should follow your organization's policies for reporting the illegal conduct.
Video Case Study 10 - Company Mascot?

Show video to the next fade-to-black.

**SCRIPT**

**Woman:** This is so stupid. Suppose us women decided we were going to put up Chippendales everywhere?

**Man:** Hey, chill out. Look, it's a guy thing. You're surrounded by a lot of guys, and if you want to be part of the team, you're just going to have to be a lot less sensitive.

1. **Could this situation be considered sexual harassment? Why or why not?**

2. **If you were this woman, how would you respond in this situation?**

3. **What special problems can women face entering a traditionally male workplace?**

4. **What steps should this woman take now?**

(State your organization's policy as it relates to this situation.)

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**Legal Viewpoint**

According to the law, suggestive pictures, posters, calendars or lewd cartoons that are unwelcome or uninvited can create a hostile work environment.

Organizations that permit employees to engage in this conduct will be liable for harassment if the organization knew or should have known of the employees' conduct.
Video Case Study 11- Customer Conflict

Show video to the next fade-to-black.

**SCRIPT**

**Betty:** Lou, didn’t you pick up your order yesterday?

**Lou:** Yes, I did. But I just stopped by to ask the prettiest little parts gal around to dinner.

**Betty:** Lou, you know better.

**Lou:** A big filet mignon, a little dancing— what could be better?

**Betty:** I’ve got to get this order in right away.

**Lou:** Not so fast. You know I like it slow. So, tell me, honey, are you in love with somebody or something?

**Betty:** Excuse me, but this order can’t wait.

**Lou:** Go ahead, I’ll wait. If I can’t, maybe I’ll tell your boss I gotta take my business to where people are more friendly.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were this woman, how would you respond in this situation?

3. Can customers, vendors or suppliers be held accountable for sexual harassment?

4. What steps should this woman take now?

(State your organization’s policy as it relates to this situation.)

**Legal Viewpoint**

This person is not an employee or coworker. Yet his man is clearly creating a hostile work environment. The law is clear. Even an outside third party--someone who is not an employee but who is working with the organization’s employees--can cause sexual harassment. An organization can be liable if it knew or should have known of the harassment. In cases like this, the victim should immediately let their supervisor know that the harassment is going on.
Video Case Study 12 - The Dog

Show video to the next fade-to-black.

**SCRIPT**

Jean: What’s the matter?
Jean looks in the same direction as Sally. Her face also goes sour. The man makes a purposeful lewd gesture to them when he sees them looking at him.
Jean: He makes me sick!
Sally: Just ignore him.
Jean: Yeah right, like he'd let us. It's perverted. Always some kind of sex thing. Never says a word. Just laughs about it with the other guys.
Sally: If I were you, I would tell him to knock it off.
Jean: Oh, believe me, I have--just makes it worse.

1. Could this situation be considered sexual harassment? Why or why not?

2. If you were these women, how would you respond in this situation?

3. What steps should these women take now?

(State your organization’s policy as it relates to this situation.)

Repeated offensive, obscene gestures that cause a hostile work environment could be considered sexually harassing conduct. The woman was upset by the way this man acted, and it had happened more than once. She had told him that she didn't like it. This is likely a case of sexual harassment. The woman should follow the employer’s procedures and take proactive steps to stop this behavior. The courts have said that an employee who is a victim of harassment must take advantage of opportunities provided by the employer to stop and prevent sexual harassment. Preventative conduct would include learning and following your employer’s policies for reporting the illegal conduct.
Vignettes for Health-Care Environments
Video Case Study 1 - The Word Game

Show video to the next fade-to-black.

**SCRIPT**

A male nurse and a male physician's assistant (PA) are visiting with each other while they update charts. Rosa, a female nurse, is working nearby.

**Male Nurse:** Hey, have you seen the patient in 412?

**PA:** 412? (Thinks for a second, then smiles.) Oh yeah, 412!

Rosa is overhearing the conversation.

**PA:** Is she yours?

**Male Nurse:** Yeah, she's one of mine. You should see her “charts.”

**Rosa:** Oh, brother.

**Male Nurse:** What's wrong, Rosa? You shouldn't be jealous. You've got pretty nice charts yourself.

Both men laugh. Rosa shows an expression of disgust and walks off.

