

W E L C O M E !

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The Washington State*

***HUMAN RIGHTS
COMMISSION***

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SEXUAL HARASSMENT

WHY WE ARE HERE

- I. What is sexual harassment?
- II. Responsibility of the college (you) to prevent and correct harassment.
- III. What to do when a complaint is filed.

SEXUAL HARASSMENT

CONTRIBUTES TO:

- Reduced productivity
- Low morale
- Employee turnover
- Damage to career – both victim and harasser - **and manager who fails to take corrective action**
- Poor college image
- **Litigation** – against college and **YOU!**

What is sexual harassment?

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

- (1) submission to such conduct is a term or condition of employment or instruction,
AND

Sexual Harassment Elements

- (a) submission or rejection is used as a basis for employment /academic decisions, or
- (b) the conduct unreasonably interferes with the person's work /academic performance, or
- (c) it creates an intimidating, hostile, or offensive working /academic environment.

Two types of unlawful Sexual Harassment?

Two kinds of unlawful sexual harassment:

1. **Quid Pro Quo**

- Employee/Student subjected to unwelcome sexual demands or requests, and
- Employee/Student suffered a tangible job or academic detriment as a result

What is sexual harassment?

2. Hostile Work (Academic) Environment

- Employee /Student subjected to sexual conduct
- Conduct is unwelcome
- Conduct is 'severe and pervasive'
- College (Supervisor or Faculty) did not stop it

What is sexual harassment?

EXAMPLES - - -

- Sexually suggestive remarks, jokes, gestures, pictures, etc.
- Touching, brushing up against, etc.
- Requesting, pressuring for sexual favors, etc.
- Unwelcome love letters, gifts, telephone calls, etc.
- Describing or asking about sexual experiences and dreams,
- plus others . . .

Discussion - - -

As a supervisor or a faculty member, what do you do if one of your employees or students tells you that an employee or a student is sexually harassing her/him?

What do you do if a male employee or student alleges that he is being sexually harassed by a female co-worker or fellow student? Is that considered sexual harassment? . . . Does your response change if the male alleges harassment by a male?

Discussion - - -

What do you do when you receive a complaint that two co-workers or students - a female and a male – are “bothering” the complainant with their “sexual banter”?

Can a complaint be filed alleging sexually harassment?

What is NOT sexual harassment?

- any welcome conduct
- conduct not opposed
- Sexual harassment is not just any behavior that makes someone “feel bad” or “offended” – it must have the requisite elements

What is the college's responsibility?

- Establish and distribute a policy
- Establish procedure for complaints to be made and efficiently processed
- Fair and consistent **ENFORCEMENT**

WCC's responsibility

WCC should correct any kind of harassment that is clearly “unwelcome” even if no one has complained.

WCC should keep records of harassment complaints to detect any patterns of harassment by the same individual.

WCC's responsibilities

Why are some people fearful of complaining of sexual harassment?

- o Fear of being labeled a “trouble-maker”
- o Fear of not being a “team player”
- o Fear of being overly sensitive
- o Etc

Therefore . . .

WCC's responsibility

OPEN DOOR POLICY

WCC needs to create an environment that eliminates these fears for reporting incidents of sexual harassment.

What to do when complaint is filed

What is recommended?

- ❑ Separate **complaining party** and **alleged harasser** if needed
- ❑ Forward the complaint to the Human Resources Director (HRD) for employee complaints and to the VP for Educational Services for student-to-student complaints
- ❑ HRD or VP conducts a **prompt, thorough** and **impartial** investigation
- ❑ Interview **complaining party, alleged harasser** and **witnesses**

What to do - - -

If it is determined that harassment did occur . . .

- ✓ Immediate steps to stop harassing behavior
- ✓ Steps to ensure it does not reoccur
- ✓ Discipline should be proportional to the seriousness of the offense
- ✓ The effects of the harassment should be corrected

Safe Practices

- Establish a sexual harassment policy
- Train faculty and supervisors
- Define harassing activities
- Watch for early warning signs
- Watch for climate that encourages sexual harassment
- Promptly respond to allegations
- Take effective remedial action/follow-up

RETALIATION

The law prohibits the taking of adverse action against:

- A person who has filed a complaint
- A person who has participated in an investigation
- A person who has opposed any practice forbidden by the Law Against Discrimination

RETALIATION BASICS

- The underlying allegation of discrimination can be as informal as a verbal complaint.
- The retaliation complaint can be supported even where the underlying complaint is not proven.

Actual cases, discussion & questions

- A female Complaining Party (CP) alleged harassment by her male co-worker. CP says the supervisor took no corrective action. When CP continued to be assigned to work with alleged harasser, CP complained again - to the VP. VP told CP that they could not fire the alleged harasser because “he might file a lawsuit”. VP told CP that she would have to confront the alleged harasser and tell him how she feels.
- CP walked off the job because she was too upset to work

Issues of case –

- Sexual harassment (hostile work environment)
- Constructive discharge

Liability

- Up to \$10,000 damages for “humiliation or mental suffering” from the administrative court
- Loss of pay award for the period of time until CP finds new employment (or should have)
- Extensive Training for management

Is This Sexual Harassment?

A male employee asks for a different shift assignment from his male supervisor. The supervisor tells him he isn't friendly enough towards him and invites him to his apartment for dinner to "loosen up." He declines. He is told that when he changes his mind, the supervisor will re-consider the request.

Is This Sexual Harassment?

A female supervisor is attracted to a new male employee. She repeatedly telephones him, but only at home after working hours, asking him to go out with her on a date. He declines each of her requests. He becomes upset because she is persistent and keeps calling. He has difficulty concentrating at work whenever she is present.

Is This Sexual Harassment?

- A recently hired employee complains because her supervisor keeps calling her to go on dates. She makes you agree not to tell anyone about her concerns because she doesn't want to hurt her chances for future promotions.

Complaint Initiation

- Inform the harasser that you object to the offensive conduct (if you fear retaliation, do not acquiesce in the conduct but proceed directly to the next step)
- Report sexual harassment to a supervisor, administrator or the Human Resources Director, Becky Rawlings.

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