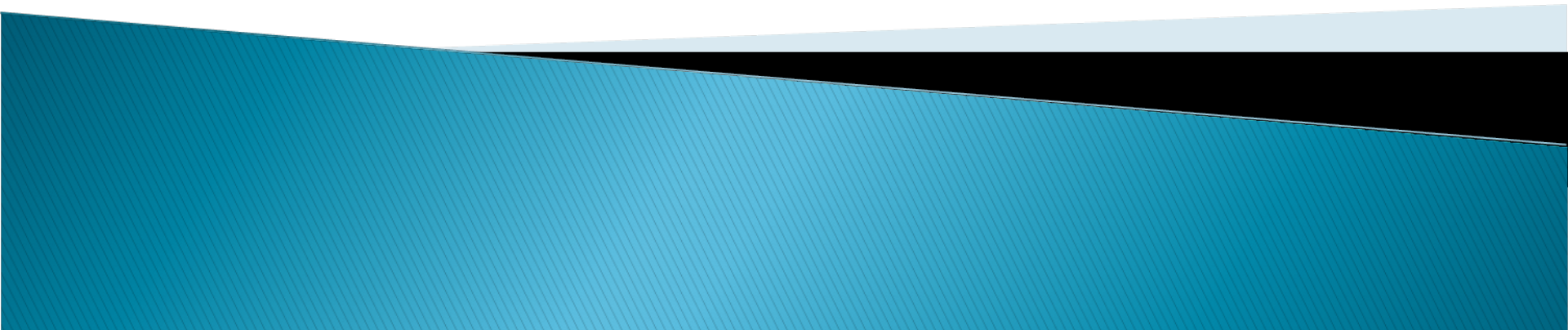


SEXUAL HARASSMENT IN THE WORKPLACE



Sexual Harassment



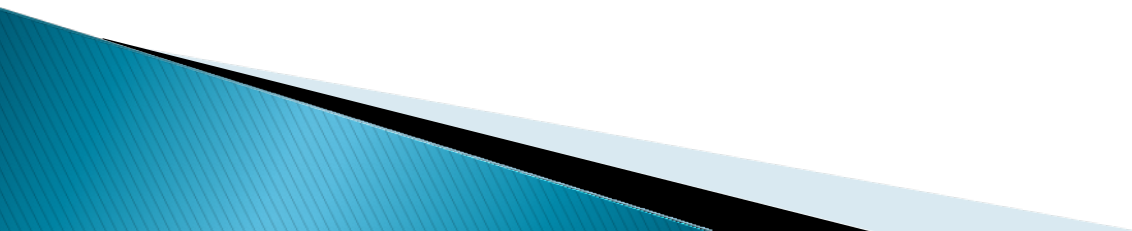
- The EEOC defines sexual harassment as follows:
- Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature constitute sexual harassment

See EEOC's web page at <http://www.eeoc.gov/>

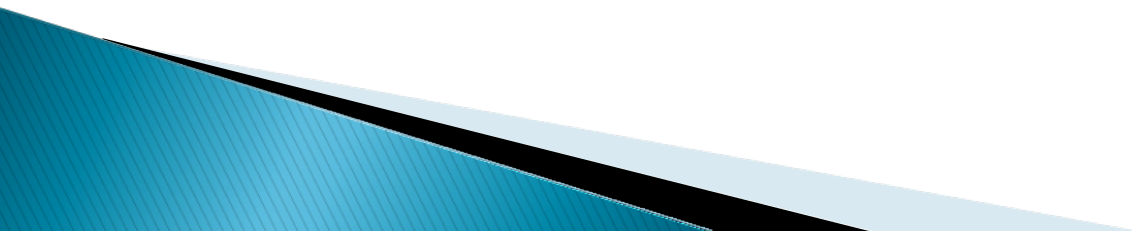
Sexual Harassment

- The phrase did not exist prior to 1964
- What exactly is sexual harassment?
 - Narrow Sense:
 - Unwelcome pressure on a person to engage in sexual activity
 - Broader sense
 - Hostile work environment

