

Recognizing and Responding to Sexual Harassment in the Workplace

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Poll Question #1

Poll Question #2



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Agenda

- What is sexual harassment?
- What would you do?
- What does the research show?
- What will the university do?

What is Sexual Harassment?



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What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

* This is the definition under Title VII, which prohibits unlawful harassment in the workplace. Note that the definition under Title IX is more narrow.

Poll Question #3



What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when . . . submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment

Example:

- Irina's supervisor often comments on how attractive she is. He asked her for her personal cell phone number and has started sending her naked photos of himself. He told her that he'd like her to reciprocate by sending explicit photos of herself. When she expressed hesitation, he said that one of his other employees, Bryn, complies with his requests. Irina knows that Bryn was recently promoted.



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Example:

- Lamar’s coworkers, including sometimes his supervisor, often exchange text messages with each other. Over the past three or four months, several of the individuals have shared offensive memes and jokes about members of the LGBTQ+ community. Lamar, who is gay, does not respond to the messages and eventually asks to be removed from the text string. At his next performance evaluation, Lamar’s supervisor rates him below average for collegiality and offhandedly mentions his lack of engagement with the office text messages. She encourages him to work on “not being such a stick in the mud.”



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Example:

- Jordan's new coworker asked her on a date within his first month in the office. Jordan politely declined. Now the coworker frequently stops by her desk unexpectedly and touches her arm, shoulder, or thigh while talking. He has mentioned several times how "good we'd be together" and commented on how "hot" she looks when she wears skirts. Whenever Jordan looks up from work, she sees him staring at her. Jordan has started calling in sick and skipping staff meetings, because she fears having to interact with him.

Poll Question #4

Poll Question #5



Additional Reminders

- The victim as well as the harasser may be any gender. The victim does not have to be of a different gender.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee (such as a student).
- The victim does not have to be the person directly harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without financial repercussions to or terminating the victim's employment.

What Would You Do?



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The Coworker

- A colleague in your area has been at the university for almost 20 years. When you started two years ago, a couple of coworkers warned you to stay away from her, especially if you see her at a social function and she's been drinking. She has never really directed attention to you, but you've noticed that she seems to touch several of your coworkers frequently and they noticeably tense up when she gets near them. You also overheard her asking another young coworker about his sex life and then offering details of her sexual experiences from "back in the day."

Poll Question #6



The Department Chair

- Your department chair just started his third year in that position. In a department meeting at the beginning of this year, several female faculty members voiced concerns about the way he had assigned course responsibilities. In response, the department chair laughed and loudly said something like, “These girls need to stop being so emotional” to a male colleague. Then at another department event last week, the same chair jokingly announced that his plan to increase male student enrollment in the major was to require the female professors to wear more revealing clothing.

Poll Question #7



The Clinical Site

- A student comes to you regarding an “uncomfortable” situation at the student’s clinical site. One of the employees of the site keeps leering at the student and even brushes up against the student “accidentally” in the hallway. At office meetings, the employee always seems to sit beside the student and often touches the student’s leg with the employee’s leg under the table. The student has refused a couple of invitations from the employee to get together after work hours. Yesterday the employee slapped the student’s buttocks but then tried to explain that it was inadvertent. The student doesn’t know what to do.

Poll Question #8



The Office

- You, a manager in a different area, have heard about an office on campus that is notorious for its “fun” environment. You have heard that several employees there can talk freely with their direct supervisor about their sexual escapades and fantasies. Their supervisor even calls them into his office sometimes to look at pornography. When you wonder out loud whether the other members of that office also think it’s a “fun” workplace, people have told you, “Of course! The boss tells them they’re welcome to join in whenever they want.”

Poll Question #9



Important Takeaways

- These types of situations aren't always straightforward and immediately obvious. Sometimes, individuals aren't quite sure what to call the concerning conduct and aren't even sure if it constitutes a policy violation.
- You aren't expected to navigate this alone. Institutional resources are available where highly trained individuals are able address these specific issues/concerns from both a care and concern perspective as well as an institutional response.
- If you're a manager or supervisor, you are responsible to report the conduct to the Title IX Office.

What Does the Research Show?



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Real vs. Imagined*

- Group 1: Female participants read a scenario and described how they would respond if, when interviewing for a research assistant position, a male interviewer asked them the following questions:
 - Do you have a boyfriend?
 - Do people find you desirable?
 - Do you think it is important for women to wear bras to work?

