

*a real world guide*

*TO PREVENTING*

*SEXUAL HARASSMENT*

*in the workplace*

**Training Leader's Guide**

The background of the lower half of the cover features a complex abstract pattern. It consists of numerous concentric, curved lines that create a sense of depth and movement. The lines are primarily in shades of blue, green, and orange, with some lines appearing as dashed white segments. The overall effect is dynamic and modern.

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**A Real World Guide  
to  
Preventing Sexual Harassment  
in the Workplace**

**Training Leader's Guide**

**By Jack Linge, J.D.**

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714 Industrial Drive, Bensenville, IL 60106  
800-622-3610  
[www.learncom.com](http://www.learncom.com)

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# Positive Prevention Series: A Real World Guide to Preventing Sexual Harassment in the Workplace

Educate your employees on today's more pressing human resource topics with the Positive Prevention Series produced by GO Media and distributed by LearnCom, Inc. The secret is in capturing each employee's attention with these engaging videos/DVDs that provide easy to grasp content and Q&A scenarios that insure employee understanding.

This video covers the basics of Preventing Sexual Harassment in the Workplace. It is designed for all employees including non-supervisory personnel, supervisors and managers. It is ideally suited for new employee orientation, and refresher training for all other personnel. Only the video or DVD are copyright protected. All other components can be duplicated at no cost to our customers.

## Topics covered in the video include:

- Defining Sexual Harassment
  - Defines the terms:
    - "Quid Pro Quo"
    - "Hostile Environment"
- Liability and Impact
  - Discusses the legal ramifications of State and Federal law for:
    - Individual
    - Supervisor
    - Company
  - Covers liability topics of monetary and punitive damages
- Policy and Action
  - What to include and how to enforce a sexual harassment policy at your workplace
  - Examples of inappropriate behavior
  - What to do if you are a victim or witness an act of sexual harassment
  - How sexual harassment affects the employee and workplace
  - Effective ways for employees and managers to report sexual harassment
- After each section, a "Pop Quiz" is presented, helping to further strengthen the understanding of the topic

## DISCLAIMER

The Preventing Sexual Harassment in the Workplace video, training guide, and materials address a subject with complex legal issues. GO Media, LearnCom and their employees, agents, officers, independent consultants, including writers of the material, are providing a summary of this subject and are not offering legal advice. People with a sexual harassment question or problem should consult their company's human resources department or a practicing attorney, preferably one who specializes in this area of law. Only an attorney can apply the various applicable laws to an individual's specific circumstances. Laws and court rulings are not static and no information in the video or publications should serve as a substitute for legal counsel.

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# Introduction

Sexual attraction is a normal component of the dynamics of human life. It can be a wonderful aspect of living and a contributor to the joy of romantic relationships. Around the world, all humans play a similar game of mutually expressing their sexual or amorous interests in one another. The game, though, has some very hard rules. Because of the serious social and legal consequences, everyone needs to be regularly reminded of the rules of the game, especially within the workplace.

Normal and healthy relationships develop through sharing mutual respect, interests, and values. Sexual relations may evolve during a healthy relationship. Those who express their interest in sexual relations with another before a relationship is developed have it wrong. Expressing a sexual urge or desire toward one who does not consent conveys the message that the victim is considered no more than a "thing" to be used for pleasure. The victim can rightfully feel insulted and degraded.

***A sex symbol becomes a thing. I just hate to be a thing. - Marilyn Monroe***

Co-workers are people entitled to human dignity and respect. No co-worker is a thing.

First, it is wrong, for any reason, to irritate, distress, torment, or annoy a co-worker. To engage in such conduct over a period of time at the workplace is terribly unfair to the victim. Some people cannot just leave a job. They can feel trapped by such behavior. To make their lives miserable while they are at work is disgraceful.

Second, it is despicable for such tormenting behavior to be sexually motivated. Expressing sexual attention or intentions, dwelling on sexual subjects, or implying or symbolizing erotic desires to an unwilling co-worker is the worst kind of torment. The tormentor assaults the victim's dignity, pride, and self-esteem when implying that the worker is valued only as a sexual object. The feelings of rage such behavior can engender have led to numerous laws and lawsuits.

Today's organizations cannot afford to permit such conduct to occur. The consequences can be costly and often tragic. It is essential for employers to regularly remind their employees to be vigilant.

**Preventing Sexual Harassment in the Workplace (PSH) is a video-based training program designed to remind and show participants:**

- How to recognize sexual harassment
- How to deal with sexual harassment
- How to prevent sexual harassment

# The Training Program

The new **Preventing Sexual Harassment in the Workplace** program is a video-based multimedia-learning package designed for classroom facilitation and Instructor-Led Training (ILT). The video is behavioral based. Viewers will see people in the workplace simulating the behaviors that constitute sexual harassment.

You will find everything you need for a 1.5-hour or 3-hour informative workshop on identifying and preventing sexual harassment. This package is designed to improve the awareness of your staff on one of the most destructive behaviors encountered in the workplace. The **Preventing Sexual Harassment in the Workplace** program includes materials for your people to use, during and after the meeting, to refresh their memories, to remind them of what to do, and to reinforce their new behaviors.

Customization and flexibility are primary objectives of the program. Print components, including this Training Leader's Guide, are included on the copyright-free CD-ROM in your Instructor's Kit. The Microsoft PowerPoint® presentation on the CD-ROM is a great tool for organizing, outlining, hammering home your key points, and sticking with the agenda. PowerPoint® is easy to customize. You can also print out the PowerPoint® presentation as a handout and photocopy it for attendees.

The core of the Program is the 15-minute video (VHS) or DVD, **Preventing Sexual Harassment in the Workplace**.

## *Training Capabilities*

The **Preventing Sexual Harassment in the Workplace** program is designed for facilitation by both inexperienced trainers as well as professionals. The Training Leader's Guide provides step-by-step instructions and scripts for you to conduct stimulating, interactive, and productive learning sessions with a wide variety of audiences.