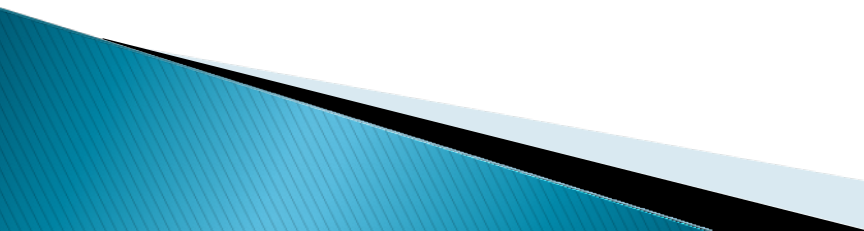
The Law on Sexual Harassment

- Title VII and the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, religion, and gender in all terms and conditions of employment.
 - Sexual harassment is a form of gender discrimination
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Two Types of Sexual Harassment

- EEOC guidelines define two types of sexual harassment
 - Quid Pro Quo
 - Hostile Work Environment
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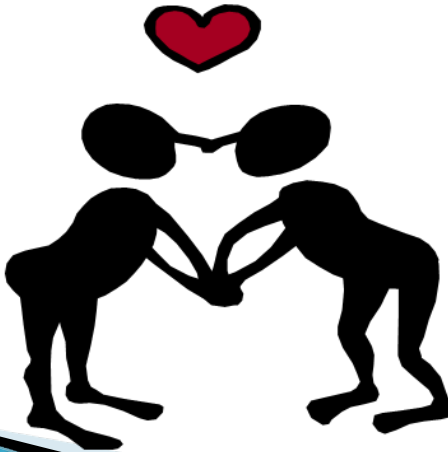
Examples of Quid Pro Quo

- “You can have the promotion if you sleep with me.”
 - Disciplining or discharging an employee who ends a romantic relationship.
 - Changing job performance expectations after employee refuses repeated requests for a date.
 - Failing or disciplining a student because he/she refuses a romantic relationship.
 - A teacher implying that a student may fail a course unless he or she grants sexual favors.
- 

Types of Sexual Harassment

- **Hostile Environment** – occurs when sexual or other discriminatory conduct is so severe and pervasive that it interferes with an individual's performance; **creates an intimidating, threatening, or humiliating work environment; or perpetuates a situation that affects the employee's psychological well-being.**
- The courts have ruled that hostile environment & sexual harassment can be created by supervisors, coworkers, or non-employees.

Understanding Third Party Offense



- Remember! If your behavior (verbal or non-verbal) with someone else is sexual in nature and such behavior results in others in the vicinity being made to feel threatened, intimidated, or uncomfortable, your behavior could be “perceived” as creating a hostile work environment.

Teacher Code of Ethics

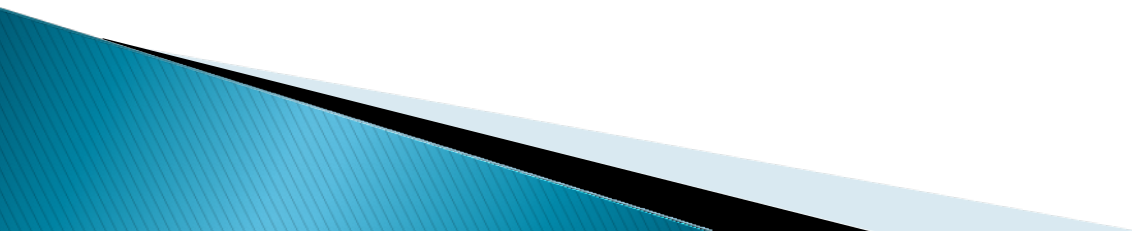
Standard 3.6

- The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor. (Any sexual relationship between a student and a District employee is always prohibited, even if consensual.) Policy DH Local

Hostile Work Environment

- The District can escape liability if it can show that it was not negligent in allowing the harassment to occur (Ellerth v. Burlington North Industries 1998).

Examples of Hostile Environment

- Off-color jokes or teasing
 - Comments about body parts or sex life
 - Leering, staring, or gesturing
 - Repeated requests for dates
 - Touching, brushes, pats, hugs, pinches
 - Assault
 - Sending inappropriate or offensive emails
- 

Can One Incident Constitute Sexual Harassment?



- In “quid pro quo” cases, the answer is yes **IF** it is linked to the granting or denial of a tangible employment action and/or benefit.
- A hostile work environment claim generally requires a showing of a pattern of offensive conduct. However, a single incident involving touching/physical contact may be sufficient to constitute a Title VII violation.

