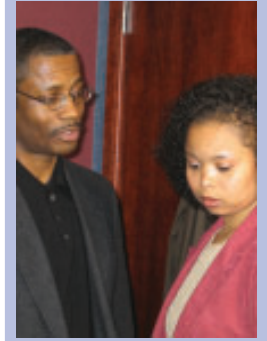
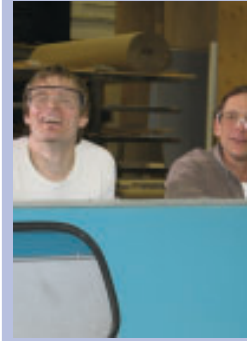
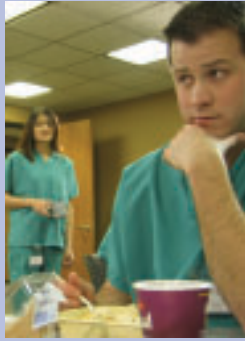
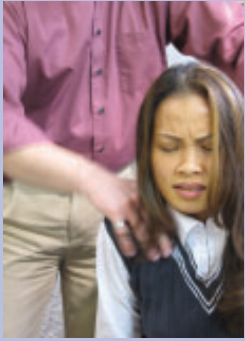


Sexual HARASSMENT IN THE WORKPLACE



It's Not Enough to Know Better

Leader's Guide



Vivid Edge Productions



Vivid Edge Productions

Sexual Harassment in the Workplace

It's Not Enough to Know Better

Leader's Guide for:

Manager's Version
Employee's Version

Important Notice:

This video program is a training guide only and in no way constitutes legal or professional advice. If professional legal service is needed, please consult with your attorney or professional advisor.

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A Note from the Producer

The language that we will be using in this Sexual Harassment Prevention program will be slightly different from older programs of this nature.

The Past:

For many years, our courts legally recognized two forms of sexual harassment. The first being Quid Pro Quo sexual harassment and the second, hostile work environment sexual harassment. This is not currently accurate.

The Present:

Today the courts are recognizing any action(s) or behavior(s) as sexual harassment when a hostile work environment is created. A hostile work environment can be created in one of two ways.

The first is Quid Pro Quo. Quid Pro Quo harassment occurs when a manager, supervisor, or person in a position of authority threatens an employee with a demotion or other negative consequence (or promises a benefit or promotion) in exchange for a sexual favor. Quid Pro Quo may also occur if an employee feels he/she must tolerate sexual advances, or other behavior of a sexual nature, because of a perceived threat by the person of authority.

The second way to create a hostile work environment is by subjecting employees to harassment (sexually harassing behavior) that is unwelcome and unreasonably interferes with an individual's work performance, or has the effect of creating an offensive or abusive work environment.

Two conditions determine an employer's liability when hostile work environment harassment occurs:

1. The employer knew or should have known about the harassment, and
2. The employer failed to take appropriate corrective action.

Having and communicating the appropriate sexual harassment policies and procedures, as well as holding annual training sessions on sexual harassment, are two of the most important steps an organization can take to protect itself from legal liability. However, having policies and procedures in place does not protect an organization from liability when Quid Pro Quo occurs. Managers, supervisors, and persons with authority over other employees are commonly held to a higher standard by our courts.

It is clear the courts are saying to all organizations...

It's not enough to know better, we must do better.

A special thanks to Teri Ann Lawyer, Esquire for her assistance with this program.

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PROGRAM OVERVIEW

The Message

The training video and guide for **It's Not Enough to Know Better** are designed to reinforce three important elements of sexual harassment prevention training:

1. Recognizing sexual harassment,
2. Preventing sexual harassment from occurring in the workplace, and
3. Following the appropriate reporting and/or investigating procedures if inappropriate behavior occurs.

At the end of this course, employees will be able to:

- Recognize behavior that could be considered sexual harassment
- Have the knowledge to avoid behaving in a way that could be interpreted as sexual harassment
- Understand the possible consequences of sexual harassment
- Describe his/her role and responsibility in creating a work environment free of sexual harassment
- Understand policies and procedures for reporting inappropriate behaviors and/or sexual harassment

At the end of this course, your managers will be able to:

- Recognize behavior that could be considered sexual harassment
- Understand legal and other consequences of allowing sexually harassing behavior to occur
- Describe his/her role and responsibility in creating a work environment free of sexual harassment
- State what actions to take when any behavior considered to be sexual harassment, or having the potential to lead to a sexual harassment claim, occurs
- Describe policies and procedures related to sexual harassment

The Video Synopsis

The employee's version features 12 case studies based on true events that depict a variety of frequently occurring workplace behaviors. Employees are asked to evaluate each case study using the **reasonable person standard**, that is, using common sense and socially accepted moral standards for judging a particular situation. A legal perspective is given for each case study, along with the critical do's and don'ts in preventing and/or reporting sexual harassment in the workplace.

The manager's version features 12 case studies based on true events that depict a variety of frequently occurring workplace behaviors. A legal perspective is given for each case study. Also emphasized is the importance of setting an appropriate example, having zero tolerance for sexually harassing behaviors, handling complaints, and timely and thorough investigations.



IN THE WORKPLACE

HOW TO USE

Two versions of this training video and guide have been developed for distinct audiences: management and employees. Be sure you are using the correct version for your audience.

Exercises for both groups are provided in this guide. A label in the upper right corner of each page will indicate whether an exercise/discussion/handout is for *management only*, *employees only*, or *both*.

Follow the directions in this guide to conduct your session, or modify them to meet your needs. Suggested training agendas can be found on page 7. After conducting the introductory discussions, view the video, **It's Not Enough to Know Better**. Then complete the discussions and exercises included in this guide. For your convenience, the vignettes are replayed at the end of the video without narrative.

Additional Tips

Consider opening your training session with the video **You Need to Know...Sexual Harassment is Illegal (2nd Edition)**. This short, yet effective training video clearly states your organization's position regarding sexual harassment in the workplace.

Before beginning your training session, you will want to have copies of all guidelines or policies regarding sexual harassment, including:

- Retaliation
- Complaint procedures
- Investigation procedures

You may also want to have copies of, or be prepared to discuss, your organization's guidelines or policies regarding:

- Dating
- E-mail use (or misuse)
- Internet use

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PLANNING YOUR SESSION

1–4 WEEKS AHEAD

- Determine the date and select participants for the training session.
- Send an e-mail, memo, or letter inviting your participants at least one to two weeks in advance. Sample memos are on pages 8 and 9.
- Secure a location for the training session that allows for easy video viewing and listening, as well as provides a relaxed, informal discussion environment. The location should have an adequate writing surface for taking notes and be accessible for participants with disabilities.

1 WEEK AHEAD

- Create an agenda for your training session. Use one of the sample agendas provided on page 7, or customize one to fit your time, needs and participants.

1-2 DAYS AHEAD

- Test the VCR/DVD player and monitor at your selected training session location. Make sure both are properly connected and that you understand how to control volume, tracking and color.
- Make copies of the worksheets and handouts available with this session, as well as the Acknowledgement of Manager Sexual Harassment Training certificate and the Acknowledgement of Employee Sexual Harassment Training certificate.

1 HOUR BEFORE

Do you have...?

- The video/DVD for **It's Not Enough To Know Better?** Do you have the correct version for your audience, i.e., Manager's or Employee's version? If you are using a video make sure it is re-wound.
- The Leader's Guide?
- Notepads and pencils for participants?
- Copies of this session's worksheets and handouts needed for participants, as well as copies of the appropriate acknowledgement of training certificate?
- Soft drinks, water or coffee (optional)?

WHILE VIEWING THE VIDEO/DVD

- Make sure the volume is adjusted so everyone can easily hear.
- Make sure enough light is available for note taking.

SUGGESTED AGENDAS

The following agendas have been designed to help you plan and administer a training session. You may follow these sessions as written, or tailor them to better suit your organization's needs. An agenda is provided for both a manager's training session and an employee's training session.

Manager's Version (4 hours, 15 minutes)

	Approx. Time	Page(s)
Program Introduction	20 minutes	10, 12-13
Pre-video Discussion	10 minutes	14
Show Video	30 minutes	15
Defining Sexual Harassment	10 minutes	22
Case Study Discussions	80 minutes	24-36
Inappropriate Behaviors	30 minutes	37-38
Protect Yourself and Your Organization from Sexual Harassment Claims	60 minutes	39-47
Conclusion	15 minutes	48

Employee's Version (3 hours, 45 minutes)

	Approx. Time	Page(s)
Program Introduction	20 minutes	11-13
Pre-video Discussion	10 minutes	14
Show Video	30 minutes	15
Defining Sexual Harassment	10 minutes	22
Case Study Discussions	80 minutes	24-36
Inappropriate Behaviors	30 minutes	37-38
What Should You Do?	40 minutes	49-51
Conclusion	5 minutes	52



INTER-OFFICE MEMO

This sample memo can be sent to participants at least one week before holding your training program. Please feel free to make modifications for your specific needs.

To: (participant name)
 From: (your name)
 Re: Sexual Harassment Prevention Program

Although we have a sexual harassment policy in place, it is not enough to protect our organization, or you, from possible litigation. We must actively protect ourselves by not only communicating our zero-tolerance of harassment to employees, but by practicing zero-tolerance toward any type of behavior that is, or has the potential to become, sexual harassment.

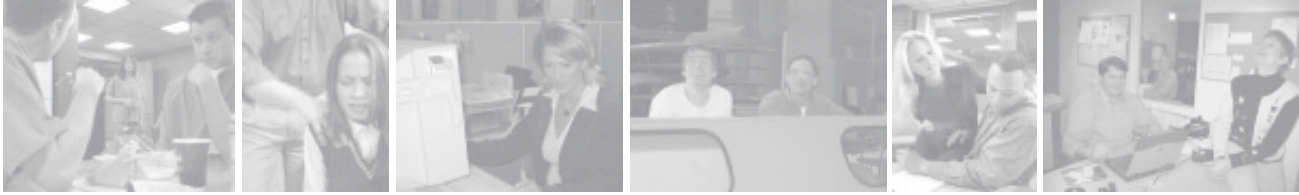
On (date), I will be holding a management training program on sexual harassment. In this session, we will review our organization's policies and create our strategy for stopping sexual harassment in our workplace. This training program will teach you to recognize the various types of behaviors that are, or could become, harassment. Additionally, we will provide you with the information you need to enforce all of our policies when a claim is made, or when you see or hear about unacceptable behavior.

At the end of this course, you will be able to:

- Recognize behavior that could be considered sexual harassment
- Understand legal and other consequences of allowing sexually harassing behavior to occur
- Describe your role and responsibility in creating a work environment free of sexual harassment
- State what actions to take when any behavior considered to be sexual harassment, or having the potential to lead to a sexual harassment claim, occurs
- Describe policies and procedures related to sexual harassment

Please mark your calendar to attend this important program. Call (number) or send me an e-mail (address) to confirm your participation. I look forward to seeing you there.