## *Preparation*

As you know, preparation pays. You can choose to follow the step-by-step Preparing and Presenting Checklist, which can help you prepare for a successful training session.

# Learning Objectives

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

- Define sexual harassment
- Explain the two types of sexual harassment
- Describe three kinds of sexual harassment activities
- List legal ramifications of sexual harassment
- Identify repercussions of sexual harassment
- Describe methods of preventing sexual harassment

**Survey (Quiz).** A 25-question survey is included with this TLG. You may copy this survey and ask your participants to complete it both before and after the training session. You may choose to use the survey and its results for the purpose of evaluating the effectiveness of the training.

**The Certificates of Completion** can be filled out by the Instructor (attendee's names, date) before the meeting and handed out at its conclusion. They are designed to provide a sense of accomplishment for the attendees. They can be framed and hung by attendees at their workstations.

# Agenda / Schedule

A good meeting stems from good planning, and a small meeting should be as carefully planned as a large one. Work out a flexible time schedule so you won't run too far ahead or behind. Distribute a copy of the schedule to everyone helping you, including the people in charge of the meeting room and equipment.

When a video or DVD such as **Preventing Sexual Harassment in the Workplace** is the main feature of a meeting, treat it as such. Consider showing it twice, especially in the three hour meeting format. The video is so packed with information that even the keenest observer will find additional information at a second viewing. The discussion of the video's message will make the second showing much more meaningful.

Schedule	1.5 Hour	3 Hour
Meeting Step	Time (Minutes)	Time (Minutes)
Introduction	5	10
Participant Survey	10	10
Show Video	15	15
Questions & Discussions	20	30
Break		10
Show PowerPoint Slides	10	10
Questions & Discussions	15	30
Role Playing		15
Show Video		15
Participant Survey	10	10
Evaluation Form	5	5
Closing	10	10
Total	90	170

# Preparing and Presenting Checklist

## *In Advance*

1. Preview the video and take notes about how you will introduce the video during the training.
2. Read this Training Leader's Guide.
3. Review the PowerPoint slides and decide if you want to customize them. For example, you may want to add your organization's sexual harassment policy. While reviewing the slides, take notes on how you want to present them or use them as a guide during your training session.
4. Outline your presentation, considering your audience and objectives. Make a list of questions or points that you want to cover during meeting discussions.
5. Review the proposed role-play scenarios and decide whether you want to use them. Make notes on how you plan to use them.
6. Decide where you will conduct the meeting.
7. Confirm that an appropriate meeting will be available based on the number of attendees. If any participants may have disabilities, verify that the room is accessible and properly equipped. Flexible lighting and good acoustics are also important. You might look for a room that permits a U-shaped arrangement of chairs and tables. This arrangement can encourage dialogue and active participation. A flipchart should be to one side of the class. You'll need a projection screen at the center of the room. You will want to be positioned at the center of the room so you can move about freely.
8. Verify that the necessary equipment will be available and in working order:
  - Flip Chart with markers
  - VCR or DVD player with remote control
  - Television or LCD projector and screen
  - Computer (if you want to display your PowerPoint slides onscreen)
9. Decide whether to conduct a 1.5-hour or 3-hour training session.
10. Set the time and date.

# Preparing and Presenting Checklist

11. Make a list of the people who are to be invited to the training. If your organization wants to make a record of who has been trained, use this list as a checklist after training is completed. Determine where the attendance record is to be kept or sent.
12. Issue invitations to participants and place announcements on bulletin boards or in newsletters.
13. Identify any signs or posters you will need for announcing the meeting, guiding people to the meeting room, and serving to inform and remind within the meeting room.

## ***Two Days Before Meeting***

14. Issue reminder phone calls or e-mails to participants.
15. Verify that room, equipment, and signs are still available.
16. Meeting room: Check the room's lighting options and acoustics, and make sure participants have a good writing surface.
17. Identify the location of exits and rest rooms (verify that they are equipped for the disabled).
18. Review your presentation. Run through the PowerPoint slides if you customized them.
19. Make sufficient copies of Survey questions to hand out before and after the training.
20. Make sufficient copies of the Evaluation Form.

## ***Day of the Meeting***

21. Meeting Room: Arrange seating so that the video screen is easy for each participant to see and discussions can be comfortably conducted.
22. Equipment: Hook up equipment and run through some of the video and slides to confirm that all is working.
23. Adjust the room lighting so that the video can easily be seen and participant's can take notes.
24. Post signs guiding people to the room and hang posters in the room.
25. Display the agenda on handouts or on a whiteboard.

# Preparing and Presenting Checklist

## *Start of the Meeting*

26. Welcome each participant entering the room. Since sexual harassment is a serious subject, maintain a professional manner. Encourage everyone to sit at the front, near the screen.
27. Point out the locations of exits and rest rooms.
28. Introduce yourself. Share information about your expertise and credentials.
29. Announce the subject of the meeting and review the agenda and the learning objectives.
30. Distribute the Survey and pick it up when participants are finished.
31. Use your video review notes to introduce the video and review Presenting the Video in this Guide.
32. Show the video, **Preventing Sexual Harassment in the Workplace**.
33. Refer to your presentation outline and your list of questions or points to guide the Q & A and/or freeform discussion.
34. If a 3-hour meeting is scheduled, take a 10 minute break. Remind participants of rest room locations.
35. Reconvene. Show PowerPoint slides as part of your presentation.
36. Continue discussions.
37. The role-play exercise is expected to be used during the 3-hour meeting, but you can work them into your 1.5-hour meeting if you wish. Follow your notes on managing the role-play exercise.
38. If you are having a 3-hour training session, you may wish to replay the video.

