

Sexual Harassment

Definitions:

Sexism - an attitude or belief that one gender is better or worse than another. *I may believe that all men are ignorant barbarians and that all women are fluffbrains.* These are sexist attitudes. There are no laws or policies that regulate attitudes.

Sex Discrimination - is behavior. When my sexist beliefs about the sexes inform my behavior, this is sex discrimination. *If I don't hire men because I believe that they are ignorant barbarians, or I don't promote women because I believe that they are fluffbrains, this is sex discrimination.* Sex discrimination is illegal. Sexual harassment is a subset of sex discrimination.

Sexual Harassment - is any unwelcome sexual attention or behavior. Two types of sexual harassment are:

1. Quid Pro Quo (this for that)
2. Hostile Environment

Sexual Harassment Types:

Quid Pro Quo (this for that) - Occurs when an employee or student is subject to unwelcome sexual behavior or advances and submission is made the basis for firing, hiring, advancement, admission, or evaluation in the work or academic setting.

Hostile Environment - Occurs when unwelcome sexual behavior "unreasonably interferes with an individual's job performance" or creates an "intimidating, hostile or offensive" work environment. A hostile environment can sometimes be created for those individuals who are not directly involved in unwelcome behavior, but are merely in the environment where the behavior exists. This is called **third party sexual harassment**.

Legal Definition of Sexual Harassment

1. Unwelcome sexual advances
2. Requests for sexual favors
3. Verbal, non-verbal or physical conduct of a sexual nature.

Intent verses Impact

It is the impact of the behavior that determines sexual harassment, not the intent of the person doing the behavior. "It doesn't matter that I was trying to be friendly, or nice, or just trying to get a date. What matters is how my behavior affects the person(s) around me."



The only way to prevent sexual harassment is to be knowledgeable on the subject. For more information about sexual harassment, please visit the following web sites.

<http://hr.osu.edu/ohrd/sh.htm>

<http://hr.osu.edu/policy/policyhome.htm>

Examples of Sexually Harassing Behaviors

- Sexual jokes, innuendos, and gestures
- Unsolicited and unwelcome flirtations, advances or propositions, however subtle
- Graphic or degrading comments about an individual's appearance, dress, or body
- Staring at an individual or focusing upon a particular area of the body
- Elevator eyes - looking someone up and down
- Whistling, catcalls, leering
- Terms of address such as "honey," "baby," "chick," "hunk," or "dear"
- Offering personal gifts such as flowers, candy, suggestive cards or notes, etc.
- Display of sexually suggestive objects or pictures
- Sexual or intrusive questions about an individual's personal life
- Explicit description of the harasser's own sexual experiences
- Neck or shoulder massages
- Pressure for sexual activity, however subtle
- Explicit offers of sex for grades, money, or other rewards
- Any unnecessary, unwanted physical contact such as touching, rubbing, hugging, pinching, patting, or kissing
- Physical or sexual assault, including rape

Questions to ask yourself to determine if your behavior may be sexually inappropriate or unwanted

- ▶ **Is there an equal level of initiation of the behavior?**
 - In meetings, at the office or in class who is making 90% of the sexual innuendos or jokes?
 - Do I put my arm around other people, or touch them in other ways, yet they do not do the same to me?
 - Have I asked this person out several times, and each time he/she has said no? And he/she hasn't asked me out in return.
- ▶ **Is there equal power between myself and the person to whom I am directing the behavior?**
 - Power is present in supervisor-employee, tenured-non-tenured, teacher-student relationships. It can also derive from differences in gender balance of a group, length of time within the department or University, etc.
- ▶ **Would I do this behavior to a person who is not in the class/group or people that I am sexually attracted to?**
 - If I am a heterosexual male, and I come out of my office and massage the shoulders of my female secretary, would I do this if my secretary were male?
- ▶ **Would I want this behavior made completely public?**
 - Would I want the local news crew to record this behavior and show it on the evening news, or at a professional conference?
- ▶ **Would I behave this way if my partner, spouse, or parent were standing next to me?**
- ▶ **Would I want someone to do this behavior to my child, partner, spouse, mother, etc.?**

Sexual Harassment

Preventing Sexual Harassment

Our goal is to prevent sexual harassment in the workplace. EEOC regulations place a premium on prevention, and set some specific guidelines for the employer to follow. Supervisors should affirmatively raise the subject, express strong disapproval, develop appropriate sanctions, inform employees of their rights to raise the issue of harassment under Title VII, and develop ways to sensitize all concerned.