1. **Do you think these types of conversations are common in the medical field? Why or why not?**

2. **If you have witnessed one of these conversations, were you offended? Did you think the comments were harmless? What action did you take?**

3. **How do you think the patient in room 412 would feel if she heard or was told about this conversation?**

4. **If Rosa is offended, what should she do now to prevent similar situations in the future?**

(State your organization's policy as it relates to this situation.)

**Legal Viewpoint**

Although this man's words were not specifically sexual, what he said has sexual implications. According to the law, sexual innuendoes in conversations that imply sexual meaning are just as unlawful as using direct sexual language.

Usually, one comment or action isn't considered harassment. Typically, illegal harassment is a pattern of repeated behaviors or words that interfere with a person's work. If these unwelcome comments continue, this example could become hostile work environment sexual harassment.
Video Case Study 2—Great Opportunity?

Show video to the next fade-to-black.

1. Many organizations have rules against interoffice dating. Do you think coworkers should be able to date one another? Why or why not?

2. What unique problems are involved when someone in a superior position dates someone in a subordinate position within the same organization?

3. If Dr. Fuller hadn't mentioned the new job position, would this be considered harassment? Why or why not?

4. If Jim turns down the invitation and no further action is taken by Dr. Fuller, would this still be sexual harassment? Why or why not?

(State your organization's policy as it relates to this situation.)

When Dr. Fuller asked Jim out for the weekend, that request alone didn't violate any laws. A simple request for a date is not harassment. However, a promotion was tied to his acceptance of his supervisor's romantic invitation. If a supervisor harasses an employee and there is a tangible adverse employment action, such as a demotion or discharge, or where a promotion is tied to consent to the harassment, the organization will be automatically liable for the supervisor's harassing conduct. As such, the law clearly places a heavy burden upon employers to educate, train and warn all employees, particularly supervisors, to avoid harassing conduct.
Video Case Study 3- A Touchy Situation

Show video to the next fade-to-black.

**SCRIPT**

The two pharmacists, Jan and Lawrence, are behind the counter. Jan is filling an order, and Lawrence is on the phone.

**Lawrence:** (On phone) It'll be about an hour. (listens) Okay, see you then. Bye. (He hangs up the phone and walks over to Jan.) It's been a long day.

**Jan:** Yeah, tell me about it.

Lawrence moves in back of her as she works.

**Lawrence:** You know, I've been meaning to tell you, I really love what you've done to your hair.

He reaches up and runs his fingers through her hair. Jan appears startled and uncomfortable with his actions.

**Jan:** Please don't do that.

He continues running his fingers through her hair.

**Lawrence:** Hey, relax. I'm just trying to pay you a compliment.

Jan pulls away from him.

1. **As coworkers, Jan and Lawrence are probably good friends. Do you think it was inappropriate for Lawrence to assume he could run his fingers through Jan's hair?**

2. **If Lawrence's intentions were innocent, what should he do now to repair his working relationship with Jan?**

3. **After this encounter, boundaries have clearly been set. What should Jan do if the situation occurs again?**

4. **Do you think this situation occurs often in the workplace? Do you think it is a big problem? Why or why not?**

(State your organization's policy as it relates to this situation.)

The courts have said that physical touching will more quickly create an illegal work environment than off-color comments or jokes. Physical contact in the workplace is clearly unprofessional. It is usually unwelcome, and it can often create a sexually harassing work environment. In this case, the woman clearly let the harasser know that she wanted him to stop touching her. Because he continued, this could be sexual harassment. The best policy for prevention of this kind of sexual harassment is simple; unless you are doing a clinical procedure which requires physical contact, DON'T TOUCH ANYONE AT WORK. Physical contact in the workplace can be both unwelcome and misinterpreted.
Video Case Study 4 – Picture This

Show video to the next fade-to-black.

**SCRIPT**

Laurie enters the room. Roy, the male patient, is visiting with two of his buddies, Steve and Travis. It is obvious that they have just given him a gift of a pin-up calendar. Laurie walks over and begins to change his IV.

Roy: Thanks for the present, guys. Miss August here is the girl of my dreams.
Steve: Yeah, in your dreams.

The men laugh. Roy holds the calendar up for Laurie.

Roy: What do you think, nurse? Is she too good for me?
Laurie seems uncomfortable with the calendar and the question.