## *Ending the Meeting*

39. Distribute the Survey again and pick it up when participants are finished.
40. Distribute the Evaluation form and tell participants that they may leave when they hand it back in.

# Preparing and Presenting Checklist

## *After the Meeting*

41. Rearrange the room to its previous layout, if necessary. Clean the whiteboard or remove used pages from the flip chart.
42. Verify that the equipment will be returned. Pass along comments about any problems encountered with the equipment.
43. If a record of attendance is being kept, use the list of invitees as a checklist after training is completed. File or send the checklist to the appropriate office.
44. List any questions that were posed to which you did not know the answer and plan to follow-up with the questioners.
45. Make notes about the training session, particularly if you plan other sessions.
46. Send thank you notes or e-mails to those who helped you.
47. Arrange for each participant to receive a certificate of completion of the training. A certificate of completion form is available with this Guide.
48. Score the before and after surveys to determine the effect of the training.
49. Send each participant's manager a follow-up note or e-mail.

# Presenting the Video

## *Steps to presenting the video:*

- Before Showing the Video - Build enthusiasm
- Tell them what you're going to show them
- During the showing - pause for questions
- Tell them what you showed them

## **Before Showing the Video**

Enthusiasm will help prepare your audience to accept the video and its message. Introducing the video with some praise will help warm your participants to watching with attention.

*"This video does an excellent job of highlighting the issues of sexual harassment."*

*"This new video presents the key points of sexual harassment, along with good illustrations."*

*"Today's video is packed with good information."*

*"Preventing Sexual Harassment in the Workplace depicts real world examples of sexual harassment."*

## **Tell them what you're going to show them**

Sexual harassment rules apply to everyone. No exceptions.

There are two basic types of sexual harassment:

- Quid Pro Quo
- Hostile Environment

**Quid Pro Quo** applies when an employee asks a subordinate to trade sexual favors for favorable job considerations. Quid pro quo means "this for that" and is pronounced kwid pro and quo as in "quote." Synonyms are barter, swap, and trade.

**Hostile Environment** applies when unwelcome sexual conduct creates an offensive atmosphere. There are three kinds of Hostile Environment activities:

- Physical, such as touching
- Verbal, such as vulgar language
- Visual, such as obscene pictures

**Intention is Irrelevant.** Ignorance of the law is no excuse.

# Presenting the Video

**Repetitive Acts.** The most important factor that identifies sexual harassment is repeated unwanted behavior.

**Ramifications.** In some states, harassers, managers, and the organization can be liable for monetary damages, including:

- Compensatory damages for pain and suffering
- Back pay
- Front pay
- Lost wages
- Punitive damages for malicious or reckless conduct
- Attorney's fees
- Court costs

**Repercussions.** Victims and harassers can suffer emotional and physical distress. Organizations can endure bad publicity. Workplace violence can occur.

**Fired!** If the harassment is severe an employee can be fired on the spot!

**Employer Policy.** An effective policy unmistakably defines sexual harassment and clearly states that such behavior will not be tolerated. Procedures are necessary for complaints, investigations, and appeals. Retaliation against whistle blowers must be prohibited. The policy needs to be well publicized.

**Personal Responsibility.** Practice positive prevention. Play a key role in ensuring a positive workplace. If you witness an act of harassment, take action. Act professional when at work.

**Act!** If sexual harassment happens to you, take action. Tell the harasser that the behavior is unwelcome and document the incident. If it continues or is severe, file a formal complaint.

## During the Showing

Sometimes training leaders will pause a video so discussion can occur on the points covered. If you feel comfortable with the procedure, you can pause the video when the hosts pose questions.

# Presenting the Video

## After Showing the Video

### Fielding Audience Questions

When members of your audience ask questions, these are steps that you might choose to follow:

- Clarify the question so that you understand it.
- Acknowledge the questioner for asking a good question.
- Repeat the question so everyone can hear it. Consider posing the question to the audience before answering it yourself.
- Encourage the questioner and others by thanking the questioner for the question.

## Asking Questions of Your Audience

Questioning is a powerful form of leading an audience. Following are some questions to consider using to generate active discussion and participation. It is important to assure that the discussion points are related to your business. Questions are best directed to specific individuals in your audience instead of being posed for general comment.

Sometimes the answer from an audience member is wrong. Some presenters will restate or elaborate on the question, making it appear that the question wasn't asked well the first time. The objective of not embarrassing the person who gave a wrong answer can also be achieved by gently and tactfully prompting the individual to look for other possible answers.

When starting the question period, it's good to begin with the more outgoing individuals. These people will have little difficulty speaking up and helping 'break the ice.'

It is also good to invite participants to ask you questions. When someone asks a question that is best answered through discussion, consider redirecting the question to the other participants. If you don't know the answer to a question, say so. You can respond with, "I will find out the answer and get back to you."

**Question:** Who has to obey the sexual harassment restrictions?  
**Answer:** Everyone.

**Question:** What does quid pro quo mean in Latin?  
**Answer:** This for that.

# Asking Questions of Your Audience

- Question:** Who is most likely to be accused of quid pro quo sexual harassment?  
**Answer:** Supervisors and managers.
- Question:** If a co-worker commits sexual harassment, what type would it most likely be?  
**Answer:** Hostile environment.
- Question:** What are the three activities of hostile environment harassment?  
**Answer:** Physical, verbal, and visual.
- Question:** Give some examples of prohibited physical activities.  
**Answer:** Hugging...touching...standing too close to someone...pats on the back... blocking a person's path.
- Question:** Give some examples of unwelcome verbal activities.  
**Answer:** Vulgar language...discussing sexual activities or desires...use of pet names, such as "sweetheart"... repeated requests for dates... and crude jokes.
- Question:** Give some examples of improper visual activities.  
**Answer:** Displaying obscene pictures, cartoons or posters ... suggestive gifts, cards or emails...and provocative body language such as stares or rude gestures.
- Question:** If you did not intend to commit sexual harassment, can you be excused?  
**Answer:** No. Ignorance of the law is no excuse. Just like a speeding ticket.
- Question:** What is the best indication that someone is sexually harassing another?  
**Answer:** Repeated acts of unwanted behavior.
- Question:** Can an individual employee be held liable for sexual harassment?  
**Answer:** Yes. Some states do permit lawsuits against individuals.
- Question:** Can an individual manager be held liable for not taking action against sexual harassment?  
**Answer:** Yes. Some states permit legal actions against supervisors or managers who knew about harassment but failed to take appropriate corrective action.