Responsibilities of Supervisors

- You can be held liable whether you “knew or should have known” that sexual harassment has occurred.
- Set clear expectations about workplace behaviors, that sexual harassment is not tolerated, and that you expect that targets of harassment will come to you and report the harassment.
- Provide training and education for your faculty, employees, managers, volunteers.
- Encourage individuals to come forward
- Set a positive example of non-harassment and professional behavior.
- Keep workplace and academic environments free from sexual harassment and comfortable to work in. Behaviors such as sexually explicit or harassing jokes, cartoons, and language should be prohibited.
- Know your employees well and have an open line of communication. If an incident of sexual harassment occurs, take immediate action. Listen for complaints and cues.
- Equally protect the confidentiality of the alleged harasser and the target.
- Keep records of complaints made or warnings given. Know when you need help. Consult with the Extension Human Resource department on every issue or incident of sexual harassment.

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Title IX of the Educational Amendment of 1972

1. Employees and students in academic institutions are protected from sexual harassment.
2. Prohibits sex discrimination and sexual harassment in educational institutions that receive federal assistance.

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- Make sure that all faculty, staff, and volunteers understand what sexual harassment is, that it is not acceptable in Ohio State University Extension, and that prohibited behaviors are clear.
 1. Communicate the sexual harassment policy and procedures on a regular basis
 - a) Permanent postings on bulletin boards
 - b) Memos - distribute at least once a year
 - c) Include in work rules or employee/manager handbooks
 - d) Articles in department's/organization's internal publications
 - General articles about positive work environment, interpersonal relations, sexual harassment, equity, gender, and culture
 - Articles which specifically address sexual harassment, its negative effects, policy and procedures.
 - Articles discussing EEO, affirmative action, discrimination, sexual harassment
 - e) Meetings
 - New employees, management, and non-management
 - Routine basis during department meetings
 - No employee at any level should be able to claim ignorance of policy as an excuse for harassing behavior.
 - f) Training Programs

Encourage Professional Behavior

- Set expectations for your employees. That's your responsibility.
 - Set standards of dress and decorum in your department.
 - Regardless of how anyone dresses, dress must not be interpreted as an "invitation" or serve as a justification for sexual harassment. No one asks to be harassed.
- Set an example. If you say one thing and do another, your actions speak louder than your words.
- Avoid flirting behaviors on the job.
- Keep in mind that jokes with any sexual content can imply or be interpreted by others that individuals are receptive to sexual behavior. Sexual jokes, like racial jokes, are not acceptable in the workplace.

Don't tolerate any harassment, however, inconsequential it seems to you or to others

- The more tolerant the environment is, the more harassers will feel free to harass others.
- Express disapproval of, and take action to stop sexually harassing language, conduct, and behaviors.
- Indicate to harassers that the harassing behaviors must stop and that reoccurrences will not be tolerated.

Investigate All Claims Quickly

- ▶ Failure to investigate a complaint implies that the organization does not take harassment seriously.
- ▶ Taking no action encourages the abusive behavior to continue.
- ▶ If harassment exists, the organization must do whatever is necessary to stop the harassment.

Sexual Harassment

What to do if you're harassed

- Tell the harasser you are offended and ask them to stop the behavior that is offensive. You don't have to do this to report the harassment.
- Document the specifics of all incidents.
- Report the harassment to your supervisor, an EEO counselor in OSU Extension, or a member of the OSU Extension Human Resources unit.