Sexual Harassment is Costly

- Causes Emotional Distress
- Lowers Productivity
- Lowers Morale
- Increases Employee Turnover Rates
- Increases Absenteeism
- Inhibits Growth and Creativity



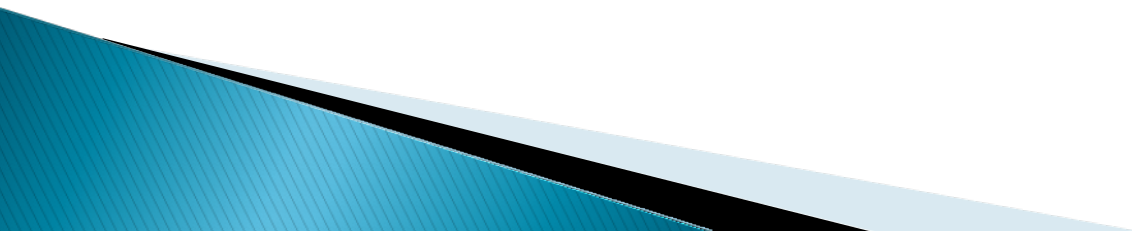
Can Verbal Remarks Constitute Sexual Harassment?

- Answer: YES
 - If the remarks were hostile/derogatory
 - If the alleged harasser singled you out
 - If you participated in the exchange

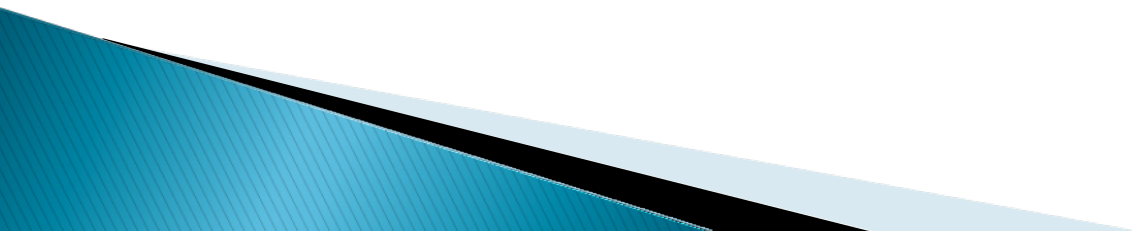
How Can You Tell if Conduct is Unwelcome?

- Conduct is *unwelcome* if the recipient did not initiate it and regards it as offensive.

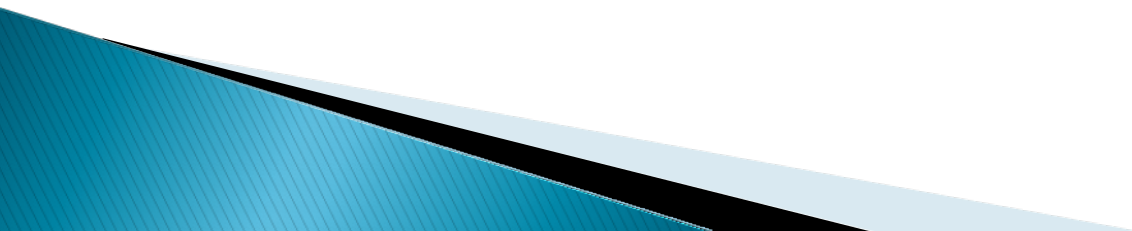
Examples of Sexual Harassment

- Staring at or looking someone “up and down”.
 - Spreading rumors about a person’s sexuality (heterosexual, homosexual, bisexual).
 - Questions about an individual’s sex life or sexual history.
 - Discussing your own or another person’s sex life.
 - Frequent jokes about sex, males or females.
 - A neck or shoulder massage.
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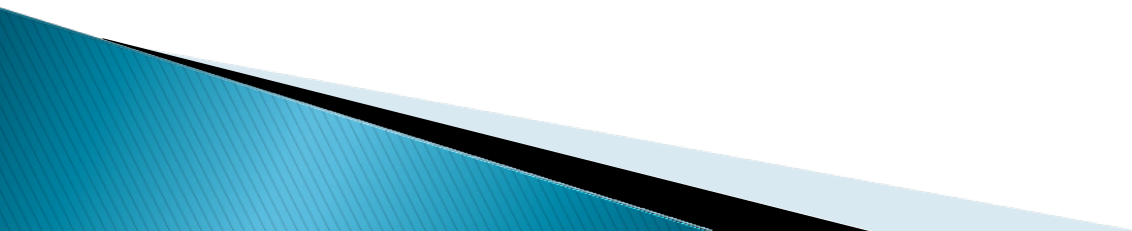
Physical