# Asking Questions of Your Audience

**Question:** What are some examples of monetary damages that can be collected from a harasser or the company?

**Answer:** Compensatory damages for pain and suffering, back pay, front pay, lost wages, punitive damages for malicious or reckless conduct, attorney's fees, and court costs.

**Question:** Can an organization fire a sexual harasser?

**Answer:** Yes.

**Question:** Can an organization fire a harasser for only one incident?

**Answer:** Yes. If the harassment is severe, such as physical or sexual assault. When a severe act of harassment is proven or admitted, employers have the right and the responsibility to immediately dismiss the guilty employee.

**Question:** Give examples of repercussions of sexual harassment.

**Answer:** Both the victim and harasser can suffer emotional and physical distress. Reputations can be destroyed. The employer can be subject to bad publicity, poor employee morale, and a loss of customers. If the employer suffers financial problems, all employees can be affected by lost raises or lost jobs. Depression, nervous disorders-even heart attacks can result from the stress of sexual harassment.

**Question:** What is a sexual harassment policy?

**Answer:** An organization's statement that defines harassment, prohibits it, and provides for procedures to deal with it.

**Question:** Where should an organization's sexual harassment policy be placed?

**Answer:** Several places. Anywhere employees will see it. Bulletin boards. Break rooms.

**Question:** Should a sexual harassment policy list possible penalties?

**Answer:** Yes.

**Question:** What is retaliatory action?

**Answer:** Trying to "get even" with the person who complained about sexual harassment.

**Question:** What are some examples of retaliatory action?

**Answer:** Shunning. Passing over for advancement. Dismissal. Demotion. Transferring to less acceptable location.

# Asking Questions of Your Audience

**Question:** What is one's personal responsibility regarding sexual harassment?

**Answer:** Behave. Be professional. Ask yourself, how would I feel if someone treated my child like this? Train yourself to be aware of the feelings and boundaries of your co-workers. Do not go along with suggestive activities. Don't laugh at or encourage vulgar humor.

**Question:** What do you do if you are harassed?

**Answer:** Act! Take action. Tell the harasser to stop. Document the incident. Check the sexual harassment policy and follow its procedure. Report the incident to your supervisor, manager, or human resources contact.

# Summary of the Video Script

## Sexual harassment rules apply to you:

- No matter where you work
- No matter what type of job you have
- If you violate the law, you personally and your employer will pay

## Defining Sexual Harassment

There are two basic types:

- Quid Pro Quo
- Hostile Environment

**Quid pro quo** is a Latin term meaning "this for that," and describes a situation where a subordinate employee is asked to trade sexual favors for either job benefits or for protection against threatening employment actions.

**Hostile environment** describes a workplace where unwelcome sexual conduct interferes with job performance or creates an atmosphere that is intimidating, hostile or offensive to employees.

There are three kinds of Hostile Environment violations:

- Physical Activities
- Verbal Activities
- Visual Activities

**Physical Activities.** Hugging...touching...standing too close to someone...pats on the back... blocking a person's path.

**Verbal Activities.** Vulgar language...discussing sexual activities or desires...use of pet names, such as "sweetheart"... repeated requests for dates... and crude jokes.

**Visual Activities.** Displaying obscene pictures, cartoons or posters ... suggestive gifts, cards or e-mails...and provocative body language such as stares or rude gestures.

**All Employees Covered.** Any employee can be found guilty of creating a hostile environment. In some states, the individual employee can be held liable.

**Intention Irrelevant.** Ignorance of the law is no excuse.

**Repetitive Acts.** The most important factor that identifies sexual harassment is repeated unwanted behavior.

# Summary of the Video Script

**Legal Ramifications.** While federal law does dictate that employers carry most of the liability for sexual harassment claims, individuals can also be held responsible. This is where state law comes into play...because depending on where you live, the harasser can be personally sued for damages as can any supervisor or manager who knew about the harassment but failed to take appropriate corrective action.

Whether liability goes to the employer or the individual, monetary damages can be steep. Compensation can include:

- Compensatory damages for pain and suffering
- Back pay
- Front pay
- Lost wages
- Punitive damages for malicious or reckless conduct
- Attorney's fees
- Court costs

## **Repercussions**

Outside of court, employers have the right to dismiss any worker they deem guilty of sexual harassment. A warning usually accompanies the first offense, but if the harassment is severe, such as physical or sexual assault, you can be fired on the spot!

When a severe act of harassment is proven or admitted, employers have the right *and the responsibility* to *immediately* dismiss the guilty employee.

And the losses don't end here. There are a myriad of repercussions that can also be extremely harmful.

Both the victim and harasser can suffer emotional and physical distress...and reputations can be irrevocably destroyed. Your employer can be subject to bad publicity, poor employee morale, and lost customers...all of which affect the stability of an organization. This kind of uncertainty often leads to financial problems that can trickle down to you in the form of lost raises or even worse, lost jobs.

Everyone suffers when it comes to sexual harassment claims...so don't let poor judgment jeopardize the well being of yourself and others.

Sexual harassment affects everyone involved in the matter and there's no limit to the amount of damage it can cause. Depression, nervous disorders-even heart attacks can result from the stress of sexual harassment.