Laurie: I really wouldn’t know.

Kathy, the supervisor, walks by the door where she can see and hear what’s going on.

Travis: I’ll put it up here on the wall, Roy. You can use it as inspiration to get well.

Disgusted by the picture, Laurie walks out of the room.

1. Do you think this situation occurs often? Were you aware that you were protected from the actions of patients?

2. In your experience, do you think management would be supportive of a worker in this situation? Why or why not?

3. How do you think Laurie feels about Kathy’s reaction? How will this affect her performance? attitude?

4. What action would you take if you were Laurie? Why? Do you think it is okay to ignore the situation?

(State your organization’s policy as it relates to this situation.)

**Legal Viewpoint**

Three important points should be stressed in this situation. First: Even though this patient and his friends were not employees or coworkers of the nurse, they still created a hostile and offensive work environment. The law is clear. Even the actions of third parties or nonemployees can create a sexually hostile work environment. Your organization can be liable if it knew or should have known about the harassment and failed to stop it. This brings us to the second important point: The nurse’s supervisor clearly observed the situation. Legally, the supervisor should have reacted and immediately stopped the harassment. Failure to act could be viewed as excusing or even encouraging the illegal behavior. According to the law, the display of suggestive pictures, posters, calendars or lewd cartoons can be just as illegal as offensive sexual comments. Facilities that allow such conduct could be liable for sexual harassment.
Video Case Study 5 - Let's Stick Together

Show video to the next fade-to-black.

SCRIPT
Bob, a hospital volunteer, pushes a cart filled with books and magazines down the hallway. Jene, a candy striper carrying an arrangement of flowers, walks by going in the opposite direction. As she passes, he whistles at her. She glances back with an offended look then ignores him and walks into a patient's room.

Bob: (To himself) I guess I know my next stop. He turns his cart around and heads into the same room as the candy striper.

Bob: Hey, Jene, have you ever played “Candy Striper and the Librarian?”

Jene: Look, Bob, I think I’ve made it clear that I’m not interested. And I really don’t appreciate you following me around like this every weekend.

Bob: Hey, don’t get so uptight. I just think volunteers have to sort of stick together... especially you and me.

Upset, Jene walks out of the room.

1. Do you think your organization is concerned about protecting the rights of its volunteers? Why or why not?

2. Do you think using volunteers creates too much of a liability for your organization? Does the risk outweigh the benefits?

3. Do you think your organization would take a complaint from a volunteer as seriously as it takes a complaint from an employee?

4. Since there are no witnesses to this encounter, it will be her word against his. What do you think should or would happen in this situation?

(State your organization’s policy as it relates to this situation.)

Here we have a situation where the parties involved are technically not employees of the hospital because they are both volunteers. Still, everyone has the right to be treated professionally and with respect at work. As volunteers, they are providing needed services for the employer. Even if they are not compensated, volunteers should still be able to work in a non-threatening environment. In this case, the man’s requests had become repetitive, and the woman did not welcome his demands for a date. He was creating a hostile work environment. Even as a volunteer, she should follow her hospital’s procedures and report the objectionable conduct.
Video Case Study 6–Just a Joke?

Show video to the next fade-to-black.

**SCRIPT**

Two male residents, Tim and Barry, and a female scrub nurse, Susan, are scrubbing for surgery.

**Barry:** Oh, I heard some great nurse jokes. (Susan rolls her eyes.)

**Susan:** (Sarcastically) Oh, swell.

**Barry:** What's the nurses' mating call?

**Tim:** What?

**Barry:** (Imitating a cash register) Ka-ching, ka-ching!

The guys laugh. Susan, annoyed, just shakes her head.

1. **If Susan had not been in the room, would the men's behavior have been okay? Is “locker room” talk appropriate for a pre-op situation?**

2. **Do you think Susan overreacted? Should she have ignored the men or tried to be a good sport by telling some jokes herself? Why or why not?**

3. **In this situation, the law would consider this to be a hostile environment situation. That aside, do you also think the men's behavior was unprofessional? Or is banter and humor just a natural part of any workplace? What are your thoughts?**

(State your organization's policy as it relates to this situation.)

