

YOUR EYE ON THE WORLD



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KNOWLEDGE EQUALS POWER

Sexual Harassment 101

Harassment

1: a feeling of intense annoyance caused by being tormented; "so great was his harassment that he wanted to destroy his tormentors" [syn: torment]

2: the act of tormenting by continued persistent attacks and criticism [syn: molestation]

- To irritate or torment persistently.
- To wear out; exhaust.
- To impede and exhaust (an enemy) by repeated attacks or raids.

Intimidate

1: to make timid or fearful; *especially* : to compel or deter by or as if by threats —see also COERCION

2 : to engage in the crime of intimidating (as a witness, juror, public officer in the performance of his or her duty, or victim of a robbery or other crime.

- To make timid; fill with fear.
- To coerce or inhibit by or as if by threats.

Hostile

1 : having an intimidating, antagonistic, or offensive nature <a *hostile* work environment

2 : of or relating to an opposing party in a legal action <a *hostile* claim> **b :** adverse to the interests of a party to a legal action <if the interests of the party joined involuntarily render him *hostile* to the original plaintiff, he must remain a defendant —J. H. Friedenthal *et al.*

3 : adverse to or incompatible with the interests of a property owner <a *hostile* use> — see also *adverse possession* at POSSESSION *easement by prescription* at EASEMENT, PRESCRIPTION 1 **b :** unwelcome by or contrary to the interests of corporate stockholders or management <a *hostile* takeover bid

Sexual Harassment

Sexual Harassment entails the violation of a person's civil rights.

Civil Rights

Defined as: the nonpolitical rights of a citizen; *especially* : the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th amendments to the Constitution and by acts of Congress .

Title VII of the Civil Rights Act of 1964.

<http://www.eeoc.gov/laws/vii.html>

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

- GAY OR STRAIGHT
- MAN TO WOMAN
- WOMAN TO MAN
- WOMAN TO WOMAN
- MAN TO MAN

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.

- DOES NOT HAVE TO BE YOUR BOSS
- COULD BE A VENDOR OR CUSTOMER

Types of Sexual Harassment

Quid Pro Quo Sexual Harassment: "Quid pro quo" means "this for that." An example of this form of sexual harassment occurs if a teacher (or any school employee) stipulates that your grade (or participation on a team, in a play, etc.) will be based on whether you submit to unwelcome sexual conduct. This abuse of authority is illegal regardless of whether you refuse sexual demands or submit to them.

Hostile Environment Sexual Harassment: Verbal, physical or visual forms of harassment, that are sexual in nature, "sufficiently severe, persistent, or pervasive" and unwelcome fall under the category of Hostile Environment Sexual Harassment. A single, severe incident, such as a sexual assault, could create a hostile environment. More commonly, a "hostile environment" is created by a series of incidents.

Examples of Sexual Harassment

These are all examples of sexual harassment. Behaviors like these can create a school environment that feels threatening or unsafe and can interfere with a student's ability to participate or learn. Hostile environment sexual harassment can come from a teacher or other school official, but most often it comes from fellow students.

- Sexual comments about your body
- Sexual advances/propositions/suggestions
- Sexual touching
- Sexual graffiti
- Sexual gestures
- Sexual "dirty" jokes
- Spreading rumors about other students' sexual activity
- Touching oneself in a sexual fashion in front of others
- Talking about one's own sexual activities in front of others
- Showing offensive/sexual pictures, stories, objects
- Direct or indirect threats or bribes for unwanted sexual activity Sexual innuendos and comments
- Intrusive sexually explicit questions
- Sexually suggestive sounds or gestures such as sucking noises, winks, or pelvic thrusts
- Repeatedly asking a person out for dates, or to have sex
- Touching, patting, punching, stroking, squeezing, tickling, or brushing against a person
- A neck/shoulder massage
- Rating a person's sexuality
- Ogling or leering, staring at a woman's breast or a man's derriere
- Spreading rumors about a person's sexuality
- Name-calling, such as bitch, whore, or slut
- Sexual Ridicule
- Frequent jokes about sex or males/females
- Letters, notes, telephone calls, or material of a sexual nature
- Pervasive displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content
- Stalking a person
- Attempted or actual sexual assault

Workplace Harassment is a Form of Discrimination

Unwelcome verbal or physical conduct based on race, color, religion, sex (whether or not of a sexual nature and including same-gender harassment and gender identity harassment), national origin, age (40 and over), disability (mental or physical), sexual

orientation, or retaliation (sometimes collectively referred to as “legally protected characteristics”) constitutes harassment when:

1. The conduct is sufficiently severe or pervasive to create a hostile work environment; or
2. A supervisor’s harassing conduct results in a tangible change in an employee’s employment status or benefits (for example, demotion, termination, failure to promote, etc.).

Hostile work environment harassment occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or offensive work environment. Anyone in the workplace might commit this type of harassment – a management official, co-worker, or non-employee, such as a contractor, vendor or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

Examples of actions that may create sexual hostile environment harassment include:

- Leering, i.e., staring in a sexually suggestive manner
- Making offensive remarks about looks, clothing, body parts
- Touching in a way that may make an employee feel uncomfortable, such as patting, pinching or intentional brushing against another’s body
- Telling sexual or lewd jokes, hanging sexual posters, making sexual gestures, etc.
- Sending, forwarding or soliciting sexually suggestive letters, notes, emails, or images

Other actions which may result in hostile environment harassment, but are non-sexual in nature, include:

- Use of racially derogatory words, phrases, epithets
- Demonstrations of a racial or ethnic nature such as a use of gestures, pictures or drawings which would offend a particular racial or ethnic group
- Comments about an individual’s skin color or other racial/ethnic characteristics
- Making disparaging remarks about an individual’s gender that are not sexual in nature
- Negative comments about an employee’s religious beliefs (or lack of religious beliefs)
- Expressing negative stereotypes regarding an employee’s birthplace or ancestry
- Negative comments regarding an employee’s age when referring to employees 40 and over
- Derogatory or intimidating references to an employee’s mental or physical impairment

Tips for keeping your workplace harassment-free

To prevent a hostile work environment, managers should:

- Create a sharply written policy that specifically addresses a hostile work environment.
- Amend Internet usage policies to specifically address the issue of sexual harassment.
- Train employees on what sexual harassment is and how to avoid it.
- Reach out and inquire if a problem is suspected.
- Take each complaint and report seriously.
- Look into complaints and reports immediately.
- Know the policies and procedures.
- Document all information gathered in the investigation of a claim.
- Don't overreact and don't jump to conclusions. Managers who act too zealously toward an accused employee could end up in court just as quickly as those who do nothing.
- Communicate with involved parties, but protect privacy and confidentiality rights.
- Stay connected! Watch extra closely for any signs of a hostile work environment.
- Update firewalls.
- Use filtering software and monitor usage logs.

Examples of Sexual Harassment

- Sexual comments or remarks about your body, your hair, your clothing
- Sexual jokes in the classroom or workplace
- Physical gestures such as stroking your hair or arm, massaging your shoulders, kissing you or rubbing, touching or brushing against your body
- Verbal harassment such as the use of names like "broad," "bitch," "bimbo" when referring to a specific woman or to women in general
- Requests for sexual favors that may be subtle or overt but particularly when you suspect the requests are linked to career advancement or academic reward
- Physical assault of a sexual nature such as the touching of intimate body areas and rape
- Sexual intercourse may occur through physical force (rape) or by coercion where you feel that certain consequences will follow if you refuse (or agree) to submit to the harasser's request or demand