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INTER-OFFICE MEMO

This sample memo can be sent to participants at least one week before holding your training program. Please feel free to modify it to meet your specific needs.

To: (participant name)
From: (your name)
Re: Sexual Harassment Prevention Program

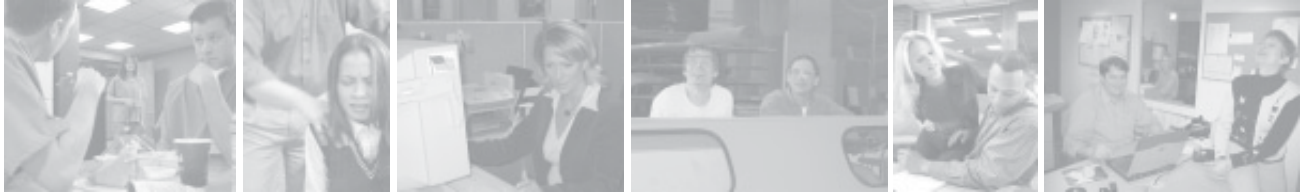
Our organization has a zero-tolerance policy toward sexual harassment in the workplace. For our workplace to be free from sexual harassment, we depend on our employees to be the first line of defense.

On (date), I will be holding a prevention program to help familiarize you with our organization's sexual harassment policies and the different types of behavior that are not appropriate in our workplace.

At the end of this course, you will:

- Recognize behavior that could be considered sexual harassment
- Have the knowledge to avoid behaving in a way that could be interpreted as sexual harassment
- Understand the possible consequences of sexual harassment
- Know your role and responsibility in creating a work environment free of sexual harassment
- Understand policies and procedures for reporting inappropriate behaviors and/or sexual harassment

Please mark your calendar to attend this important program. Call (number) or e-mail (address) to confirm your participation. I look forward to seeing you there.



PROGRAM INTRODUCTION

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Estimated Time: 20 minutes

Leader's Instructions: Introduce yourself to the group, describing your job and responsibilities. Then ask each participant to make a personal introduction and to explain his or her job responsibilities. Once everyone has been introduced, provide a short overview of this program and its objectives.

Read or state in your own words:

It's Not Enough to Know Better is a video-based training program designed to reinforce management's knowledge of recognizing, preventing and reporting sexual harassment. The discussions and exercises included in this program are intended to familiarize you with the different types of behaviors and actions that could be considered sexual harassment in our workplace. This program will also provide a better understanding of what your responsibilities are in preventing sexual harassment, as well as how to investigate and report any sexual harassment complaints you may receive.

At the end of this course, each of us will be able to:

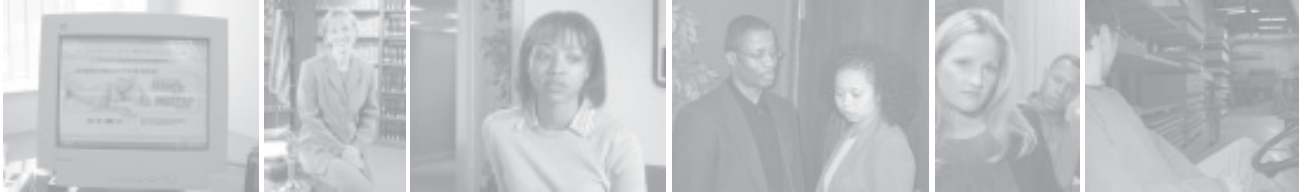
- Recognize behavior that could be considered sexual harassment
- Understand legal and other consequences of allowing sexually harassing behavior to occur
- Describe our role and responsibility in creating a work environment free of sexual harassment
- State what actions to take when any behavior considered to be sexual harassment, or having the potential to lead to a sexual harassment claim, occurs
- Describe policies and procedures related to sexual harassment.

Exercise/Handout A

Leader's Instructions: Distribute copies of the handout on pages 12-13. Answers are provided on page 53.

Read or state in your own words:

Let's begin to think about what sexual harassment is and is not. Take about ten minutes to read the statements in part one, determining what you believe to be true or false. Then complete the multiple choice questions in part two. Later in the program, we will discuss the correct answers to these questions.



PROGRAM INTRODUCTION

Estimated Time: 20 minutes

Leader's Instructions: Introduce yourself to the group, describing your job and responsibilities. Then ask each participant to make a personal introduction and to explain his or her job responsibilities. Once everyone has been introduced, provide a short overview of this program and its objectives.

Read or state in your own words:

It's Not Enough To Know Better is a video-based training program designed to help our employees recognize, prevent and report any behaviors or actions that could be considered sexual harassment. We will be discussing our organization's sexual harassment policies and reviewing the different kinds of behavior that are not appropriate here at work. We depend on you, our employees, to be our first line of defense in creating a work environment free from harassment.

At the end of this course, you will:

- Recognize behavior that could be considered sexual harassment
- Have the knowledge to avoid behaving in a way that could be interpreted as sexual harassment
- Understand the possible consequences of sexual harassment
- Describe your role and responsibility in creating a work environment free of sexual harassment
- Understand policies and procedures for reporting inappropriate behaviors and/or sexual harassment

Exercise/Handout A

Leader's Instructions: Distribute copies of the handout on pages 12-13. Answers are provided on page 53.

Read or state in your own words:

Let's begin to think about what sexual harassment is and is not. Take about ten minutes to read the statements in part one, determining what you believe to be true or false. Then complete the multiple choice questions in part two. Later in the program, we will discuss the correct answers to these questions.

Sexual Harassment: What Is It?

Part One: Take a few moments to think about sexual harassment. Read the following statements and decide if you think the statement is true or false. Later in this program, you will have the chance to determine whether or not you were correct.

Statement One: While at work, Marty spends a good deal of time making phone calls to her family and friends. She is generally very animated and colorful in the way she expresses herself. It is not uncommon for Marty to use offensive words to make her point and often tells sexually suggestive jokes or makes risqué comments. Her workspace is not private. As a matter of fact, Marty's co-workers can clearly hear most (if not all) of her conversations. However, since her co-workers are eavesdropping, Marty's behavior is not considered sexual harassment.

True or False?

Statement Two: Alicia has her eye on a co-worker, John, in another department. She goes out of her way to make sure she runs into him wherever possible and e-mails him frequently. During these encounters, Alicia frequently asks John out to dinner or to join her after work for a cocktail. John thinks Alicia is a nice woman and has told her each time she has asked him out that he is in a committed relationship and not available for a dating relationship. Alicia is determined and sends him a note asking him to be her date for an upcoming company event. Although Alicia's persistence is annoying to John, her behavior is not considered sexual harassment because they are co-workers, not a boss and subordinate.

True or False?

Statement Three: Raymond is the team clown. When things get tense, he likes to break it up with a joke and a good laugh. Usually, he tells a few sexually suggestive jokes. All of his team members laugh at these jokes and encourage him to tell more. Raymond's behavior would not be considered sexual harassment.

True or False?

Statement Four: Maggie and Lou, co-workers at a media firm, are attending a convention in Las Vegas together. While at a live show with tickets provided by an outside vendor, Lou pulls her chair closer to his, wraps one arm around her shoulder and puts his other hand firmly on her leg. Maggie pushes his hand off her leg and moves her chair away while throwing him a very annoyed look. Lou laughs it off but also takes the hint and does not attempt the behavior again. Maggie is bothered by the incident. She found the behavior offensive and unwelcome. But she knows that since they were not in the workplace, his behavior would not be considered sexual harassment.

True or False?

Statement Five: Jason is a shift manager who had been dating a line worker, Andrea for the past several months. Andrea broke up with Jason after he suggested they think about getting married. She wasn't as serious as Jason and thought that ending the relationship would be best for both of them. The next week, Jason approached Andrea and told her it was too painful to see her everyday. He asked her to either work the night shift or transfer to another location. Since Andrea had no interest in the night shift or another location, she quit. This would not be considered sexual harassment since Andrea voluntarily resigned her position.

True or False?

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Part Two: Answer the following questions. Later in this program, you will have the chance to determine whether or not you were correct.

1. **Quid Pro Quo means:**
 - a. A hostile work environment
 - b. Something for something
 - c. A legal responsibility
 - d. None of the above

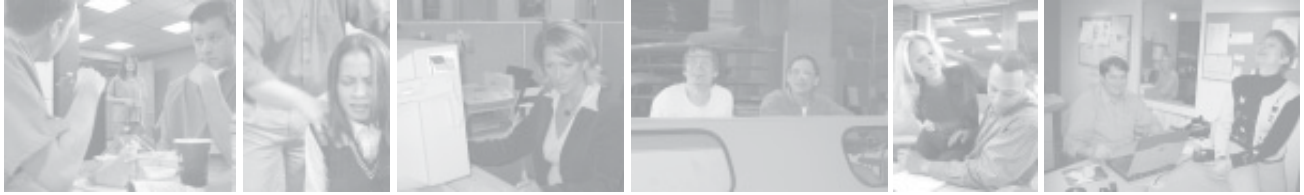
2. **Sexually suggestive behavior must be considered unwelcome to be considered harassment.**
 - a. True
 - b. False

3. **Which of the following could create a hostile work environment?**
 - a. A woman tells an attractive man he looks good.
 - b. An employee talks loudly on the phone about his sexual conquests to his brother.
 - c. A manager suggests to his employee that she might get a better position if she would consider dating him.
 - d. a and c
 - e. All of the above

4. **Who of the following could not legally be considered a harasser?**
 - a. A board member
 - b. A customer
 - c. A delivery person
 - d. A caterer
 - e. All could legally be considered a harasser

5. **Which behaviors could create a hostile work environment?**
 - a. Giving gifts
 - b. Sending personal notes through e-mail
 - c. Massaging a co-worker's shoulders
 - d. Posting a calendar with women in bathing suits
 - e. c & d
 - f. All of the above

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PRE-VIDEO DISCUSSION

Estimated Time: 10 minutes

Leader's Instructions: Ask and discuss the following questions before viewing the video to stimulate thought on sexual harassment.

Discussion Questions:

- What do you believe is the most common behavior that could be considered sexual harassment?
- Giving no names or specifics, describe a time when you told someone that his or her behavior made you uncomfortable. Describe what you said.
- Giving no names or specifics, describe a time when you wish you would have told someone that his or her behavior made you uncomfortable. Describe why you didn't say anything.
- Are there additional steps that our organization can take to eliminate harassment in our workplace? Describe.



IN THE WORKPLACE

SHOW THE VIDEO

Employee's Version: 25 minutes

Manager's Version: 26 minutes

Leader's Instructions: Distribute copies of Handout B, pages 16-21. Ask participants to evaluate each case study shown and rate whether the behavioral context is mild(1) or severe(10), whether the behavior was welcome or unwelcome, and whether or not a reasonable person would view it as sexual harassment. Encourage participants to make note of any thoughts or questions they may have for discussion after the video.