- Purposely bumping or hurting someone because of their sex, sexual orientation or gender
 - Pulling up, snapping, pulling down or grabbing another's clothing
 - Standing in someone's way, standing too close or staring at or stalking someone
 - Hugging, kissing, touching, grabbing or pinching
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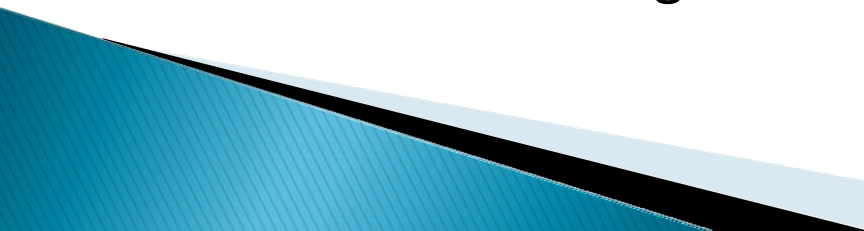
Verbal

- Pestering for dates
 - Making comments about a person's body, body parts or rating people's bodies
 - Spreading sexual rumors
 - Using insults, threats, slurs or sexual jokes that target someone's sex, sexual orientation or gender
- 

Visual

- Displaying pictures, posters, cartoons, drawings and computer generated images of a sexual nature
 - Writing notes, letters or graffiti that are sexually explicit
 - Making obscene gestures or suggestive body movements that are sexual in nature
- 

What behaviors might constitute student-to-student sexual harassment?

- A male student repeatedly taunts a female peer about her breasts.
 - Persistent requests for a date in an intimidating or threatening manner.
 - Female grabs and squeezes male's bottom
 - Male comments to female about her "hot body"
 - Female comments that another female has transmitted a STD to several males.
 - Two males pull down the pants of another male in front of the school building.
- 


Sexual Harassment by an Employee

- Sexual harassment of a student by a District employee includes:
 - Both welcome and unwelcome sexual advances;
 - requests for sexual favors;
 - sexually motivated physical, verbal, or nonverbal conduct;
or
 - communication of a sexual nature.

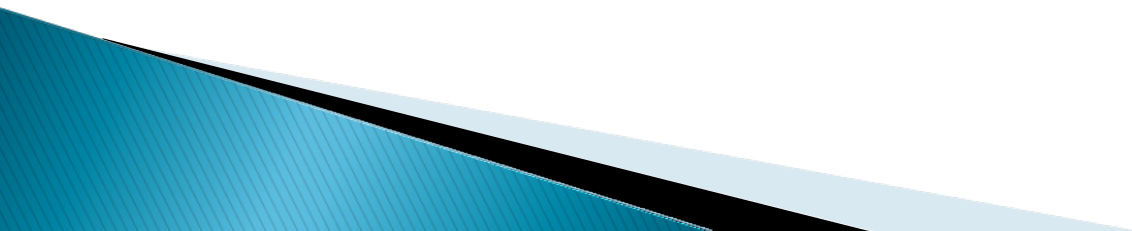


Sexual Harassment by an Employee

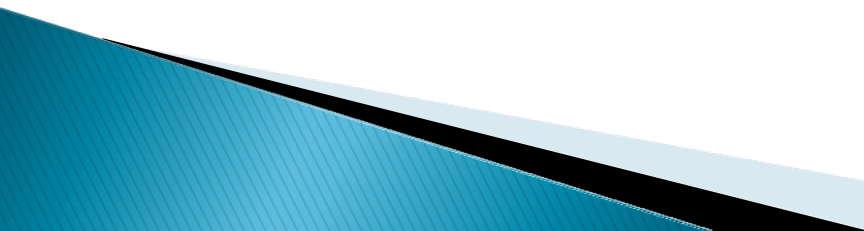
It is sexual harassment of a student when:

- Employee makes student believe he/she must submit to the conduct in order to participate in a school program or activity
 - Employee makes student believe the employee will make an educational decision based on whether or not the student submits to the conduct.
 - Conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in an educational program or activity.
 - Creates an intimidating, threatening, hostile, or abusive educational environment.
- 