* Woodzicka, Julie A., and Marianne LaFrance, Real Versus Imagined Gender Harassment, *Journal of Social Issues*, Vol. 57, No. 1, 2001



Real vs. Imagined*

Anticipated Actions

- 62% anticipated that they would either ask the interviewer why he had asked the question or tell him that it was inappropriate
- 28% indicated that they would take more drastic measures by either leaving the interview or rudely confronting the interviewer
- 68% indicated that they would refuse to answer at least one of the three harassing questions

Anticipated Feelings

- 27% indicated that they would feel angry
- Only 2% imagined feeling afraid
- (Note that anger, but not fear, was significantly associated with confronting)

* Woodzicka, Julie A., and Marianne LaFrance, Real Versus Imagined Gender Harassment, *Journal of Social Issues*, Vol. 57, No. 1, 2001



Real vs. Imagined*

- Group 2: Female participants thought they were interviewing for a research assistant position. A male interviewer asked half of them the following questions during the interview:
 - Do you have a boyfriend?
 - Do people find you desirable?
 - Do you think it is important for women to wear bras to work?

* Woodzicka, Julie A., and Marianne LaFrance, Real Versus Imagined Gender Harassment, *Journal of Social Issues*, Vol. 57, No. 1, 2001



Real vs. Imagined*

Actions

- No one refused to answer the questions
- No one negatively countered the questions
- No one left the interview
- 52% ignored the harassment (literally responded to the question as asked)
- 36% politely asked the interviewer why he asked the question (80% of those at end of interview, not immediately after question)

Feelings

- 40% described some level of fear
- Only 16% reported being angry

* Woodzicka, Julie A., and Marianne LaFrance, Real Versus Imagined Gender Harassment, *Journal of Social Issues*, Vol. 57, No. 1, 2001



Important Takeaways

- People do not necessarily accurately anticipate their own responses to situations.
- When not in the situation, sexual harassment victims might not fully understand why they reacted one way instead of another.
- Bystanders and peers should be careful about thinking/saying, “I would have confronted behavior like that” or “It must not have been that bad if the person never said anything.”
- Bystanders and peers who are not directly experiencing the harassment might, in some circumstances, be *better positioned* to respond to or address the behavior.

What Will the University Do?



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Poll Question #10



What will the university do?

- THE SHORT ANSWER - The university will take action to correct the behavior and remedy the workplace environment
- But exactly what type of response will depend on:
 - the severity and pervasiveness of the conduct;
 - where it occurred; and
 - the status of the potential harasser (faculty, staff, student, or third party)

* Note: For SHRA employees, some state-level remedies are only available if the claim is filed within 15 days (but university options remain available regardless of the time frame)



1. Report received by the Title IX Office
2. Meetings to discuss supportive measures and procedural options
3. Complainant consulted regarding next steps
4. Policy violations considered
5. Formal investigation
6. Administrative hearing (in UP 504 or UP 406)
7. Decision communicated to both parties
8. Both parties can appeal
9. Both parties are kept informed of changes
10. Support continues

*Options for voluntary informal or mutual resolutions may be available prior to determination



Title IX Grievance Policy (UP 504)

- **Sexual Harassment** means:
 1. A university employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
 2. Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the University's Education Program or Activity; or
 3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking
- **Education Program or Activity** includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the alleged sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University



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Sexual Harassment and Interpersonal Violence (UP 502)

- Applies to allegations against faculty or staff
- Applies to sexual harassment or interpersonal violence allegations that do NOT meet the definitions or jurisdictional requirements of UP 504



Code of Student Responsibility (UP 406)

- Applies to allegations against students (even if complainant is faculty or staff member)
- Applies to sexual harassment or interpersonal violence allegations (or any other student misconduct) that do NOT meet the definitions or jurisdictional requirements of UP 504



Workplace Violence (UP 101.17)

- Prohibits bullying, domestic violence, intimidation, physical attack, sexual assault, stalking, and threats in the workplace
- If allegations relate to alleged sexual assault, domestic violence, or stalking, supervisors and administrators must report information to the Title IX Office
- Allegations are investigated using UP 502 procedures



Amorous Relationships between Students and Faculty Members or Other University Employees (UP 101.3)

- Prohibits “any intimate, romantic, dating or sexual relationship, or sexual conduct” between:
 - A student and an employee with evaluative/supervisory role over the student
 - An undergraduate student and a faculty member
 - A student-athlete and a coach
 - A graduate student and a faculty member in the same department (unless disclosed and managed)
 - A student under age 18 and any university employee
- Employees must report alleged violations of this policy to the Title IX Office
- Allegations are investigated using UP 502 procedures

Questions?



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