## **Employer Policy**

With a well-defined policy, employers and employees can benefit from on-the-job conflict resolution. And in most cases, avoiding court is in everyone's best interest.

# Summary of the Video Script

All of us play a key role in ensuring a positive workplace...so check to see if your employer's policy covers these important areas.

An effective policy should unmistakably define sexual harassment and clearly state that such behavior will not be tolerated. An explanation of possible penalties should be listed. Procedures for complaints and investigations should be outlined, and when complaints occur, the policy should ensure confidential, swift and appropriate action will be taken. An appeals process for challenged complaints should be defined. A good policy should also emphasize that no retaliatory action will be permitted against any employee making a credible complaint. And it is critical that the policy be communicated and available to *all* employees. This can be accomplished through training seminars and then reinforced with informational postings in break rooms or on a company's internal website.

## **Personal Responsibility**

Practice Positive Prevention

Do your part. Always maintain professionalism when associating with co-workers or employees...because sexual harassment isn't confined to the employer's premises. If you witness an act of harassment, encourage the victim to speak to the harasser or to take other appropriate action. And become more aware of the feelings and boundaries of the people you work with.

Remember, your values and opinions...rights and wrongs...may not be okay for other people. So tread carefully.

And remember, it's all about positive prevention...so the best way to protect yourself from directly or indirectly harassing someone is this: limit your physical contact to handshakes and make sure your words and actions have a "G-Rating"...suitable for all audiences.

## **Take Action**

Awareness is essential in combating sexual harassment. So is having the courage to take action. If sexual harassment happens to you, don't be afraid to come forward.

Talk to the harasser and make it clear that his or her behavior is unwelcome. Then document the incident. Write down the who, what, when, and where of the harassment...a case record will help strengthen the validity of your allegations. If the harassment continues or is a severe first time offense, discuss the matter with your manager or human resources representative and file a formal complaint. Keep in mind, every company has its own set of sexual harassment policies so be sure to follow the guidelines set by your organization.

Whatever you do, don't ignore the harassment...don't be embarrassed by the harassment...and definitely don't be intimidated by it. You have a legal right to work in an environment that is free from sexual harassment.

## Contacting the EEOC

Contact the U.S. Equal Employment Opportunity Commission at [www.eeoc.gov](http://www.eeoc.gov) or call 1-800-669-3362. Employers who have questions about the laws enforced by EEOC or about compliance with those laws in specific workplace situations may contact the EEOC at: <http://www.eeoc.gov/employers/contacteeoc.html>. Contact your state's bar association for referral to an attorney.

### ***Jack Linge***

When Jack Linge, who prepared this Training Leader's Guide, served as an assistant attorney general, he advised his state's law enforcement agencies on equal employment opportunity legal issues. Jack, who holds a Juris Doctor degree, has served as an adjunct college and university instructor, teaching courses in organizational behavior, supervision and management. His book, ***Selling Today: Technology*** (Prentice-Hall, 3rd Edition), describes the use of electronic tools to build relationships and enhance personal communications.

# Verdict and Settlements

If you wish to impress upon your participants the seriousness of sexual harassment and its potential impact on their organization, you might make reference to these reports:

These first edited reports were found on the website for the Department of Personnel in the State of Washington.

<http://hr.dop.wa.gov/helpacademy/resource/sh12.htm>

**\$81 MILLION AWARDED TO SINGLE PLAINTIFF FOR SEXUAL HARASSMENT AND DISCRIMINATION.** An Iowa jury awarded \$80.7 million to a 47-year old employee of a trucking company who alleged that the trucking company sexually discriminated and retaliated against her after she accused another driver of poking her in the breast. The Plaintiff contended that the trucking company fostered a hostile work environment by failing to listen to her complaints of harassment and punished her for them by shunning her, excluding her from meetings, and giving her assignments that men were not given, assignments that she contends required her to put up with being screamed at, belittled, and humiliated on a daily basis. The jury ordered the trucking company to pay the Plaintiff \$500,000 in compensatory damages and \$80.2 million in punitive damages.

**\$26 MILLION AWARDED TO MALE EMPLOYEE FIRED AFTER MAKING REMARKS REGARDING A T.V. SHOW.** A Wisconsin jury awarded \$26 million to a former brewing company executive who was fired after discussing a risqué episode of a TV show with a female co-worker who later complained to management. The award was nearly three times the \$9.2 million sought by the plaintiff. The plaintiff brought the risqué subject up at work with a female co-worker, showing her a copy of a dictionary page with the word on it - the body part in the risqué episode - while expressing surprise that the reference had been allowed on the air. The co-worker, offended by the plaintiff's actions, complained to management. The brewing company fired the plaintiff.

**RESTAURANT CHAIN AGREES TO PAY \$3.75 MILLION TO SETTLE SEX DISCRIMINATION CLASS ACTION.** A restaurant chain has agreed to pay \$3.75 million to settle a sex discrimination class action filed by job applicants and employees who alleged that the restaurant chain unlawfully refused to hire men as waiters, bartenders, and hosts. In addition to paying \$2 million to class members, the restaurant chain agreed to pay \$1.75 million for plaintiffs' attorneys' fees and costs, and to provide injunctive relief.

**PILOT WHO COMPLAINED OF PORNOGRAPHY AWARDED \$875,000.** A federal jury in New Jersey awarded a female airline pilot \$875,000 on her sexual harassment claim that her employer airline did not respond adequately to her repeated complaints about pornography left in the cockpit by male pilots. The jury found that the airline failed to take remedial steps after the plaintiff complained several times to management about sexual harassment, including the presence of sexually explicit photographs in aircrafts that she piloted.

# Verdict and Settlements

The following are reports on the website of the Equal Employment Opportunity Commission (EEOC).