Student Sexual Harassment by an Employee

- Romantic or inappropriate social relationships between students and District employees are prohibited.
 - Any sexual relationship between a student and a District employee is always prohibited, even if consensual.
- 

Student Sexual Harassment by Others

- Sexual harassment of a student, including harassment committed by another student, includes:
 - unwelcome sexual advances;
 - requests for sexual favors; or
 - sexually motivated physical, verbal, or nonverbal conduct
- 

In the Classroom



- Cues in the educational environment that sexual harassment may exist:
 - Changes in student's level of participation in class or school activity.
 - Student avoidance of a teacher, administrator, student, or other staff employee.
 - School bus incidents involving complaints of verbal or physical abuse.
 - Recurring disciplinary problems, e.g., the same students get sent to the principal's office for "bothering" females.

Would You Recognize Sexual Harassment?

VERBAL

- Sexual stories or questions about a person's sexual experiences or preferences
- Jokes
- Using "four-letter" obscenities
- Inappropriately commenting on a person's body and/or appearance
- Asking for dates
- Making suggestive sounds or whistling
- Calling someone names such as honey, doll, babe; stud, hunk

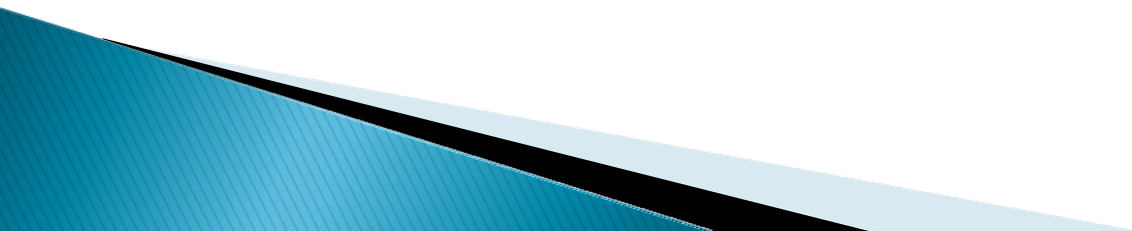
NON-VERBAL

- Staring at a person
- Following or blocking a person
- Showing sexually explicit pictures, cartoons or other visuals
- Making suggestive gestures
- Sending unwanted notes or other material
- Giving unwanted personal gifts
- Exposure

PHYSICAL

- Touching a person
- Leaning over a person
- Standing too close to a person
- Brushing up against a person
- Kissing
- Caressing
- Pinching
- Actual/Attempted Rape

What can Educators do...

- If a student reports harassment, pay attention!
 - Report all such complaints to the appropriate administrator
 - Use common sense and judgment
- 

Employee Reporting Procedures

- An employee who believes that he or she has experienced prohibited sexual harassment should immediately report the alleged acts to the appropriate person.
- Any other person who knows or believes that a District employee has experienced harassment should immediately report the alleged acts to the appropriate person.

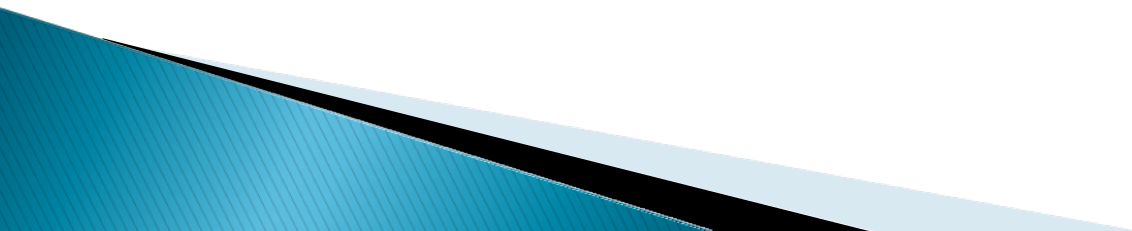




What To Do If You Are Sexually Harassed

- Preventing sexual harassment is EVERYONE'S responsibility—both employees and supervisors!
- Tell the harasser that the conduct is unwanted and offensive and ask that it STOP.
- Record what happened, documenting who, where, when, what, and any possible witnesses
- Tell your supervisor.
- Would my behavior change if someone from my family was in the room?
- Would I want someone from my family to be treated this way?