The courts have made it clear that isolated teasing or even simple rudeness is not sexual harassment. However, sexual jokes, off-color comments, and sexual acts can become illegal if they are severe, they are directed at a person because of their sex, and they negatively affect a person's employment. It is clear that these sexual jokes would have been offensive to a reasonable person, and they did offend this woman. The men continued telling the jokes, creating an illegal hostile work environment.
Video Case Study 7 - The Healing Touch?

Show video to the next fade-to-black.

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**SCRIPT**

A male orthotech is removing a post-op cast from the arm of Liz, an attractive female patient.

**Orthotech:** I bet you’re really glad to finally be getting this cast off.

**Liz:** That’s for sure.

**Orthotech:** Okay, now go ahead and bring your arm out.

As he does this, he follows proper procedure, putting one hand under her armpit and abducts her arm with the other. As he does this, he slides the hand that is under her armpit downward, inadvertently brushing across her breasts. Liz reacts with a start.

**Liz:** Hey! What do you think you’re doing?

---

1. **What should the orthotech do in this situation to try to recover from his mistake?**

2. **What, if anything, do you think will happen to the orthotech? What do you think should happen?**

3. **Have you ever worked with a patient who was uncomfortable with being touched? What do you think is the best way to handle it?**

4. **It is common for health-care workers to want to create small talk when providing care to help ease tension and help the patient feel comfortable. What do you think safe topics of conversation are? (Examples: weather, sports, etc.)**

(State your organization’s policy as it relates to this situation.)

---

**Legal Viewpoint**

Is this sexual harassment? Probably not. It appeared that the physical contact, which the patient found disturbing, was truly unintentional and incidental to the health-care procedure. Remember, in a health-care setting, physical contact with patients or others is often not only unavoidable; it’s part of the job. So how do you avoid an uncomfortable situation such as the one we have just seen? It is always a good idea to clearly explain to a patient what you are going to be doing during a procedure, particularly if there could be any physical contact. By doing so, the patient will be forewarned if any incidental contact does occur.
Exercise from the Book Stopping Sexual Harassment Before It Starts

Time Required:
- 20 minutes

Materials Needed:
- Media How-To Book—Stopping Sexual Harassment Before It Starts

Objective:
- To learn how to prevent sexual harassment.

1. Distribute the book Stopping Sexual Harassment Before It Starts to each participant.

2. Ask participants to read Chapter 5, Preventing Sexual Harassment. This reading provides information on methods and practices an organization can adopt to prevent sexual harassment.

3. When participants have finished the reading, turn to page 89 and complete the Chapter 5 Review as a group. Read each question aloud and answer and discuss as a group.
Training Review

Time Required:
- 20 minutes

Materials Needed:
- None

Objective:
- To review the training points learned in this session.

1. Divide participants into small groups.

2. Ask each participant to think of a situation they have witnessed that may be considered sexual harassment and share it with the other members of their group.

3. Have each discuss the situations.

4. Ask each group to decide how they would handle the situation if it happened again.

5. Have one member from each group describe one of their situations and how they decided to handle it.

6. Offer suggestions if their actions are not in line with your organization’s policy.
Posttraining Survey

Time Required:
- 15 minutes

Materials Needed:
- Copies of the Posttraining Survey for each participant

Objective:
- To measure how well participants are retaining information.

1. Read or paraphrase the following:
   This worksheet is designed to evaluate the effectiveness of this training session. In no way will it be used to penalize you.

2. Distribute the Posttraining Survey and give participants time to complete it. Discuss the questions below.

1. What is sexual harassment?
   Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
   - Submission to such conduct by an individual is made explicitly or implicitly a term or condition of employment.
   - Submission to or rejection of such conduct by an individual is used as the basis for an employment decision.
   - Such conduct has the purpose or effect to interfere with an individual’s work performance or create a hostile or intimidating environment.

2. If you are sexually harassed, what should you do?
   (Trainer should state organization’s policy here.)

3. What are the two main types of sexual harassment?
   Quid pro quo and hostile environment.

4. What can you do to protect yourself from sexual harassment?
   Conduct yourself in a businesslike manner, dress appropriately, become familiar with your right to work in an environment free from discrimination based on sex, be prepared to assert these rights, become acquainted with your organization’s policy and procedures for reporting harassment, take a few minutes to stop and decide ahead of time what kind of action you would take if you were harassed.