Play the video, **It's Not Enough to Know Better.**

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Directions: As you watch each case study, decide if you perceive the behavior illustrated as mild or severe, welcome or unwelcome, and whether or not a *reasonable person* would view it as sexual harassment. A *reasonable person* is one who would judge a situation based on common sense and generally accepted social mores. Circle your answers and make note of any thoughts you may have for discussion after the video.

Case Study 1: Delicious!

RATE this behavior

1 2 3 4 5 6 7 8 9 10

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 2: What Does She Have That I Don't?

RATE this behavior

1 2 3 4 5 6 7 8 9 10

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 3: Man to Man

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 4: Up and Down

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

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Case Study 5: Job Prerequisite?

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 6: Lateral Move?

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 7: Let Me Work My Magic

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 8: Give Me Your Best

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 9: The Good Tipper

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

Case Study 10: Gina's Fan

RATE this behavior

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO
PERHAPS

Notes:

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Case Study 11: Back to Normal

RATE this behavior

1 2 3 4 5 6 7 8 9 10

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO PERHAPS

Notes:

Case Study 12: Oh, Dear

RATE this behavior

1 2 3 4 5 6 7 8 9 10

1 being mild, 10 being severe.

Was the behavior welcome? YES NO

Do you consider this type of behavior sexual harassment? YES NO PERHAPS

Notes:

DEFINING SEXUAL HARASSMENT

Estimated Time: 10 minutes

Leader's Instructions: Read through the information on this page as a group and discuss the follow-up questions.

Read or state in your own words:

Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that create a hostile work environment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. (*You may want to discuss and define explicit and implicit.*)
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, offensive working environment.

More specifically, a hostile work environment can be created in one of two ways.

The first is Quid Pro Quo. Quid Pro Quo is a Latin term meaning "this for that" or "something for something". Quid Pro Quo harassment occurs when a manager, supervisor, or person in a position of authority threatens a subordinate with a demotion or other negative consequence (or promises a benefit or promotion) in exchange for a sexual favor. Quid Pro Quo may also occur if an employee feels he/she must tolerate sexual advances or other behavior of a sexual nature because of a perceived threat by the person of authority.

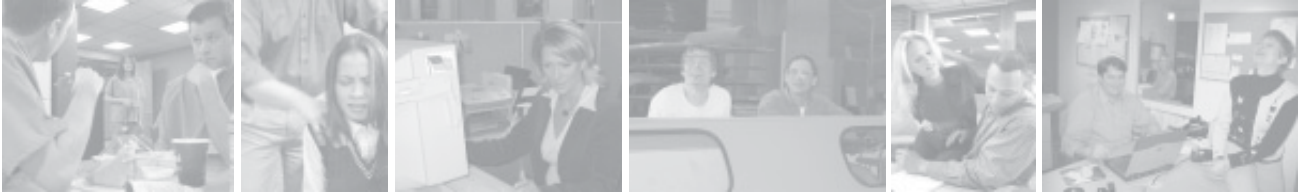
Additional Information for Manager's Version Only

Read or state in your own words:

Quid Pro Quo is about a disparity of power between two people, a supervisor/ manager and a subordinate. So, it is particularly important that as a manager or supervisor you become aware of any personal behaviors or habits that could be perceived as harassment. Employees may perceive and believe that you hold power over them and therefore have to accept your behavior in order to move forward in the organization.

The second way to create a hostile work environment is by subjecting employees to harassment (sexually harassing behavior) from another person(s) that:

- Unreasonably interferes with an individual's work performance or has the effect of creating an offensive or abusive work environment
- Is unwelcome
- Is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment



Additional information for Manager's Version only

Read or state in your own words:

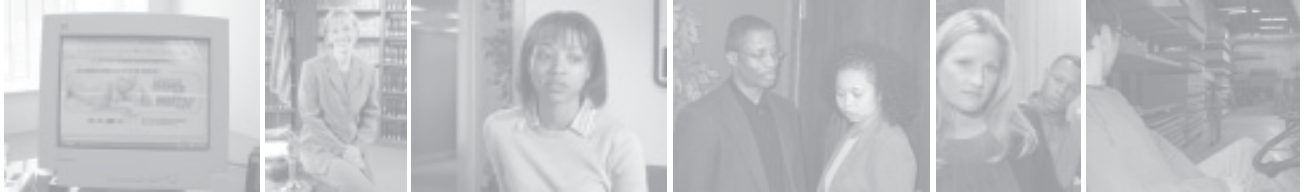
Two conditions determine an employer's liability when harassment occurs:

1. The employer knew or should have known about the harassment, and
2. The employer failed to take appropriate corrective action.

Having and communicating the appropriate sexual harassment policies and procedures, as well as holding annual training sessions like this one, are two of the most important steps an organization can take to protect itself from legal liability when harassment occurs. However, having policies and procedures does not protect our organization from liability when Quid Pro Quo occurs. Managers, supervisors, and persons with authority over other employees are commonly held to a higher standard by our courts.

Your role as a manager or supervisor is to help our organization avoid a complaint of sexual harassment or discrimination. So even if an employee's conduct is not "illegal", if it is inappropriate it could lead to an internal complaint, an agency complaint, or even a lawsuit. Your role is really not to decide whether or not conduct is "illegal" but whether or not the behavior is "appropriate" for our work environment. If behavior is inappropriate, you must take action to stop it.

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CASE STUDY DISCUSSION

Estimated Time: 80 minutes

Leader's Instructions: Using the appropriate version of the video, replay each case study. For your convenience, the vignettes are provided without narrative at the end of each version of the video. Using Handout B, have participants discuss their perspective as a *reasonable person* and review the appropriate actions for each case study. Use the discussion questions provided or develop your own. Before moving to the next case study, review the necessary actions that each audience should take when dealing with a similar situation.

You may also want to have on hand, or be prepared to discuss, your organization's guidelines or policies regarding:

- Dating co-workers
- E-mail use (or misuse)
- Internet use

Case Study 1: Delicious!

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Where would you draw the line between compliment and sexual harassment?
- If someone says something offensive to you, what could you calmly say to the offender to let him or her know you are offended?
- If you are with someone who is harassing another person, what can you do to stop it from happening again in the future?
- As a manager or supervisor, what would you do if you witnessed or heard of a situation like this?
- In this case, the male made a suggestive comment about the woman's appearance. Name several other ways a person might be verbally harassed. *Examples: Idle chatter of a sexual nature, graphic sexual descriptions, slurs, innuendos, comments about a person's clothing, body, and/or sexual activities, offensive jokes, sexual teasing, suggestive sounds such as whistling or cat-calls, provocative compliments about a person's clothes or how the clothes fit*



Actions for Employees

- No matter what your intention is, teasing, innuendos, and sarcasm of a sexual nature are inappropriate in our work environment.
- If someone makes an inappropriate comment to you, consider telling the offender that his or her comments make you uncomfortable and you wish he or she would stop.

Actions for Managers

- Have zero tolerance for teasing, innuendos, suggestive comments or sarcasm of a sexual nature in your department or workplace.
- If you ignore inappropriate behavior, you are condoning it. Always speak to your employees immediately when you see or hear any behavior that could be considered sexual harassment.

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Case Study 2: What Does She Have That I Don't?

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Do you believe that women harassing men in the workplace is a significant issue? Is it becoming more common?
- Why is it hard for people to believe that a woman can harass a man as opposed to the other way around?
- Where would you draw the line between persistence and harassing behavior?
- In this case study, the woman sat on the man's lap and clearly made him uncomfortable. What are some other forms of physical harassment that are inappropriate at work? *Examples: patting, pinching, stroking, brushing up against the body, cornering a person, invading another's "personal space", attempted or actual kissing or fondling, physical assaults, coerced sexual intercourse, attempted rape or rape.*
- If you experience a form of physical harassment, what might you say to the offender?
- As a manager, what would you do if you witnessed something like this happening in your work environment?



Actions for Employees

- Physical behavior such as sitting on a person's lap, blocking normal work or movement, pats, pinching, or any of the other behaviors we've discussed is inappropriate at work.
- When a dating relationship ends, it is your responsibility to behave in a professional, respectful manner toward the other person.
- If you ask a person out on a date and are told no, do not ask again. No means no.
- If your co-worker's behavior is bothering you, tell the person to stop and/or report the behavior to your manager or someone in our human resources or legal departments.
- Understand our organization's policies regarding dating in the workplace (describe).

Actions for Managers

- Have zero-tolerance for any unwelcome physical behavior such as sitting on a person's lap, blocking normal work or movement, pats, pinching or any of the behavior we discussed.
- Act immediately on any complaint you receive according to our organization's policies and procedures.
- Enforce and communicate our organization's policies regarding dating in the workplace (describe).

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Case Study 3: Man to Man

Discussion Questions

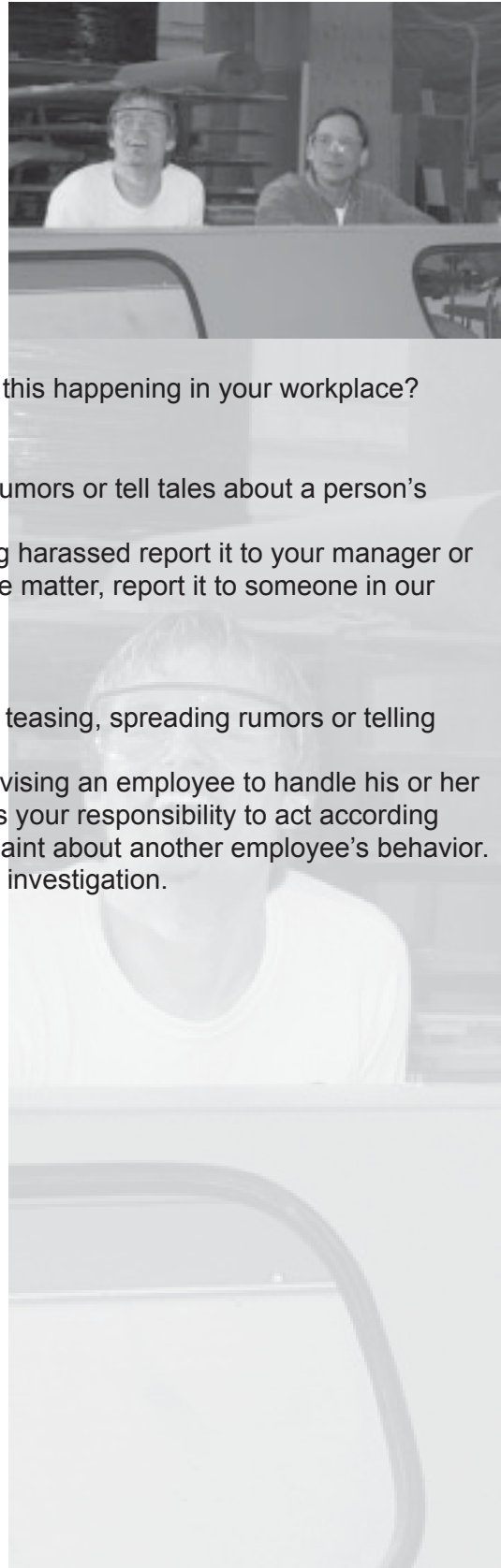
- As a *reasonable person*, what is your judgment of this situation?
- In your opinion, how big a problem is male against male harassment?
- Do you think it's hard for people to believe a man can be sexually harassed by other men? Why or why not?
- Where would do you draw the line between this kind of 'banter' and harassing behavior?
- As an employee, what should you do if you witness a similar situation?
- As a manager, what would you do if you witnessed this happening in your workplace?