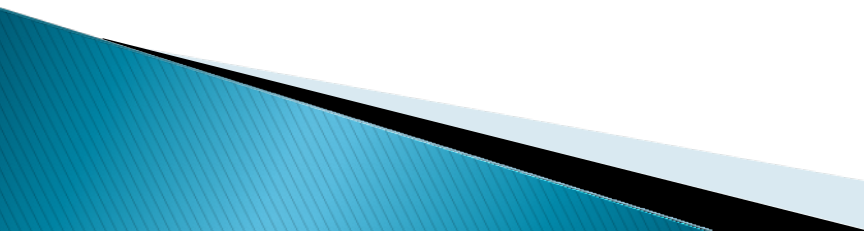
Confidentiality

- To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
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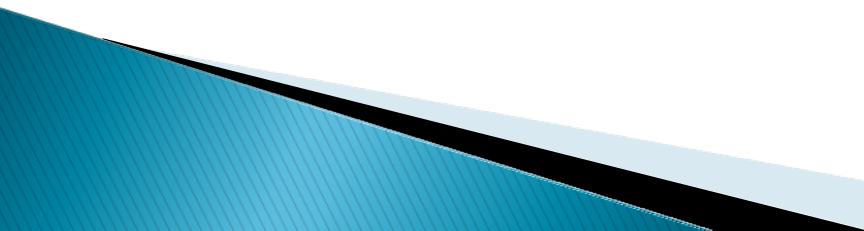
Retaliation is Prohibited

- Retaliation against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited.

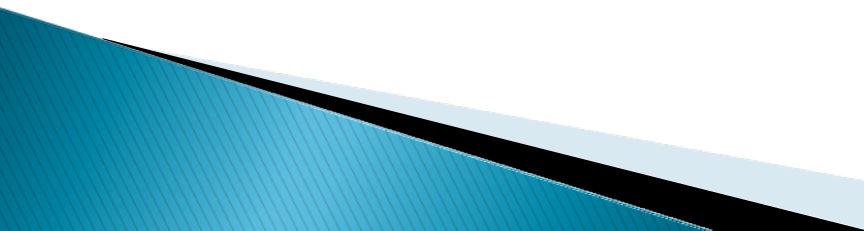
Informal Methods Individuals Can Use to Stop Sexual Harassment

- Tell offender that their behavior is unwelcome and must stop.
 - Do not answer the offender's personal questions.
 - Put a copy of the sexual harassment policy in the harasser's mailbox after circling the applicable part.
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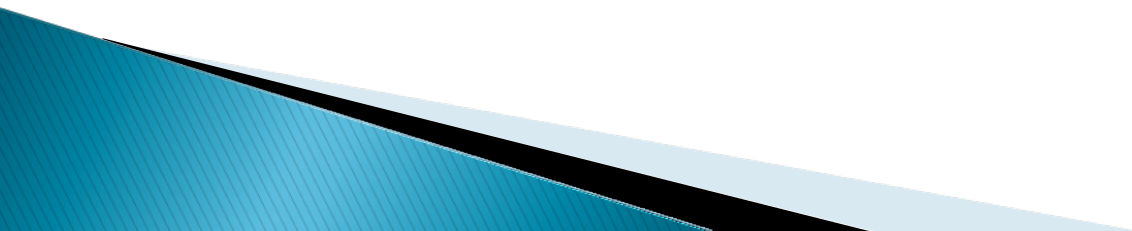
What Can Educators Do to Prevent Sexual Harassment?