5. What are some of the effects of sexual harassment?
   Lost motivation, lost morale, lawsuits, negative (or hostile) environment.
Acknowledgement of Sexual Harassment Training

Time Required:
• 5 minutes

Materials Needed:
• One copy of the Acknowledgement of Sexual Harassment Training for each participant
• One copy of the Session Evaluation Form for each participant

1. Pass out the Acknowledgement of Sexual Harassment Training to the participants, and read or paraphrase the following:
   Sexual harassment will not be tolerated in our work environment. Let’s take a moment to review our organization’s policy once again concerning sexual harassment.

   By signing and acknowledging your training here today, we are confident that sexual harassment is on the way to being obsolete in our organization. This acknowledgement will be kept in your employment file in the human resources department (or with the appropriate person).

2. Give them time to read and sign the statement.

3. Collect the statements and forward them to your human resources department or the appropriate person.

4. Hand out the Session Evaluation Form. Allow participants five minutes to complete it.
Optional Exercise for the Sexual Harassment Desk Reference Guide

Time Required:
• 15 minutes

Materials Needed:
• Desk Reference Guides

Objective:
• To familiarize participants with an easy-to-use desk reference.

1. Read or paraphrase the following:
   These Guides contain basic information to help you learn to identify all forms of sexual harassment and understand the steps you should take to prevent, stop or report sexual harassment.

   You may wish to write our organization's policy on sexual harassment inside the front cover so that you always have quick access to it. Most importantly, remember that everyone has the right to work in an environment free from sexual harassment.

2. Choose the alternative method for using the Sexual Harassment Desk Reference Guide that best meets the needs of your participants.

   **Alternative 1:**
   You may wish to distribute the Guides and review a few sections with your participants as part of your session, allowing time for questions and discussion.

   **Alternative 2:**
   You may wish to distribute the Guides to participants following your session for their personal reference.

   **Alternative 3:**
   You may wish to distribute the Guides to participants following the session and have them discuss the materials in a refresher course.

3. Pass out the Guides to your participants.

* Call your training consultant at 1-888-776-8268 to purchase Desk Reference Guides for your training session.
Follow-Up Memo

The memo below should be personalized and sent to each participant one to two weeks after your training session. By following up in this manner, you will give your participants the opportunity to review and utilize what they have learned in their work environment.

(Today's Date)

TO: (Participant's Name)  
FROM: (Trainer's Name)  
RE: Sexual Harassment: Is It or Isn't It? Training Session

Earlier this month, you attended a training session in which we talked about recognizing and responding to sexual harassment. During the training session, you learned how to:

- Define sexual harassment and offensive behaviors that can be considered harassment.
- Identify the effects that harassment has on people.
- Examine personal feelings about sexual harassment.
- Recognize that sexual harassment of any type is a form of discrimination and cannot be tolerated.
- Discuss your organization's policies and procedures related to sexual harassment.

If you would like to continue your own self-study on sexual harassment, you are welcome to contact me or (name/department) for use of the Sexual Harassment: Is It or Isn't It? video, the Stopping Sexual Harassment Before It Starts self-study book, and other materials we have on recognizing and preventing sexual harassment.

Our hope is that you have been able to put the ideas you learned to work within your area. If you have any questions, please contact me at extension (###).
Sexual Harassment: Is It or Isn’t It?

Situations for Discussion

Participant Materials
**Pretraining Survey**

**Instructions:** Read each scenario and determine if the situation could be considered sexual harassment. Circle YES if it is and NO if it isn't. Be prepared to discuss your answers at the training session.

**YES—NO**  
Connie, a shop foreman, has known for some time about the affairs between some women and their bosses. Furthermore, these women have received perfect reviews, while other, more deserving employees did not. When Connie comes up for a promotion, it is made clear that “socializing” will be part of the new job. She rejects the offer and receives a poor performance appraisal and probation period and loses an opportunity for an increase in salary. Is Connie being sexually harassed?

**YES—NO**  
Jane works for a construction equipment company in their maintenance shop. Through the course of the working day, Jane is subjected to suggestive jokes, remarks and questions about a woman’s sexual behavior. She is “accidentally” touched repeatedly. Does such behavior by Jane’s coworkers constitute sexual harassment?