HOSPITAL IN NEW YORK TO PAY OVER \$5 MILLION TO SETTLE SEXUAL HARASSMENT BY DOCTOR.  
<http://www.eeoc.gov/press/4-9-03.html>

EEOC AND FORD SIGN MULTI-MILLION DOLLAR SETTLEMENT OF SEXUAL HARASSMENT CASE. <http://www.eeoc.gov/press/9-7-99.html>

EEOC SETTLES SAME-SEX HARASSMENT SUIT FOR A HALF MILLION DOLLARS AGAINST MAJOR COLORADO AUTO DEALERSHIP.  
<http://www.eeoc.gov/press/8-4-00.html>

NATIONAL PIZZA RESTAURANT CHAIN TO PAY \$360,000 FOR SETTLEMENT OF SEXUAL HARASSMENT COMPLAINT.  
<http://www.eeoc.gov/press/6-19-03.html>

TWO FLORIDA RESTAURANTS TO PAY \$525,000 FOR SEXUAL HARASSMENT OF TEENAGERS. <http://www.eeoc.gov/press/1-8-04-b.html>

EEOC SETTLES SEXUAL HARASSMENT SUIT FOR \$2.3 MILLION AGAINST TELEPUBLISHING COMPANY.  
<http://www.eeoc.gov/press/2-26-03.html>

EEOC OBTAINS \$1 MILLION FOR LOW-WAGE WORKERS WHO WERE SEXUALLY HARASSED AT FOOD PROCESSING PLANT.  
<http://www.eeoc.gov/press/6-1-00.html>

TEXAS CAR DEALERSHIP TO PAY \$140,000 TO SETTLE SAME-SEX HARASSMENT SUIT BY EEOC. <http://www.eeoc.gov/press/10-28-02.html>

ASTRA USA AGREES TO PROVIDE \$10 MILLION TO VICTIMS OF DISCRIMINATION. <http://www.eeoc.gov/press/2-5-98.html>

EEOC WINS OVER \$4 MILLION RETALIATION CLAIM IN JURY VERDICT AGAINST HOSPITAL. <http://www.eeoc.gov/press/9-3-03a.html>

MITSUBISHI MOTOR MANUFACTURING AND EEOC REACH VOLUNTARY AGREEMENT TO SETTLE HARASSMENT SUIT. \$34 MILLION SETTLEMENT. <http://www.eeoc.gov/press/6-11-98.html>

THREE FLORIDA EMPLOYERS TO PAY TOTAL OF \$570,000 FOR UNLAWFUL RETALIATION, IN EEOC SETTLEMENTS.  
<http://www.eeoc.gov/press/3-18-03.html>

# Materials

## *Invitation to Participants*

This printed or e-mail invitation should be sent to selected participants enough in advance so that it is unlikely to interfere with their routine schedules.

Proposed Note or E-Mail:

[Name of Participant]

Subject: **Preventing Sexual Harassment in the Workplace** Training

Organizations recognize that cases of sexual harassment pose an economic threat to all of their stakeholders. Regularly reminding people within an organization about how to avoid its occurrence is considered prudent risk management.

For that and other reasons, a training session on how to recognize, deal with, and prevent instances of sexual harassment has been arranged. Please mark your calendar now to attend this training.

[Date, time, duration, location, directions]

The session will cover the following issues:

- Defining sexual harassment
- Explaining types of sexual harassment
- Describing sexual harassment activities
- Listing legal ramifications of sexual harassment
- Identifying repercussions of sexual harassment
- Describing methods of preventing sexual harassment

Please bring writing materials to take notes. If you have questions or a schedule conflict, please let me know.

# Materials

## *Follow-Up with Managers*

After a training session, consider sending a note or e-mail to the manager of each of the participants. The objective is to inform or remind the manager that the employee has received the training and to invite feedback from the manager.

Proposed Note or E-Mail:

[Name of Manager]

Subject: **Preventing Sexual Harassment in the Workplace** Training

[Name of Employee] recently participated in a sexual harassment training session. During the session, participants covered these issues:

- Defining sexual harassment
- Explaining types of sexual harassment
- Describing sexual harassment activities
- Listing legal ramifications of sexual harassment
- Identifying repercussions of sexual harassment
- Describing methods of preventing sexual harassment

You can help improve our training practices. Please review the training session with [Name of Employee] at your convenience. After the discussion, please give me your opinion of the effectiveness of the training and suggestions that you may have for improvements.

Thank you for your help. Please tell me if you have questions.

# Role Play Exercises

Role-play is the opportunity to apply new learning. Participants usually enjoy practicing their new knowledge with the time-tested role-playing method. It gives them a quick and easy way to confirm that they are properly applying what they've learned. It also reinforces their use of new approaches.

It is important for victims of sexual harassment to act or say something. The harasser needs to be put on notice. These role-plays show statements that can be made at the time of the offensive behavior. A victim does not need to act immediately, though, if the timing does not seem appropriate. But whether immediately or soon after, action must always be taken.

**Alert.** Due to the very sensitive nature of this subject, it is best to not ask participants to pretend to be harassing one another. Mild simulations of harassment might be used only by the instructor and only if the instructor feels comfortable doing so. The examples given are very mild and are intended to help people learn how to respond to harassment.

It is wise to approach role-playing with professionalism and not treat the subject too seriously or too lightly.

In each role-play, the instructor will play a role. You will identify your role (position in the company) first and then tell the participant which role to play. In your role, you will make a statement and the participant role-player will then be helped to respond.

For example, in the first role-play, you will announce that your name is Jack. You will pick one of the participants and tell her that her name is Lisa. Tell Lisa that you are her immediate supervisor. Once the participant understands, you will make the statement included in the role-play. "Lisa" is then expected to respond.

The handout, **Handling Sexual Harassment**, is to be given to your participants before beginning the role-play. This list of statements are intended to suggest possible responses while they are playing their roles.