Actions for Employees

- Never make derogatory comments, tease, spread rumors or tell tales about a person's sexuality.
- If you are being harassed or hear of someone being harassed report it to your manager or supervisor. If your manager doesn't take care of the matter, report it to someone in our Human Resources or Legal Departments.

Actions for Managers

- Have zero tolerance for any derogatory comments, teasing, spreading rumors or telling tales about a person's sexuality.
- Don't put yourself or your organization at risk by advising an employee to handle his or her situation. Regardless of your personal feelings, it is your responsibility to act according our guidelines when you hear of or receive a complaint about another employee's behavior.
- If appropriate, proceed with an objective and timely investigation.



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Case Study 4: Up and Down

Discussion Questions

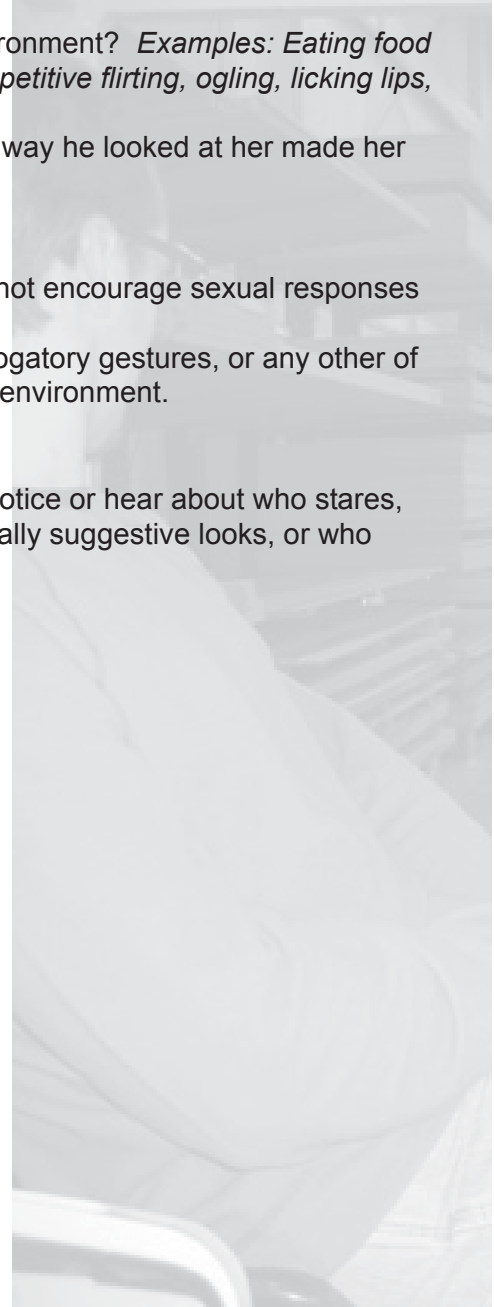
- As a *reasonable person*, what is your judgment of this situation?
- Do you think the way the woman dressed justified the behavior she received from the male co-worker?
- Each of us is looked at by co-workers. How do you draw the line between being looked at and being ogled in a way that makes you feel uncomfortable? Are there other factors that help you make the distinction? If so, what?
- Leering is a non-verbal behavior that can create a hostile work environment. What other forms of non-verbal behavior are inappropriate in the work environment? *Examples: Eating food provocatively, lewd hand language, unwelcome and repetitive flirting, ogling, licking lips, holding items provocatively*
- How could the woman have explained politely that the way he looked at her made her uncomfortable?

Actions for Employees

- Dress and act appropriately for your profession — do not encourage sexual responses from others by your office behavior.
- Looking co-workers up and down, staring, leering, derogatory gestures, or any other of the behaviors discussed are inappropriate in our work environment.

Actions for Managers

- Have a zero tolerance attitude for any employee you notice or hear about who stares, looks at co-workers up and down or makes other sexually suggestive looks, or who makes derogatory gestures.



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Case Study 5: Job Prerequisite?

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- If you were to observe this, would you think the male manager thinks the female employee is more talented, or does he favor her because of a personal relationship?
- What other situations can you think of that might lead to claims of favoritism? *Examples: Son or daughter of a close friend or leader in the organization, relative, etc.*
- As an employee, what should you do if you feel your manager or supervisor is unfairly favoring a co-worker?
- As a manager, what would you do if an employee complained to you about this kind of favoritism?



Actions for Employees

- If you feel there is favoritism in your department, discuss this with your manager. Your manager may not be aware how his or her actions are being perceived.
- Be aware of how your own office friendships may be perceived and how they may affect other co-workers.

Actions for Managers

- Treat all employees equally. Performance at work should be the only behavior that is rewarded.
- Not dealing with perceptions of favoritism can have a drastic effect on employee morale and could lead to a sexual harassment claim.
- An intimate, personal relationship with a subordinate employee is not appropriate in our organization and will result in disciplinary action up to and including termination. *If this is not true, use alternate statement:* Having an intimate, personal relationship with a subordinate employee is extremely risky and inappropriate behavior.

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Case Study 6: Lateral Move?

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Would you be fearful of reporting an incident or making a claim?
- How common or uncommon do you feel retaliation may be?
- Who would you go talk to if you felt you were being retaliated against by your manager?
- What should you do if you thought a co-worker was being retaliated against?

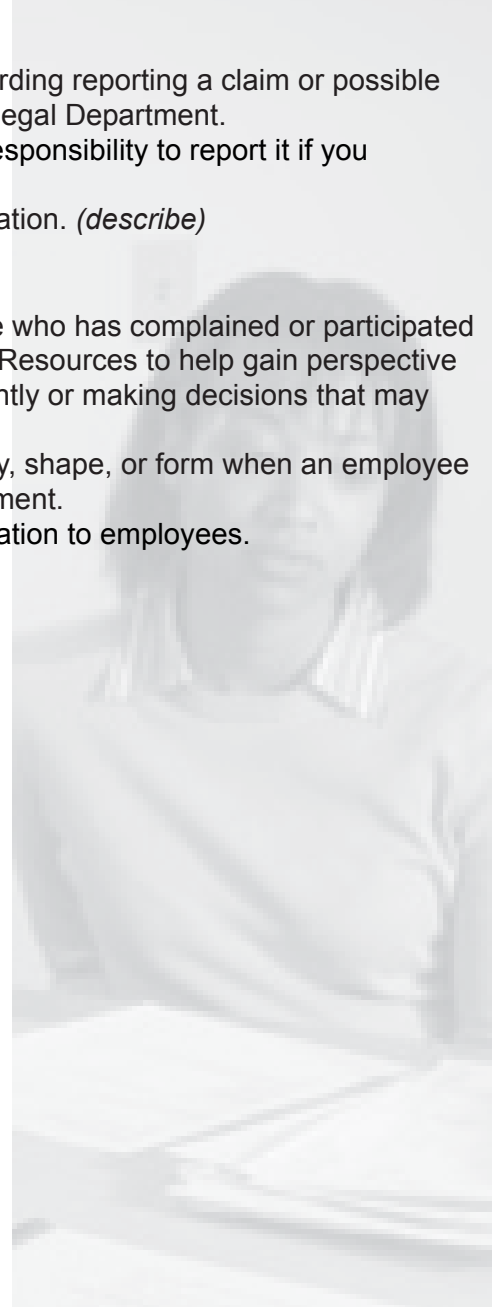


Actions for Employees

- Immediately discuss any concerns you may have regarding reporting a claim or possible retaliation with someone in our Human Resources or Legal Department.
- Know that retaliation is illegal and it is your right and responsibility to report it if you believe it is happening to you or another co-worker.
- Understand our organization's policies regarding retaliation. (*describe*)

Actions for Managers

- If you find yourself feeling negative about an employee who has complained or participated in an investigation, discuss it with someone in Human Resources to help gain perspective and make sure you are not treating that person differently or making decisions that may negatively affect your employee.
- It is illegal to retaliate or threaten to retaliate in any way, shape, or form when an employee complains or participates in an investigation of harassment.
- Enforce and communicate our policies regarding retaliation to employees.



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Case Study 7: Let Me Work My Magic

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Should we take it upon ourselves to make people feel better without being asked?
- Are backrubs, hugs, or other physical contact ever appropriate in the workplace? How do you draw the line between when it is acceptable and when it is not?
- As an employee, how would you handle this situation?
- As a manager, what would you do if you witnessed this happening in your workplace?



Actions for Employees

- Back rubs, pinching, patting, grabbing, stroking, rubbing, and caressing are forms of physical contact that are not appropriate in the workplace.
- Make the effort to notice what others might perceive as unwelcome.
- If someone indicates that he or she is not comfortable with something that you are doing – verbally, non-verbally, or physically – respect that person's wishes immediately without needing to be asked a second time.
- What you intend by a behavior or statement is not what determines sexual harassment; the perception of the person receiving the behavior or statement is the determining factor. Be aware of the reactions and feelings of others.

Actions for Managers

- Coach those employees who may not understand that their behavior is inappropriate or unwelcome. When you discuss such behavior – don't talk about whether or not it would be legal or illegal, unwelcome or welcome rather focus on if the behavior was appropriate.
- Let your employees know that behaviors such as back rubs, pinching, patting, grabbing, stroking, rubbing and caressing are forms of physical contact not appropriate in the workplace.
- Because it is so difficult to predict when a suggestive behavior is welcome or not, if you see it, hear it, read it or even hear about it, take action to stop it.
- Encourage your employees to speak up if something happens that makes them uncomfortable.

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Case Study 8: Give Me Your Best

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Do you consider these kinds of jokes to be sexual harassment? Why or why not?
- What if everyone in the office finds a joke funny except one person? Is that person creating a problem where otherwise none exists?
- Humor is an important tool commonly used in the work environment. How do you draw the line between appropriate humor and inappropriate humor?
- As an employee, what should you do if you hear a co-worker tell inappropriate jokes?
- As a manager, what action should you take if you hear, or hear of, an employee telling inappropriate jokes?