**YES—NO**  
In their monthly work group meetings, Mr. Blake always requires Liz to set up the meeting in the break room, provide coffee, and take notes. The work group consists of three supervisors: Liz, Tom and Jack. Is Mr. Blake discriminating against Liz?

**YES—NO**  
Kelley is hired by a company as a timekeeper. Upon reporting for work, she is presented with a uniform that she finds too tight. She objects but wears the uniform when she is told it is required for the job. For two days, Kelley is subjected to repeated abusive comments and suggestions by employees passing her office. When she complains, her employer orders her to wear the uniform or quit. Is this sexual harassment?

**YES—NO**  
Clare and Mark work for a welding company. They are often teamed together on special projects and spend a considerable amount of time together. Mark is attracted to Clare and has asked her out on several occasions. Clare repeatedly rejects his offer, but Mark believes in the theory that persistence will win out, so he keeps asking. Is Mark sexually harassing Clare?

**YES—NO**  
Max’s boss, Shirley, invites him to a bar after work to celebrate his record-breaking production rate. However, when he arrives, he discovers that she is seated at a very secluded table. After a brief discussion of his job performance and chance for a possible promotion, Shirley asks Max back to her house. Is Shirley sexually harassing Max?

**YES—NO**  
Linda is very attracted to her boss, Dan. Since they’re both single, she asks him over to her house for dinner. After a very pleasant evening and a few too many drinks, they wind up spending the night together. Could this be considered sexual harassment?
Posttraining Survey

Instructions: The questions listed below highlight key points from your Sexual Harassment: Is It or Isn't It? training session. Consider the questions and write your answers in the space provided.

1. What is sexual harassment?

2. If you are sexually harassed, what should you do?

3. What are the two main types of sexual harassment?

4. What can you do to protect yourself from sexual harassment?

5. What are some of the effects of sexual harassment?
Acknowledgement of Sexual Harassment Training

I acknowledge that on __________, ________, I attended sexual harassment sensitivity training entitled Sexual Harassment: Is It or Isn’t It?

I understand my organization’s policy on sexual harassment.

I also understand that:

1. I have the right to work in an environment free from sexual harassment.

2. I have the responsibility not to engage in behaviors that constitute sexual harassment.

3. If I feel I am being harassed, I have the right and responsibility to communicate this directly to the appropriate party.

_______________________________________________________
Signature

_______________________________________________________
Please Print Your Name Above

_______________________________________________________
Date

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# Session Evaluation Form
## Sexual Harassment: Is It or Isn’t It?

**Instructions:** Please circle the number that best describes your evaluation of the training session.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Uncertain</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
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</thead>
<tbody>
<tr>
<td>This training program concentrates on the importance of understanding sexual harassment on the job.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
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<tr>
<td>This training program helped me understand the seriousness of sexual harassment.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>As a result of this program, I am more confident in my ability to defend myself or act against any form of sexual harassment.</td>
<td>5</td>
<td>4</td>
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<td>2</td>
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<td>The objectives of the program were clearly presented.</td>
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<tr>
<td>Opportunities to ask questions and discuss issues were sufficient.</td>
<td>5</td>
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<td>The session was well organized.</td>
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<td>The best part of this program was:</td>
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<td>This program could be improved by:</td>
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<tr>
<td>I would recommend this session to others. (circle one)</td>
<td>Yes</td>
<td>No</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

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Sexual Harassment: Is It or Isn’t It?  
Situations for Discussion

Overheads
Session Objectives

• Define sexual harassment and offensive behaviors that can be considered harassment.

• Identify the effects that harassment has on people.

• Examine personal feelings about sexual harassment.

• Recognize that sexual harassment of any type is a form of discrimination and cannot be tolerated.

• Discuss our organization's policies and procedures related to sexual harassment.
Two Kinds of Sexual Harassment:

1. Quid Pro Quo

2. Hostile Environment
Common Questions

• What behavior is harassing?

• Why do people sexually harass others?

• Who harasses, and how can they be identified?

• What is the difference between sexual attraction and sexual harassment?
Common Questions

• Who are the most frequent victims of sexual harassment?

• Can a sexual harassment claim be made by an employee even if that employee consented to the sexual activity?

• What do most people want as a result of filing a sexual harassment claim?

• How can sexual harassment be prevented?