**A Standard.** Players do not have to use the statements in the handout. There are many ways that a victim can properly respond. You might work with the responses generated in your role play and in the handout to develop a standard set of responses. Your organization may, with the consent of your lawyer and human resources department, adopt this standard set and train everyone to use them when appropriate. If your people know what to say and how to say it in a professional manner, it is possible to reduce misunderstandings, hurt feelings, and confrontations while accomplishing the objective.

# Role Play Exercises

If a participant offers a response that is not on the list, consider it and gently work with it. The initial response may be too hostile, but participants are learning. The objective is to make a statement that makes it clear that the person speaking did not appreciate what was seen (visual), felt (physical), or heard (verbal) and does not want it to recur.

Explain to your participants that you are seeking a response that makes it clear that the activity is unwanted and not to recur. The victim should try to avoid personally insulting the harasser which might aggravate the situation. The objective is to say non-threatening statements that convey a clear message to the harasser.

There are a number of ways that a victim may effectively respond. One should attempt to avoid anger or starting an argument, but righteous anger is sometimes effective. A victim can use humor or be dead serious in the response. The objective is to convey the message that the activity is unwanted and should not continue.

Assertive training teaches that victims couch their response to unwanted behavior in a "when you" ... "I feel" statement. For example, one might say, "When you put your hand on my shoulder, I feel angry." Or, "when you talk about nude pictures, I feel degraded."

After each role-play, you can ask your participants to identify the kind of sexual harassment that was committed.

## Role Play 1

- Set Up:** Instructor looks at a female participant and sets the stage: I am Jack and you are Lisa. I am your supervisor.
- Statement:** "I'll let you leave early today if you will meet me in the storeroom for a little fun."
- Comment:** Signal to "Lisa" that she is to respond.

## Role Play 2

- Set Up:** Instructor looks at a female participant and sets the stage: I am Jack and you are Lisa. We are co-workers. Jack places a hand on Lisa's shoulder.
- Statement:** "You look GREAT! I'd love to see you in Playboy."
- Comment:** Signal to "Lisa" that she is to respond. Lisa's response may address both forms of sexual harassment: the statement (verbal - innuendo) and the touching (physical).

# Role Play Exercises

## Role Play 3

- Set Up:** Instructor looks at a male participant and sets the stage: I am Jack and you are "Jim" (not the participant's real name). We are male co-workers.
- Statement:** "Jim, would you like to go to a gay bar with me tonight?"
- Comment:** Signal to "Jim" that he is to respond. The fact that this is a same-sex example should be irrelevant when choosing a response. The objective is the same: to reject the advance in a professional manner and make clear that it is not to happen again.

## Role Play 4

- Set Up:** Instructor selects a participant: I am Jack and you are Lisa. I am a male and you are a female co-worker.
- Statement:** "Lisa, would you like to go out on a date with me?"
- Comment:** A one-time invitation to date may not be considered sexual harassment. Lisa's response depends on the circumstances. If Lisa has no interest, she should make that clear. Signal to "Lisa" that she is to respond.

## Role Play 5

- Set Up:** Instructor tells a participant that it is the same two people, Jack and Lisa. However, this time Jack is married and Lisa knows it.
- Statement:** "Lisa, would you like to go out on a date with me?"
- Comment:** If either person is married, an invitation to date is not an innocent move. Signal to "Lisa" that she is to respond.

## Role Play 6

- Set Up:** Instructor tells a participant that the instructor's name is Jack and that the participant's name is Lisa. Jack is Lisa's supervisor.
- Statement:** "Lisa, you sexy thing, let's go have a drink."
- Comment:** Signal to "Lisa" that she is to respond.

## Role Play 7

- Set Up:** Instructor is Jack. The participant's name is Lisa. Lisa is Jack's supervisor.
- Statement:** "Lisa, one of the men in my department keeps coming on to me. I've made it clear that I have no interest."
- Comment:** This is where many managers go wrong. They try to downplay the seriousness of a sexual harassment complaint. Any sexual harassment complaint is to be taken seriously by a supervisor and documented. Signal to "Lisa" that she is to respond.

# Handling Sexual Harassment

## **Victim Questionable Response**

*I wouldn't date you if you were the last person on earth, you little weasel.*

## **Victim Better Approach**

### **Statements that Reject the Behavior**

*Your touch and comment is unwelcome and I don't want it to happen again.*

*Stop that behavior! I feel that it degrades me and it is unwelcome.*

*I am not interested. When you come on to me, I feel angry. Please do not do that again.*

*I am not interested in a date. Please don't ask me again.*

*Because you are married, I consider your invitation inappropriate. Please do not ask me again.*

### **Statements that Identify the Behavior as Sexual Harassment**

*That kind of comment sounds like sexual harassment. If it were to happen again, I'd have to report it.*

*Are you sexually harassing me? Aren't you aware of the sexual harassment policy?*

*That kind of sexual harassment comment can lead to the loss of your job.*

*Would you repeat what you just said? I'm not sure I understand. It sounded as though you were committing an act of sexual harassment.*

*Your behavior is unproductive and may be sexual harassment.*

*This is a test, isn't it? You want to find out how I respond to sexual harassment, right?*

### **Statements that Warn of Consequences**

*Telling off-color jokes is a form of sexual harassment and can cause us all a lot of trouble.*

*Someone may consider your behavior a form of sexual harassment.*

*There is a strict policy against that.*

*If you commit sexual harassment, you can cause problems for the whole company.*

# Handling Sexual Harassment

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## **Sexual Harassment Complaint Relayed to Supervisor**

### **Supervisor Questionable Response**

*Oh, he's just that way. You can ignore him.*

*I get lots of complaints about him. He doesn't really mean anything by it.*

*Just avoid him. He will eventually leave you alone.*

*He's just teasing. Don't worry about it.*

### **Supervisor Better Response**

*I'm sorry to hear that. Please give me more facts.*

*We have a sexual harassment policy. Let's you and I review it to decide what action to take.*