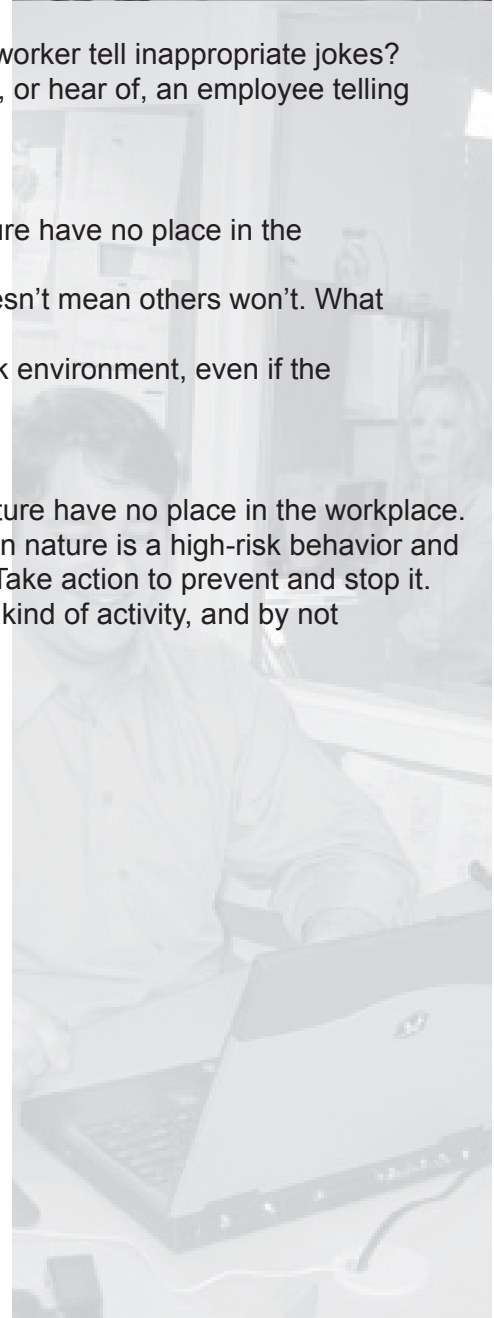


Actions for Employees

- Jokes, cartoons, or e-mail jokes that are sexual in nature have no place in the workplace.
- Just because you don't mind a particular behavior, doesn't mean others won't. What isn't offensive to one may be to another.
- Anything of a sexual nature is inappropriate in the work environment, even if the receiver welcomes the behavior.

Actions for Managers

- Jokes, cartoons and e-mail jokes that are sexual in nature have no place in the workplace.
- Risque' humor or anything that is sexually suggestive in nature is a high-risk behavior and could quite easily be considered sexual harassment. Take action to prevent and stop it.
- Set an appropriate example by not participating in this kind of activity, and by not allowing it by your employees.



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Case Study 9: The Good Tipper

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- If “the customer is always right,” do they have the right to sexually intimidate an employee of an organization? *No. You have the right to work in a harassment-free environment. Your organization should respond to any complaint of a customer intimidating or threatening an employee.*
- How do you determine what to “put up” with from a customer?
- As an employee, how do you think your boss would react if you were to make a complaint like this about a major client?
- As an employee, what should you do if you face a similar situation involving a client?
- As a manager, what would you do if this situation were reported to you?



Actions for Employees

- Sexual harassment is not allowed even in client to vendor relationships. The adage, “the customer is always right” doesn’t apply in this situation.
- If a client or customer pressures you sexually or makes you feel uncomfortable, seek assistance from your manager, or someone in our Human Resources or Legal Departments.

Actions for Managers

- Advise employees to report inappropriate behavior from customers, vendors, or any other person associated with your organization. There is no customer valuable enough to put yourself and your organization at risk.
- Never advise employees to work around a harassment problem. This kind of behavior puts both you and your organization at legal risk. Whenever you receive any kind of complaint, act on it immediately.
- Follow your organization’s specific guidelines for both investigating and evaluating a complaint.

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Case Study 10: Gina's Fan

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Should employees be allowed to send personal e-mails of any kind on company computers?
- Where would you draw the line between persistence and harassing behavior?
- Do you think e-mail and Internet access are more abused than traditional forms of office communication, i.e. phones, bulletin boards, etc. Why or why not?
- Do you find that people communicate more aggressively using e-mail than other forms of communication? Why or why not?
- What policies does our organization have regarding e-mail and Internet use?
- What policies does our organization have regarding dating in the workplace?
- What should you say to a co-worker who persists in asking you out on a date?
- As a manager, how would you deal with an employee who persistently asks other employees out on dates?



Actions for Employees

- If you ask a co-worker for a date and are told no, do not ask again. Take no as no.
- E-mail at work is for work-related communication. Never use e-mail to make repeated requests for dates, or for sending sexually suggestive comments or jokes.
- Never include or forward Internet links to sexually suggestive sites in your e-mail communications.
- No one should be made to feel uncomfortable at work. If your behavior is bothering someone else, stop that behavior. Likewise, if a co-worker's behavior is bothering you, address the problem with your co-worker or report it following your organization's complaint procedure.
- Understand our organization's specific policies on dating and e-mail use. (*describe*)

Actions for Managers

- Reinforce to your employees that no means no, not work harder to get a different answer.
- Clearly communicate that you will have zero-tolerance for any e-mail communications with repeated requests for dates, sexually suggestive comments, jokes, or Internet links to sexually suggestive sites.
- Enforce and communicate our organization's specific policies regarding dating and e-mail use to employees.

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Case Study 11: Back to Normal

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- Is this a clear example of Quid Pro Quo harassment? Why or why not?
- Do you feel like the woman's behavior outside of work makes her entirely responsible for what happened?
- Do you feel the manager may have taken advantage of the situation? How should he have dealt with an employee who makes advances outside of work?
- Can you think of any examples where a person other than a supervisor, manager, or person holding a high position within an organization may have perceived power over an employee? *Example: A customer may be perceived as someone who has power over an employee. Or perhaps a relative of a person who is higher within the organization. A person with more seniority may also hold power over a peer.*
- As an employee, what should you do if you find yourself in a similar situation?
- As a manager, what should you do if you find yourself in a similar situation?



Actions for Employees

- Know that job-related results and performance are the only acceptable expectations at work.
- If you feel threatened or pressured to start or maintain a personal relationship, report it immediately according to our organization's policies and procedures.
- Always act professionally with your managers and co-workers inside and outside the work environment.

Actions for Managers

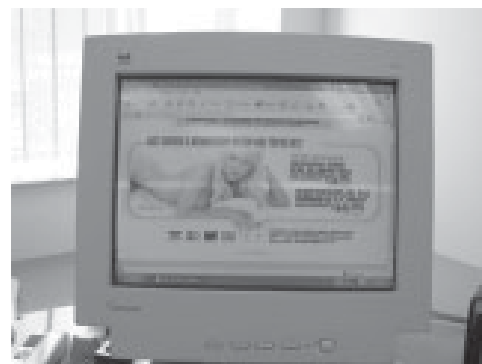
- Managers or other employees should behave professionally when interacting with co-workers inside or outside of the work environment. Behavior directed toward another co-worker while at a party, convention or other outside work environment can still be considered sexual harassment.
- As a manager, supervisor, or person of authority, it is poor judgment to get involved with, or pursue a personal relationship with, a subordinate employee whether or not it was initiated by you.
- Have zero tolerance for anyone who pressures another person to start, keep or maintain a personal relationship.
- If you have any kind of authority over others in your workplace, you should be extremely careful of how you interact with employees. Always set an appropriate example.
- Crossing personal boundaries with an employee puts everyone at great risk — the employee, the manager and the organization.

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Case Study 12: Oh, Dear

Discussion Questions

- As a *reasonable person*, what is your judgment of this situation?
- This vignette shows one example of inappropriate material displayed in the work environment. Name several others. *Examples: calendars, posters, jokes, pictures.*
- As a manager, what should you do if you observe an inappropriate picture displayed in your office?
- What is our organization's policy on Internet use?
- Have you ever been involved in a situation like this? And if so, what should you do?



Actions for Employees

- Do not access off-color material or anything sexual in nature through the Internet on any computer used for work-related activities at work or at home.
- Do not post off-color material or anything sexual in nature in your work environment or anywhere in the organization.
- Understand our organization's policy regarding Internet use. (*Describe your specific policy*)

Actions for Managers

- Practicing zero-tolerance for any posters, cartoons, drawings, calendars, pinups, and pictures of a sexual nature in your work environment is extremely important.
- Have zero-tolerance for any employee who accesses inappropriate Internet sites, clicks on links to inappropriate sites, or forwards information about such sites. Advise all employees to delete all questionable e-mails containing jokes or links of a sexual nature.
- If questionable, a picture, phrase or joke should be taken down immediately.
- If you ignore a sexual harassment situation in your work environment, you are, in essence, condoning the offensive behavior.
- Enforce and communicate our organization's policy regarding Internet use to your employees, (*Describe your specific policy*)

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INAPPROPRIATE BEHAVIORS AT WORK

Estimated Time: 15 minutes

Read or state in your own words:

Sexual harassment comes in many forms of inappropriate behaviors. These risky and inappropriate behaviors can generally be divided into three primary groups - verbal, non-verbal, or physical. We've talked about many of the specific behaviors to avoid in the workplace during our case study discussions. Let's review the kind of behaviors, if unwelcome, that can lead to a sexual harassment claim.

Risky Behaviors - Verbal

- derogatory comments of a sexual nature or based on gender
- comments about clothing, personal behavior, or a person's body
- sexual or gender-based jokes or teasing
- requests for sexual favors
- repeated requests for dates
- terms of endearment, such as "honey", "dear", "sweetheart", "babe"
- sexual innuendoes
- tales or stories of a sexual nature
- grunts, whistles, cat-calls, hoots, sucking noises, lip-smacks and animal noises
- obscene phone calls
- lies or rumors about a person's personal or sex life

Ask participants to list any other risky verbal behaviors not mentioned in this list.

Risky Behaviors - Non-Verbal

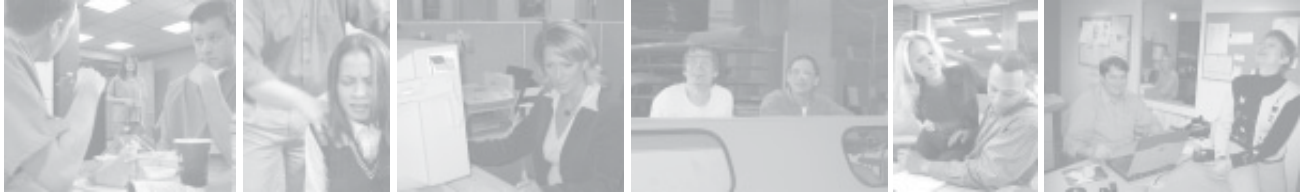
- staring
- looking a co-worker up and down
- making gestures of a sexual nature
- leering or making sexually suggestive looks
- making facial expressions of a sexual nature; winking, licking lips

Ask participants to list any other risky non-verbal behaviors not mentioned in this list.