Responsibilities of Employees

If you are a target:

- If you can, confront the harasser.
- Report it to your supervisor, an EEO counselor, or the OSU Extension Human Resources member.
- Help stop the harasser so he/she can't do it to others.

If you observe sexual harassment:

- Offer your support to the target. Most of the time we isolate the person, when they need support the most.
- If you can, report it to any of the above.
- Encourage the target to report it.

Confronting the Harasser

- ▶ **Assume a win/win attitude** - believe that you can stop the harassment and at the same time allow the harasser to maintain dignity.
- ▶ **Name the behavior that you want stopped** - clearly show it is unwelcome. Be specific and clear in your communication. *"Stop it. I don't like you touching me."*
- ▶ **Name its effects on your, the office, and co-workers** - Let the harasser know that what they are doing is not conducive to a positive work environment. *"Your behaviors have affected my work, I cannot concentrate. My co-workers are distracted by your behaviors, also."*
- ▶ **Say how you feel** - tell the person you are offended, angry, mad, etc. *"It makes me uncomfortable when you tell sexual jokes."*
- ▶ **Say what you want to happen** - tell the harasser you want the behavior to stop. *"I don't want you to touch me ever again."*
- ▶ **End the confrontation on friendly terms** - if possible, but, be careful not to send confusing messages.

Fact: Sexual harassment is not always what we typically think of as a male harasser and a female target. Sexual harassment also occurs in male to male exchanges, female to female exchanges, and female to male exchanges.

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What to do if you or someone you know is harassed

1. Tell the harasser clearly when you are offended by the behavior. Don't ignore the behavior or smile and move on. Tell the harasser that you don't like the behavior, language, etc., and that you want it to stop. If you don't talk to the harasser, your silence may be interpreted as approval of the behavior. Some examples of what you could say are:
"Stop it. I don't like what you are doing."
"I don't want to see you socially."
"Please stop making sexual remarks or jokes around me."
2. Write down specifics including date and time of the incident, the nature of the offensive behaviors, and the circumstances surrounding it. Keep a diary so you can provide specific information should you decide to report the harassment.
3. Tell a co-worker, supervisor, or county chair about it. Others may have had similar experiences, maybe even with the same person. Harassers usually harass a number of people. Your silence does not protect you - it protects the harasser. Targets of harassment need sources of emotional support. Harassment can be a stressful experience.
4. Provide support. If you know someone who has been harassed, be there to support the person. Remind them they are not to blame. Suggest the person take action, formal, or informal to regain control over their life.
5. Check with an organizational EEO counselor, supervisor, or Human Resources member. Get a copy of the Ohio State University Sexual Harassment Policy. Ask about your rights and explain the situation to one of the above mentioned people.
6. If the incident or another one occurs again, tell the harasser that you are not interested in him/her sexually, and that you will talk to a supervisor.
7. Get a witness. Let someone in your area know what is occurring and get him or her to watch the harasser around you.
8. If you feel you must leave your job because of the unwanted sexual conduct, state the real reason for leaving the job. Unemployment benefits may be available. You have 180 days after the last incident of sexual harassment to file a complaint with the Ohio Civil Rights Commission. If you are terminated, speak with an attorney. You may be able to receive back pay and, in the future get a good employment recommendation.

Guidelines for Confronting the Harasser

- ▶ Communicate directly either talking one to one or in writing. Do not rush the encounter. Be simple and direct.
- ▶ Confront the harassing behavior, not the values or the person. Identify specific behaviors that you find offensive. Citing dates and times that the behaviors occurred is helpful and will show the harasser that you mean business.
- ▶ Let the harasser know that not only does the behavior make you uncomfortable, but that you are angry and want it to stop.
- ▶ If necessary, use constructive coercion. Give the possible negative results if behavior does not subside, such as a report to a supervisor, EEO counselor, or the OSU Extension Human Resources unit.
- ▶ Be sure to follow through with this constructive coercion after bringing it up. If you tell the harasser you will take action, and then you do not, it may encourage the harasser to increase or continue the harassing.