

Preventing & Dealing With Sexual Harassment

October 21, 2013



Objectives

- Review the legal definition of sexual harassment
- Increase awareness of behaviors that constitute sexual harassment
- Learn Saint Joseph's College's responsibility for prevention, investigation and intervention
- Identify specific steps to create a work environment free from sexual harassment
- Learn how to communicate clearly and directly about these issues

Legal Definition of Sexual Harassment

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
- 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;
- For good reasons, employer's policies are usually tougher than these standards.
- Saint Joseph's carries that definition one step further to include the academic environment. We believe that students as well as employees should be free from any form of harassment in the classroom and at work.

Types of Harassment and/ or Discrimination:

Quid Pro Quo (*This for That*)

Involves the exchange of job benefits for express or implied sexual favors or the threat of losing job benefits for unwillingness to grant such favors;

- ❖ to be in a position to make these kinds of job-related promises or threats, the harasser needs to be in a position of actual or apparent authority over the employee;
- ❖ one incident can be enough basis for a liability claim;
- ❖ since terms and conditions of employment are involved, money damages are usually easy to demonstrate.

Types of Harassment and/ or Discrimination:

Hostile Work Environment

Involves a pattern of offensive conduct that interferes with an individual's ability to do her/his work and renders the work environment abusive:

- ❖ requires that the offensive conduct be frequent, repetitive, and part of an overall pattern; one isolated incident is rarely enough for a claim;
- ❖ harassers may be anyone in the workplace, including supervisors, co-workers, students, visitors, or suppliers.

Examples of Behaviors That May Be Sexual Harassment or Discrimination:

- Unwanted physical contact (brushing against, hugging, touching)
- Persistent, unwanted sexual/romantic attention
- Jokes or insults of a sexual nature
- Obscene messages or lewd remarks
- Unwanted discussions or questions about sexual matters
- Unwelcome sexually suggestive gestures or sounds (leering, whistling)
- Discussion and rating of sexual attributes / attractiveness
- Sexually suggestive visual displays
- Subtle or overt pressure for sexual favors
- Stalking
- Sexual assault

Reasonable Person Standard

- The EEOC standard for evaluating sexually harassing behavior is to view the severity, pervasiveness, and offensiveness of the conduct through the perspective of a “reasonable person.” The courts view the behaviors through the eyes of the victim (the vast majority of whom are female), rather than the perpetrator. In the past, this has been called the “Reasonable Woman” standard.
- This standard acknowledges the fact that women and men often have differing sensitivities concerning sexually-oriented conduct and that women have, over the years, been disproportionately the victims of rape and physical assault.

Did You Know That . . . ?

- The victim or the harasser may be of either gender.
- The victim and the harasser may be the same gender.
- The victim does not have to be the person to whom sexual advances are directed.
- The employer is responsible for what happens on the organization's premises AND at off-site work-related functions!

Saint Joseph's College Policy

- Ensures a complainant that she/he can report an experience without undue publicity and with protection against retaliation
- Assures fair process to any individual charged with harassment
- Is periodically reviewed and revised, as needed

If you think you are the victim of Sexual Harassment or Discrimination

- Notify your supervisor immediately
- If you are uncomfortable going to your supervisor, please notify:
Dr. Sue Kelly, Title IX Coordinator
Phone: 893-7752
E-mail: skelly@sjcme.edu
- If you are not comfortable with that, you can file a complaint with the Maine Human Rights Commission in Augusta at:
MAINE HUMAN RIGHTS COMMISSION
51 STATE HOUSE STATION
AUGUSTA, ME 04333-0051
PHONE: 207-624-6050
TTY: 1-888-577-6690
FAX: 207-624-6063

Steps taken when a complaint is filed

- Your complaint will be taken seriously!
- You will be asked to clarify what allegedly happened and everything that is said will be documented
- You will be asked to give a written statement
- An investigation will take place, without undue publicity and with protection against retaliation.

After the investigation

- Retaliation or adverse treatment will not be tolerated because you report harassment or provide information related to such complaints.
 - If you feel this is happening, please notify Human Resources immediately.
- Appropriate disciplinary action will be taken if claim is supported by investigation findings.

What Supervisors Need to Know

If you are in a supervisory position over other students or employees, you have an additional responsibility under Maine law. You are required by law to report any speech or conduct that you consider to be harassing behavior to Dr. Sue Kelly, Title IX Coordinator, Phone: 893-7752, E-mail: skelly@sjcme.edu. She, in turn, is required to investigate and take action expeditiously.