Risky Behaviors - Physical

- leaning over, invading a co-worker's personal space
- inappropriately touching a person or person's clothing
- "accidentally" brushing up against another person
- indecent exposure, mooning or flashing
- blocking someone's path with the purpose of making a sexual advance
- uninvited neck or shoulder massage
- deliberately touching sexually, or pinching
- pressing or rubbing up against a person
- stalking
- grabbing
- kissing, hugging, patting, stroking
- actual or attempted sexual assault

Ask participants to list any other risky physical behaviors not mentioned in this list.



Activity and discussion:

Estimated Time: 15 minutes

Leader's Instructions: Give each person a piece of paper and a pen. Ask participants to write a brief example of possible sexual harassment that he or she has experienced or witnessed. Emphasize that participants should not use actual names or describe events that will be recognizable to the group.

Read or state in your own words:

Take five minutes to write a brief example of a situation that you believe could be sexual harassment. This might be something you have experienced, heard of, or witnessed. **Do not use actual names or describe events that will be recognizable to others in the group.** Consider these questions specifically:

- Do you think it was Quid Pro Quo?
- Was it verbal, non-verbal, or physical harassment of a sexual nature?
- Do you feel a hostile work environment was created?
- What did you do?
- What do you wish you would have done?

After five minutes, ask participants to voluntarily share their examples. Encourage discussion based on the questions listed above. Conclude the exercise by reading the following:

Read or state in your own words:

At one time or another, most of us have either experienced or witnessed behavior that could be considered sexual harassment in the workplace – even if in its subtlest form. And we all understand that often what is often offensive to one person isn't to another. Much of the behavior we've discussed – as an isolated incident – isn't generally considered sexual harassment. However, each of the behaviors would be considered at a minimum disrespectful behavior. Such behavior, if repeated or escalated, could very well create hostile work environment sexual harassment.

Sexual harassment can easily be eliminated in the workplace if each employee makes a commitment to treat all employees, co-workers, vendors, and customers with respect. Our organization expects each one of us to be respectful in the workplace.

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PROTECT YOURSELF AND YOUR ORGANIZATION FROM SEXUAL HARASSMENT CLAIMS

Estimated Time: 60 minutes

Leader's Instructions: Overview each of the following sections with participants. Allow time for discussion and questions.

Read or state in your own words:

This next part of our training session concentrates on how to protect ourselves and our organization from a sexual harassment complaint, and how to handle one if it occurs. We will be covering five steps. They are:

- 1. The Actions You Need to Take to Protect Yourself**
- 2. Know Your Organization's Specific Policies Related to Sexual Harassment**
- 3. Educate Your Employees**
- 4. Know and Use Your Organization's Complaint Procedure**
- 5. Know and Use Your Organization's Investigation Guidelines**

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1. The Actions You Need to Take To Protect Yourself

Read or state in your own words:

Generally speaking, employers and managers can successfully defend themselves against a sexual harassment complaint by proving they took both of the following actions:

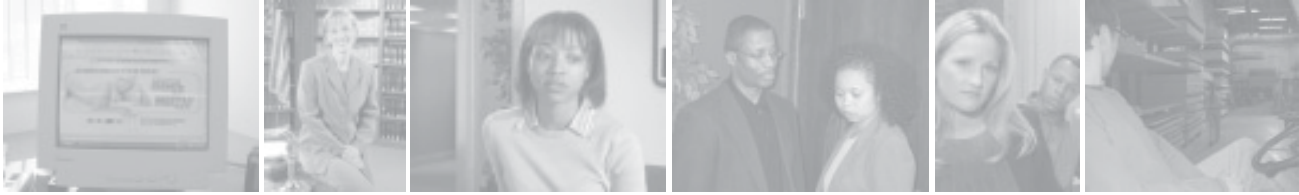
1. Exercised reasonable care to prevent and promptly correct any behavior that could create a hostile work environment
2. Offered preventive or corrective opportunities of which the employee unreasonably failed to take advantage

To accomplish both of these, employers and managers should, at a minimum:

- Distribute and communicate a sexual harassment policy that explains, in easy-to-understand language, the types of behavior that are prohibited.
- Educate all employees on their rights and responsibilities.
- Distribute and communicate an easy-to-use complaint procedure that gives employees a choice of whom to report to; this will allow employees to report harassment to someone with whom they are comfortable.
- Train all employees on what behavior they must avoid, and how they should respond to inappropriate behavior from others.
- Provide guidelines to managers showing how to handle a complaint or their own observations of inappropriate behavior.
- Provide guidelines to managers showing how to conduct investigations that recognize the rights of all the parties involved or how and when to refer a matter to be investigated by HR.
- Take deliberate and decisive corrective action whenever a manager, employee, or someone else violates the sexual harassment policy.

Discuss as a group:

- How can we be sure we address all these issues all the time?
- How can we strengthen what we are currently doing?
- Do your employees currently understand our sexual harassment policies and procedures?
- Do your employees understand their rights and responsibilities?
- What kind of situations have you successfully dealt with in the past that might be helpful to share with the other managers here today?
- Are there any situations we've seen or discussed today that you still feel unsure of how to handle? If so, let's discuss together and come up with specific actions that you might be able to take.



2. Know Your Organization's Specific Policies Related to Sexual Harassment

Read or state in your own words:

Many organizations leave themselves legally vulnerable if they do not have a sexual harassment policy. But as we've said, just having a policy is not enough. For our policy to have any legal value, we must all know it, understand it, and make sure all of our employees have read, heard and understand it.

Distribute a copy of your organization's sexual harassment policy. Read as a group.

Read and state in your own words:

Many organizations distribute their sexual harassment policy annually or biannually, and require employees to sign an affidavit that they have read and understand the organization's policy against sexual harassment.

What other ways can we distribute this information so all employees understand our expectations?

Write all ideas on a blackboard, whiteboard, notepad, or flipchart. Suggestions include:

- Display in cafeteria or breakroom
- Send periodically as an e-mail reminder
- Review periodically at staff meetings
- Post in office
- Post on the company website
- Post on bulletin boards
- Show the video, "You Need to Know, Sexual Harassment is Illegal (2nd Edition)" at employee meetings
- Run the Employee's Version of this training session for all employees

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3. Educate Your Employees

Read or state in your own words:

In addition to posting policies, educating employees should include practical and subtle examples of inappropriate behavior. Employees may not understand the legal issues related to sexual harassment, but everyone can understand that sexually suggestive or disrespectful behavior is not acceptable in the workplace.

Focus on communicating what behavior all employees must avoid. When acceptable and unacceptable behavior is defined, employees will more likely avoid questionable behavior. Additionally, it is your obligation to empower your employees to:

- Confront their harassers directly
- Use our organization's complaint procedure

Most employees just want unacceptable behavior to stop. They usually only file claims when they feel they cannot handle the matter on their own. If you empower your employees to confront harassers and/or submit complaints within our organization, most situations can be successfully resolved before legal action is taken. It's important to let your employees know that they will not be retaliated against for asking that the person's behavior stop, or for filing a complaint.

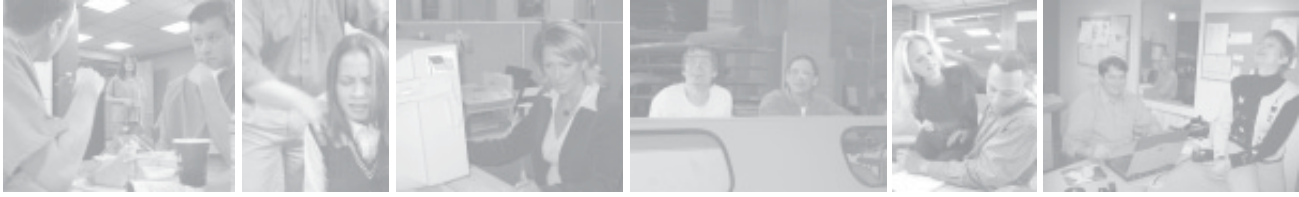
Ask and discuss:

Why do you think employees won't speak up about sexual harassment?

Most likely reasons:

- Fear retaliation by manager
- Fear a loss of job opportunities
- Fear management and co-workers will view him or her as oversensitive or as a troublemaker
- Fear rejection by peers
- Fear not being believed
- Fear being embarrassed

What can each of you do to create an environment where employees feel comfortable speaking up when he or she may be experiencing disrespectful or sexually suggestive behavior?



4. Know and Use Your Organization's Complaint Procedure

Read or state in your own words:

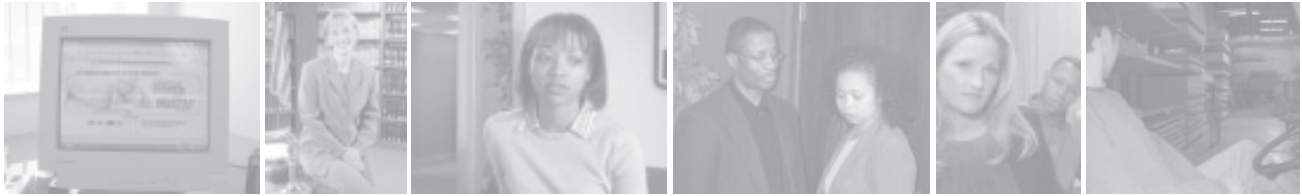
A sexual harassment policy is important, however you must also establish, communicate, and encourage employees to use our organization's complaint procedure whenever they believe harassment has occurred.

Leader's Instructions: Distribute a copy of your company's complaint procedure to all participants. Discuss the document as a group and address any comments or questions. Read through the following statements listed below, which describe the components of a good complaint procedure, and discuss how your organization's procedure addresses each of these points. Ask someone in the group to take notes on the group's discussion/suggestions.

Read or state in your own words:

- A good complaint procedure allows an employee to communicate with someone other than his or her immediate supervisor. Employees may feel more comfortable discussing the issue with someone of the same sex – make sure that either male and female managers, designated individuals, or human resource professionals are available. The more people available to hear an employee's complaint, the more likely employees will use the complaint procedure. If an employee fails to use an accessible procedure, you may be able to legally establish that the employee failed to take advantage of assistance made available.
- A good complaint procedure allows employees to file a complaint either verbally or in writing. Employers cannot legally ignore a complaint submitted verbally, even if the complaint procedure asks for it in writing. Employers can be held liable if they receive any kind of notice. A good complaint procedure should give employees absolute assurance against retaliation.
- Fear of retaliation is the number one reason employees don't report sexual harassment in the earliest of stages, when an amicable resolution is most possible.
- Confidentiality must be a component of every good complaint procedure. However, you can never promise complete confidentiality because you have a responsibility to the employee, yourself, and the organization to investigate. You *can* commit to only communicating or disclosing information to people with a real need to know. This is generally limited to those who have direct knowledge of the complaint, or a defense to the complaint.

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4. Know and Use Your Organization's Complaint Procedure *(continued)*

Read or state in your own words:

When you receive a complaint from an employee:

- Act immediately. Don't ignore the situation and hope it will go away.
- Show the employee that you take his or her complaint seriously.
- Investigate promptly.
- Interview the employee, then the accused, then others (witnesses or people who have heard things).
- Document in writing everything you are told.
- Evaluate all the evidence. This may include documents, e-mail and handwritten notes.