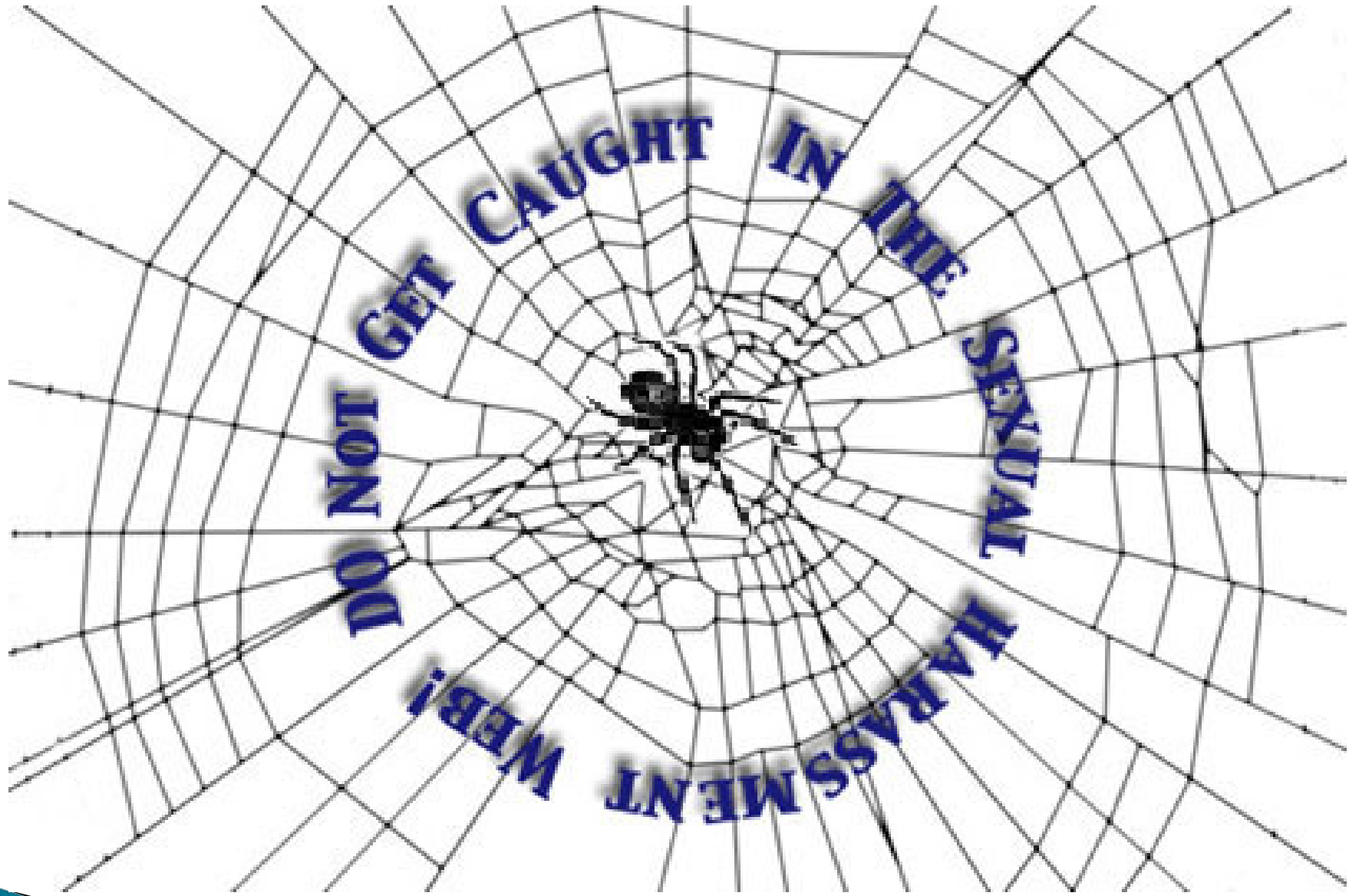
- Be aware of the District's policy FFH Legal and FFH Local;
 - Be aware of the District's policy DIA Local and DIA Legal;
 - Reinforce the message of respect at all times; and
 - Send a clear and consistent message to students that you will not tolerate harassment.
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What to do

- **Respond Appropriately When You Encounter Sexual Harassment**
 - Report it to the appropriate official.
 - Report incidents immediately, especially if they are recurring.
 - Tell the offender specifically what you find offensive
 - Tell the offender that his or her behavior is bothering you
 - Say specifically what you want or don't want to happen, such as "please call me by my name not Honey," or "please don't tell that kind of joke in front of me."
 - Employees who promptly report harassing conduct can help their organization as well as themselves.
- 

What Not To Do

- Blame yourself for someone else's behavior
 - Choose to ignore the behavior
 - Try to handle any severe or recurring harassment problem by yourself -- get help.
- 



DO NOT GET CAUGHT IN THE SEXUAL HARASSMENT WEB!

U N F A I R

U N W A N T E D

U N A C C E P T A B L E

U N L A W F U L

SEXUAL HARASSMENT CAN BE PREVENTED