*Sexual harassment is prohibited here. I will help you put a stop to it.*

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# Survey

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1. Which of the following are the two types of sexual harassment (Circle).
  - A. Quid pro quo.
  - B. Habeas corpus
  - C. Workplace violence
  - D. Hostile environment
  - E. Spousal abuse
2. Which of the above types is more likely to be committed by a supervisor against a subordinate? (Circle one).
  - A. B. C. D. E.
3. True or False (circle one): Displaying obscene pictures is an example of a physical activity of sexual harassment.
4. True or False (circle one): Calling someone "sweetheart" can be an example of a verbal activity of sexual harassment.
5. True or False (circle one): Complimenting a man's muscular build can be an example of a verbal activity of sexual harassment.
6. True or False (circle one): A one-time request for a date with a co-worker is not likely to be considered sexual harassment.
7. True or False (circle one): A male janitor's lewd stares at female office workers can cause the employing company to be liable for sexual harassment.
8. True or False (circle one): In some states, one of the harassed women could sue and collect against the janitor.
9. True or False (circle one): If the company can prove that the janitor did not intend to sexually harass the women, the company cannot be held liable.
10. True or False (circle one): A worker can be terminated for causing one episode of sexual harassment.
11. True or False (circle one): An employer found to have permitted sexual harassment can be forced by a court to pay back pay and front pay.
12. True or False (circle one): Both the victim and harasser can suffer emotional and physical distress.
13. True or False (circle one): A company can lose customers because of sexual harassment.
14. True or False (circle one): Sexual harassment can cause heart attacks.

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## Survey

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15. True or False (circle one): An organization's sexual harassment policy should not explicitly define sexual harassment.
16. True or False (circle one): An organization's sexual harassment policy should prevent retaliatory action against the harasser.
17. True or False (circle one): A training seminar is a good way to prevent sexual harassment.
18. True or False (circle one): If you witness sexual harassment, you should take action even if you are not in management.
19. True or False (circle one): If you tease a co-worker and it's all in fun, it can still be sexual harassment.
20. It's that time of year, and Jack decides to show off the latest swimsuit magazine. Lisa is offended by the pictures and asks Jack to stop. Jack tells Lisa she's overreacting and refuses to put away the magazine. What kind of sexual harassment, if any, is Lisa a victim of?
  - A. Physical Activity
  - B. Habeas corpus
  - C. Workplace violence
  - D. Hostile environment
  - E. Spousal abuse
21. True or False (circle one): If legal action is pursued in a sexual harassment case, the employer is the only party that can be held liable.
22. Lisa reports that Jack slapped her after she rejected his advances. Upon investigation, Jack admits he struck Lisa but that, "she asked for it". How should Jack be penalized for his actions?
  - A. He should be given a strong warning.
  - B. He should be fired-this is a serious offense.
  - C. Nothing should happen because this is his first offense.
23. True or False (circle one): The harmful effects of sexual harassment are limited to the offender and his or her career.
24. True or False (circle one): Not knowing an employer's sexual harassment policy is a valid excuse for unacceptable behavior.
25. Lisa and Jack are co-workers who used to date one another. The relationship has since ended, and now Jack is uncomfortable with Lisa's attention. He's told Lisa to back off but she refuses to listen. What should Jack do?
  - A. Do nothing because of his past relationship with Lisa.
  - B. Give Lisa another warning before he reports it.
  - C. Report the situation to a supervisor.

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# Survey Answer Sheet

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1. A. Quid pro quo and D. Hostile environment.
2. A. Quid pro quo.
3. False. Displaying obscene pictures is an example of a visual activity.
4. True.
5. True.
6. True.
7. True.
8. True.
9. False. The company can be liable. Intention is irrelevant.
10. True. A worker can be terminated for causing one episode of sexual harassment if it is serious, such as assault.
11. True. An employer may pay back pay (from the time a person left the employment until the judgment) and front pay (from the time of the judgment until reinstatement).
12. True.
13. True.
14. True.
15. False. An organization's sexual harassment policy should explicitly (clearly) define sexual harassment.
16. False. An organization's sexual harassment policy should prevent retaliatory action against the victim who complains, not the harasser.
17. True.
18. True.
19. True.
20. D. Hostile environment.
21. False. Legal action may also include the harasser and managers.
22. B. He should be fired-this is a serious offense
23. False. Everyone can suffer harmful effects.
24. False. Not knowing is not a valid excuse.
25. C. Report the incident to a supervisor.

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## Training Session Evaluation Preventing Sexual Harassment in the Workplace

Thank you for attending this training on how to recognize, deal with, and prevent instances of sexual harassment. Please provide your evaluation of this training by circling your rating for each statement.

	Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree
The program objectives were explained	1	2	3	4	5
Sexual harassment was well defined	1	2	3	4	5
Ramifications of the problem were described	1	2	3	4	5
Repercussions of sexual harassment were detailed	1	2	3	4	5
Methods of prevention were provided	1	2	3	4	5
The importance of a policy was well explained	1	2	3	4	5
I understand what to do if I experience or observe sexual harassment	1	2	3	4	5
I know who to contact if I need information	1	2	3	4	5
The program objectives were well met	1	2	3	4	5
This program helped me learn what I need to know	1	2	3	4	5
This program met my expectations	1	2	3	4	5
The opportunity to participate was sufficient	1	2	3	4	5
The facilitator connected the information to my job	1	2	3	4	5
This training is applicable to my job	1	2	3	4	5
I found the questions and discussions helpful	1	2	3	4	5
The program facilitator was well prepared	1	2	3	4	5
I would recommend this program to others	1	2	3	4	5

I would improve this program by \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



714 Industrial Drive  
Bensenville, IL 60106  
800-622-3610  
[www.learncom.com](http://www.learncom.com)