Role Play Exercise

Leader's Instructions: Divide the group into pairs and read each role description to the group. Ask pairs to take turns playing each role. The purpose is to become comfortable taking a complaint from an employee and acting on it appropriately.

Manager: You manage the computer operations department of an electronic financial services provider. An employee from the night shift comes to your office to complain about two co-workers. The employee claims the other two were accessing pornography sites on the Internet during their shift the night before. While they did not invite or force the complainant to participate, he/she works in close proximity to the other two and is uncomfortable with the viewing of pornography in the workplace. This employee would like the behavior to stop.

Remember, take the complaint, ask for details and examples, let the employee know you will take the complaint seriously, describe what steps will be taken, and assure him or her that no retaliation for making a complaint will be allowed.

Employee: You work the night shift in a computer operations department of an electronic financial services provider. You were recently hired and are still getting to know all your co-workers. On your previous shift you became very uncomfortable when two of your co-workers began accessing pornography on the Internet. Because you do not yet know all your co-workers you are unsure if they accept this behavior or not, but you do know this is not the kind of work environment in which you want to work. When your shift is over, you approach your manager to let him/her know about the situation as well as your discomfort.



5. Know and Use Your Organization's Investigation Guidelines

Read or state in your own words:

The investigation of complaints must be treated with dignity and respect, and all claims should be taken seriously. But remember, not all claims are true. Misstated or untruthful allegations can destroy careers and credibility. That's why it is so important to follow your organization's investigatory guidelines every time you receive a complaint.

Leader's Instructions: Distribute a copy of your organization's investigatory guidelines along with Handout C, *Considerations and Expectations before Beginning an Investigation* on page 47, to each participant. After everyone has had a chance to read through the guidelines and the handout, ask and discuss the following questions:

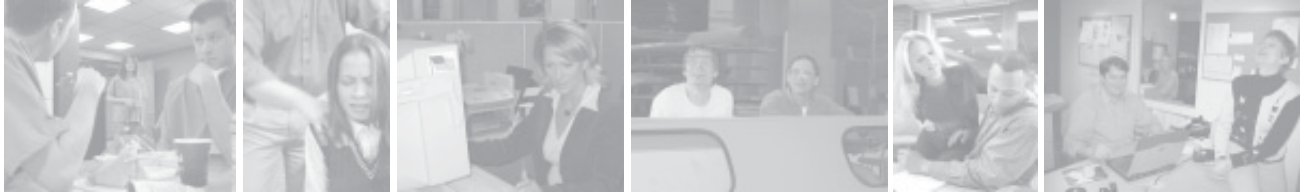
- What should you do if you feel you have a conflict of interest related to an employee's complaint? Can you investigate fairly?
- What if you do not feel competent or capable of investigating a complaint?
- How do you keep an investigation private?
- What "damage control" measures should you take if word of the investigation leaks out?
- When investigating a complaint, what is the best way to differentiate between fact, opinion and conjecture?
- After a complaint has been investigated and settled, and assuming the people involved still have to work together, what is the best way to recreate a cohesive and functional work environment?

Read or state in your own words:

If after your investigation, you find the accused has committed an act of sexual harassment, you must carefully word your response. Avoid labeling your conclusion as being guilty of sexual harassment. Instead, focus on the inappropriate behavior without putting a legal label on it. You do not want to substantiate that a certain behavior is 'illegal' if down the road an employee makes a claim against your organization. You do want to clearly establish that you and your organization were responsible to the complaint, investigated, and took immediate action to correct and stop the inappropriate behavior from occurring again.

Ask and discuss:

How do you determine what discipline is appropriate? If you issue warnings, how many warnings are appropriate before further discipline, including termination, is warranted?



5. Know and Use Your Organization's Investigation Guidelines *(continued)*

Read or state in your own words:

Whenever you conclude that a complaint is valid, you must take prompt and appropriate corrective actions to prevent this type of behavior from occurring again. Immediately, open a confidential file regarding the complaint. Include in this file all notes taken and dated during the investigation and add to the file each and every communication or attempted communication that occurs regarding the complaint and disciplinary action taken. The degree of discipline should correspond to the severity of the inappropriate behavior as well as the status of the individual involved. Discipline can range from a verbal warning to termination. After you've disciplined an employee for inappropriate behavior, you must document your actions. Carefully write down details concerning every action you took during the complaint and investigation. Make sure to include dates. If a complaint was found valid, document the corrective actions that were taken. After you have dealt with the accused, you need to let the claimant know what steps you took. Assure him or her that no retaliation will be tolerated.

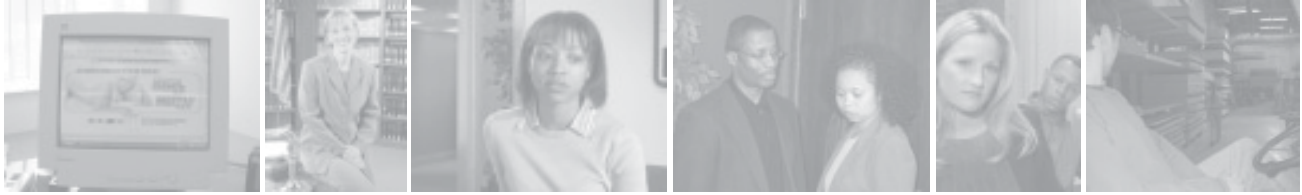
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Considerations and Expectations Before Beginning an Investigation

As leaders, legally we must conduct prompt and thorough investigations whenever we receive a claim of harassment or discrimination. Think about the following considerations and expectations before beginning your investigation.

- ❑ Review company guidelines for investigations before getting started. Follow all policies and procedures. If you have any questions, contact the appropriate person in the Human Resources or Legal Departments.
- ❑ Focus on gathering the facts, not your personal opinion one way or the other. Opinions don't count in a legal situation, facts do.
- ❑ If you feel uncomfortable conducting an investigation, contact the appropriate person in the Human Resources or Legal Departments that can do, or assist in, the investigation.
- ❑ Keep your investigation as confidential as possible. However, do not promise to keep a complaint confidential as you will need to talk to the appropriate parties, communicate expectations, and possibly discipline or terminate those involved.
- ❑ Interview the employee who made the complaint, the person accused, and any person who may be a witness.
- ❑ Take detailed notes and collect any documentation (e-mail, notes, posters, or other items) that support the claim being made.
- ❑ Keep all documents involved in the investigation in a file with limited access only for those who need to know. Mark the documents as confidential.
- ❑ Evaluate the credibility and weight of the evidence.
- ❑ If you believe that your investigation can lead to a possible legal claim, consult with the appropriate person in the Human Resources or Legal Departments.
- ❑ Share information about your investigation on a need to know basis only. Resist the urge to discuss the matter with peers or other employees.
- ❑ Once you have completed your investigation, inform the person(s) making the claim of the facts that you have found. Allow both the claimant and the accused the opportunity to react to your factual determination before taking any action. If you find that inappropriate behavior has occurred, follow our organization's disciplinary policies and procedures. Be sure to document the discipline that may range from a written warning to a demotion or termination.
- ❑ Communicate to the appropriate parties involved that retaliation for making a complaint, regardless of the outcome, will not be tolerated. Monitor the situation closely to avoid further claims or possible retaliation.



CONCLUSION

Estimated Time: 15 minutes

Leader's Instructions: Ask participant to return to Handout A - *Sexual Harassment: What Is It?* which was completed at the beginning of this program. Read the correct answers and brief explanations for Handout A provided on page 53.

Read or state in your own words:

Let's quickly go over Handout A - *Sexual Harassment: What Is It?* which we all completed at the beginning of this program. I will quickly provide you with the correct answers and go over any questions that you may have.

Read or state in your own words:

You, our managers and supervisors, are the key to preventing harassment by understanding your obligations both legally and professionally. You must:

- Refrain from engaging in Quid Pro Quo or any behavior that could create a hostile work environment harassment.
- Understand that one's authority does affect how his or her actions, words, and behaviors may be perceived by others.
- Respond to and appropriately address any sexually suggestive behavior in the workplace, even when no one complains.
- Respond to any complaints of harassment.
- Report any complaints of sexual harassment to the appropriate person(s), even if an employee asks that no action be taken.
- Do not retaliate, or allow any other employee to retaliate, against an employee who has made a complaint.

Keep in mind — the law sees no difference between a supervisor who engages in harassing behavior and one who witnesses the behavior and fails to act.

Remember, your role as a manager or supervisor is to help our organization avoid a complaint of sexual harassment or discrimination. So even if an employee's conduct is not "illegal" if it is inappropriate it could lead to an internal complaint, an agency complaint, or even a lawsuit. Your role is really not to decide whether or not conduct is "illegal" but whether or not the behavior is appropriate for our work environment.

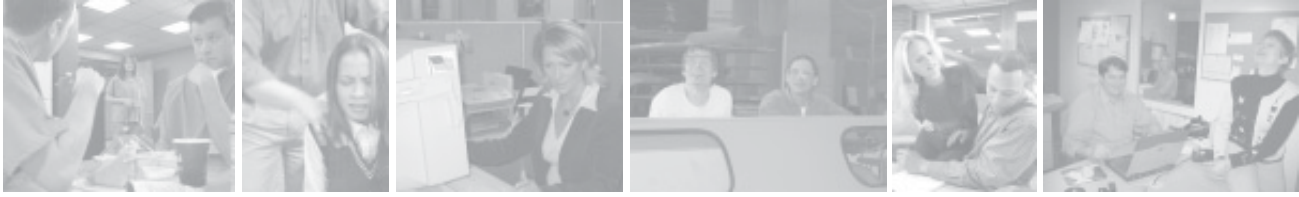
Ask and discuss:

What other obligations do you feel a manager has in preventing harassment?

What are some ways you can remedy inappropriate behavior?

What do you feel is the most difficult factor in preventing sexual harassment in the workplace?

Important note: Conclude your training session by having each participant sign a copy of the Acknowledgment of Manager Sexual Harassment Training certificate provided at the end of this guide. Keep a copy on record in case it is necessary to establish that training occurred.



WHAT SHOULD YOU DO?

Estimated Time: 40 minutes

Leader's Instructions: Read through the information on this page with participants. Ask and discuss the questions that follow.

Read or state in your own words:

Now that you have a better idea of what sexual harassment is, and how to identify it, your next question is probably "What do I do if I witness or am a victim of behavior that could be sexual harassment?" If you think you are being harassed, there are 3 actions you should take.

Action 1.

Consider confronting the alleged harasser directly. Tell the alleged harasser that you find his or her conduct offensive. State the specific behavior and ask for it to stop.

Activity: Ask participants to develop an appropriate verbal response to the harasser and/or action to take in the following situations shown in the training video:

Situation One: Phil and Kevin are discussing sports over their lunch break. When a female employee walks by, Phil makes a lewd comment about her appearance. The female employee confronts the men. Kevin is embarrassed by his friend's behavior. What should he say to Phil?

Situation Two: Danny and Cindy have a former dating relationship, although they now no longer see each other. Danny is seeing someone new but Cindy is still pursuing him. Cindy approaches Danny at the office, tries to flirt with him, and even sits on his lap and tries to kiss him. Danny asks her to leave him alone but Cindy persists. What should Danny do?

Situation Three: Leslie is a long-term employee at her organization and is in charge of organizing the company's annual sales conference. Dawn, who is a recent hire, has become friendly with the manager. Her flirty behavior with the boss has co-workers gossiping about their relationship. When Leslie finds out Dawn has been assigned to organize this year's sales conference, she is furious. She assumes Dawn's personal relationship with the boss is the reason she was awarded this plum assignment. How should Leslie handle this situation?

Situation Four: Georgann and Susan are talking in their cubicle. Georgann complains how much her back is hurting. Don, who works in the cubicle next to theirs, hears the conversation, comes to their workspace, and proceeds to start rubbing Georgann's shoulders. Georgann is uncomfortable with him touching her and asks him to stop. When he doesn't, Susan also asks him to stop. He complains that the women are being too "uptight". How should Georgann handle this situation?



Situation Five: Lisa, an office manager, and Larry, one of her employees, have a friendly, easy-going work relationship. They are exchanging jokes, many of them “dumb blond” jokes. Sherri is a co-worker in another cubicle who can hear their exchange. As a blond, she is offended by their remarks and asks Larry to not repeat his jokes. Larry says Lisa is the boss and since she thinks he’s funny, he’ll do what he wants. What should Sherri do?

Situation Six: LeeAnn is Jim’s employee. They had a sexual liason at an office party. Now LeeAnn regrets her actions and is trying to confront Jim about the incident. She explains that she is ashamed of her behavior and wants to make clear that she does not want to continue a personal relationship with Jim. Jim, however, is using his position as her boss to make her feel responsible for the incident and is insinuating that he wants to continue the personal relationship. What should LeeAnn do?

Action 2.

If the behavior does not stop, or you feel uncomfortable confronting the alleged harasser yourself, follow your organization’s complaint procedure. If you do not recall the specifics of the complaint procedure, discuss the matter with your supervisor, Human Resources professional, or another person in a management role.

Leader’s Instructions: Ask participants to name two people that he or she could go to with a sexual harassment complaint.

Action 3.

Make note of the behaviors, actions, or words that you believe were sexually suggestive or intimidating to you so that you can clearly state your concerns according to your organization’s complaint procedures. Be prepared to state specifically what behavior you want to cease.

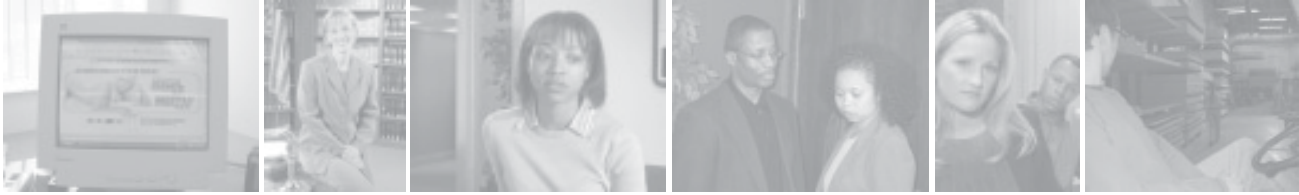
Leader’s Instructions: Distribute copies of your organization’s complaint procedure to each participant. Allow each person to read through the procedure. Allow time for discussion and questions.

Read or state in your own words:

Our organization does not expect you to ever:

- Handle a situation on your own.
- Blame yourself for the inappropriate behaviors of others.
- Ignore sexually suggestive behavior until you reach your limit.

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Instead, we do expect you to:

- Act when any problem first begins. Act by asking the harasser to stop or by discussing it with your manager or someone in Human Resources.
- Treat others—all employees, co-workers, vendors, and customers—with respect.
- Refrain from any sexually suggestive or offensive conduct.

Ask and discuss:

What should you do if the person who is bothering you is your supervisor?

If your supervisor is the person you are accusing of harassment, then report the complaint to the next person up the chain of command, to another manager, a human resource professional, or to a designated individual within your organization with whom you feel comfortable speaking.

What if the person you accused of sexual harassment tries to retaliate against you?

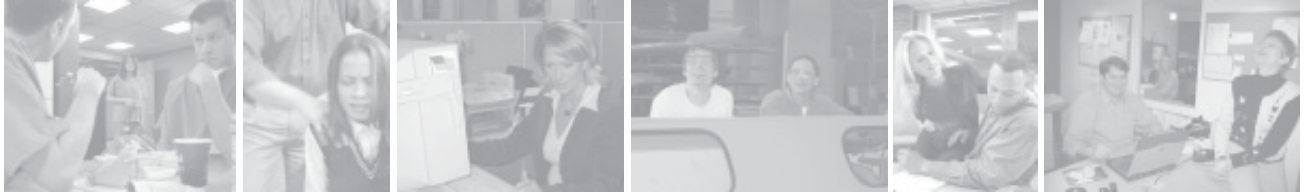
Retaliation against a complaint is strictly forbidden by our sexual harassment policy. If you feel you are being retaliated against, report this to your supervisor or other manager. Steps will be taken to remedy the situation.

Role Play Exercise

Leader's Instructions: Divide the group into pairs and read each role description to the group. Ask pairs to take turns playing each role. The purpose is to become comfortable reporting a sexual harassment situation to a manager.

Manager: You are the manager of claims department in a large insurance company. An employee comes to you to discuss an uncomfortable working environment created by co-workers. The employee, who is gay, shares a workspace with two straight employees. While the complainant generally gets along with these co-workers, they often make gay jokes and lewd comments about his/her sexual preference and assumed sexual behavior. The co-workers have been told that this "comic" behavior makes the complainant uncomfortable. While they always promise to stop, so far, they have not.

Employee: You are a claims adjuster at a large insurance company and share a workspace with two other employees. You are gay; your co-workers are straight. You like these two people and they seem to like you. However, they often get into a "comic routine" that includes lots of gay jokes and lewd innuendoes. You have expressed to them that this behavior bothers you and even hurts your feelings. They always apologize, but then later start up the behavior again, much to their own amusement. Exasperated by their lack of sensitivity, you have approached your manager to discuss the situation.



CONCLUSION

Estimated Time: 5 minutes

Read or state in your own words:

The key points for you to remember are:

- Sexual harassment is illegal.
- Sexual harassment is created by disrespectful, inappropriate behavior.

Your responsibility in our organization is to:

- Treat all employees, co-workers, vendors, and customers with respect.
- Stand up to harassment by asking the person who is offending you to stop or report it someone – either your manager or someone in Human Resources.

If you are worried about retaliation, don't. Our sexual harassment policy strictly forbids retaliation against someone who makes a claim. If you feel you are being retaliated against for making a claim or participating in an investigation, report it immediately.

We all know better and it's not enough. To protect yourself, your career, and our organization we must do better.

Important note: Conclude your training session by having each participant sign a copy of the Acknowledgement of Employee Sexual Harassment Training certificate provided at the end of this guide. Keep a file on record in case it is necessary to establish that training occurred.

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Answer Key for Sexual Harassment: What Is It?

Part One:

Statement One: False.

Marty's behavior could be considered sexual harassment. Even though she is not directly talking to her co-workers, she is still exposing them to unwelcome, offensive, sexually suggestive jokes and language which could create a hostile work environment.

Statement Two: False.

A hostile work environment can be created by repeatedly asking a co-worker out on a date if the requests are unwelcome.

Statement Three: True

Behavior must be unwelcome to be considered sexual harassment. However, this behavior is inappropriate and high-risk. What may be welcome today could easily become unwelcome tomorrow.

Statement Four: False.

Sexual harassment can occur between employees outside the work environment.

Statement Five: False.

She may have felt she had no choice but to quit. If that was the case, this would be Quid Pro Quo sexual harassment.

Part Two:

1. b – Something for something
2. True
3. e
4. e
5. f

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Acknowledgement of Manager Sexual Harassment Training

On, _____ I, _____
(date) (name)

participated in the sexual harassment training program, **It's Not Enough to Know Better**. I understand the following:

I have the responsibility to refrain from any behavior that is sexually suggestive or could be considered sexual harassment.

- Agree
- Disagree

All employees have the right to work in an environment that is free from all forms of harassment including sexual harassment.

- Agree
- Disagree

I am expected to engage in the process of preventing and correcting sexual harassment by:

- Having zero-tolerance for sexually suggestive behaviors, actions, or words
- Accepting and investigating all complaints received
- Taking the appropriate action to discipline employees who engage in any kind of behavior that could be considered sexual harassment
 - Agree
 - Disagree

If I feel that I am personally being harassed:

- I have the right to tell the harasser to stop
- I have the right to submit a complaint
- I have the responsibility to allow my employer to offer assistance by submitting a complaint
 - Agree
 - Disagree

I have also read and understand the following documents and clearly understand what is expected of me (*Check the documents that you have read and understand*):

- My organization's sexual harassment policy and procedures
- My organization's complaint procedure
- My organization's investigation guidelines
- _____
- _____

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(Print Name)

(Sign Name)



Acknowledgement of Employee Sexual Harassment Training

On, _____ I, _____
(date) (name)

participated in the sexual harassment training program, **It's Not Enough to Know Better** on sexual harassment. I understand the following:

I am expected to refrain from any behavior that is sexually suggestive or could be considered sexual harassment.

- Agree
- Disagree

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

- Agree
- Disagree

If I feel that I am personally being harassed:

- I have the right to tell the harasser to stop
- I have the right to submit a complaint
- I have the responsibility to allow my employer to offer assistance by submitting a complaint
 - Agree
 - Disagree

I have also read and understand the following documents and clearly understand what is expected of me (*Check the documents that you have read and understand*):

- My organization's sexual harassment policy
- My organization's complaint compliance procedure
- _____
- _____

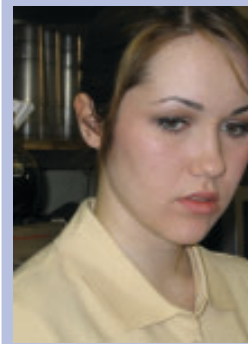
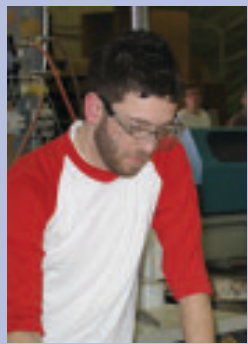
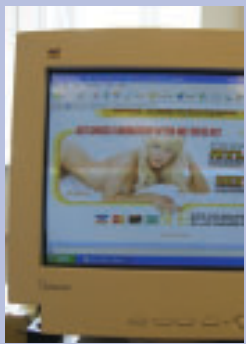
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Notes



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