

## **Welcome to the** **QMR Training Scenes Library**

### Volume 1 - *Subtle* Sexual Harassment Training Scenes

#### *Introduction:*

This volume of the **QMR Training Scenes Library** consists of 9 training dramatizations. The first scenario depicts a case of blatant quid pro quo sexual harassment. The offensive nature of this behavior should be very clear to all viewers, providing a benchmark for the more subtle forms of harassment which follow. The 8 *subtle* sexual harassment dramatizations are each followed by a brief discussion with legal and human resources experts who review key learning points.

#### *Training Methodology:*

The **QMR Training Scenes Library** is a flexible resource with a variety of uses:

- it can be plugged into comprehensive training programs which you have designed or are presenting
- it can be used as part of a refresher course for employees who are already familiar with the training issues being addressed
- it can be presented by team leaders or supervisors to help focus a group's discussion of specific behavioral challenges
- it can form the basis for regular discussions on a wide range of team issues

The application that best meets your needs will determine how you will use this learning resource.

This guide offers the facilitator a series of questions which can be used to stimulate and focus discussion following the screening of a particular training scene. We recommend that you use the following methodology in most settings:

1. Welcome participants, *introduce* the topic to be addressed and explain why this learning session is taking place.
2. Screen the *video scene*. Stop before the expert discussion which follows.
3. Distribute the appropriate *handout* and ask participants to respond to the questions, noting down their initial thoughts.
4. Lead a *discussion* by addressing the questions one at a time and asking for feedback from participants. Your Facilitator's Guide has suggested answers for these questions to assist you.
5. Screen the expert discussion to *reinforce the key learning points*.

With your purchase of the **QMR Training Scenes Library**, Quality Media Resources grants you license to make as many copies as your organization needs of this guide and the accompanying handouts.

*QMR Training Scenes Library - Volume I*

## **Subtle Sexual Harassment Training Scenes**

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3	The Promotion	Romantic relationships between employees and their supervisors
4	Take It Like a Man	Resistance to women entering what had traditionally been a male work environment
5	Rumors	Rumors as a form of harassment
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7	Who is Harassing Whom?	Customers harassing employees
8	A Change of Heart	Preferential treatment of an employee by a supervisor who is romantically interested in her

The scenarios are followed by a series of handouts. The first is a practical definition of sexual harassment. The others present the discussion questions for each of the training scenes.

## SCENARIO ONE -- ***FITTING IN***

### **Is Nancy a victim of sexual harassment?**

(Up until this point in time, Nancy did not clearly communicate with her coworkers that their behavior was unwelcome. If the behavior continues after she brings it to her manager's attention, then it will constitute illegal sexual harassment because Nancy will have clearly communicated that the behavior was unwelcome.)

### **Why did Nancy do nothing to stop the behavior that she found offensive?**

(Employees are often afraid to speak out because of the fear of rejection by their coworkers, and the desire to "fit in.")

### **Should Nancy have reacted differently?**

(Stress the importance of employees communicating early on that they are uncomfortable with sexually offensive behavior and want the behavior to stop. If the employee is afraid to do this or tries to do it and the behavior continues, the employee should immediately go to their supervisor, manager, or a human resource director for assistance in getting the behavior to stop.)

### **Did the other employees do something wrong? What should they have done?**

(The other employees should have been more sensitive and recognized that Nancy might have been offended by the behavior and that it would have been very difficult for her to complain. Because it is difficult to know whether sexual joking and banter is offending someone in the group, it is best not to engage in such behavior in the work environment.)

### **What lessons might we learn from this scenario?**

(It is important to communicate clearly your discomfort with sexual joking and banter in the workplace. Remaining silent or joining in the behavior is likely to send the signal that you welcome such behavior. Employees should avoid sexual banter and joking that is likely to offend someone in the group.)

## SCENARIO TWO -- **TRYING TO BE NICE**

### **Is this a case of sexual harassment?**

(This could constitute sexual harassment because Deborah is offended by Jeff's advances, but that Deborah may not have made it clear that she found the conduct unwelcome. While she initially told him she did not want to see him socially, she may have sent mixed signals after that by not being clear that she did not want to have anything other than a working relationship with him.)

### **How would you respond if Jeff said he was just being friendly to a new colleague?**

(Jeff needs to understand that Deborah perceives him as being "overly" friendly and his behavior toward her must change. Behavior must be viewed from the perspective of the victim in deciding whether it is sexual harassment).

### **Do we risk losing all human interaction because of our concerns about sexual harassment?**

(The prevention of sexual harassment in the workplace does not mean that we cannot communicate with each other as human beings. It does mean that we need to respect each other's sensitivities and if one person does not share an attraction to another, that needs to be respected.)

### **What, if anything, should Deborah have done to better manage the situation?**

(She should have clearly communicated to Jeff that, while she appreciated his attempts to be friendly and make her feel welcome, his friendliness was making her feel uncomfortable, she did not want to have lunch with him, preferred that he not give her gifts and did not want him to visit her at her home.)

### **What should Jeff have done differently?**

(When Deborah told Jeff that she did not want to see him socially, he should have respected her wishes and not "pursued" her friendship in the manner he did. He should not have given her a card or rose, he should have invited her to lunch and he should not have visited her at her home.)

### SCENARIO THREE: ***THE PROMOTION***

#### **If Anne chooses Judy, is Bill a victim of sexual harassment?**

(If Anne does not promote Bill in order to retaliate for his ending their relationship, Bill is a victim of *quid pro quo* sexual harassment. Anne will have to show that Judy is selected because she is most qualified; however, this may be difficult to do because Bill had better performance reviews.)

#### **If Anne chooses Bill, is Judy a victim of sexual harassment?**

(Favorable treatment of an employee based on an isolated romantic relationship is not sufficient to constitute sexual harassment. However, if there is any element of coercion in Anne's promotion of Bill, i.e., Anne is attempting to coerce Bill into continuing the relationship, then it could be sexual harassment of both Bill and Judy. Also, if there is a pattern of employees getting promoted because of their willingness to have sexual relationships with those in management, then Judy could claim that she has been sexually harassed.)

#### **What could Anne and Bill have done to avoid this situation?**

(When Anne was presented with the opportunity to be promoted to Bill's supervisor, she should have disclosed the relationship to her manager and, if there was no way to avoid the supervisor/subordinate relationship, Anne should have turned down the promotion opportunity.)

#### **What should Anne do now?**

(Anne should tell her manager about the situation and ask her/him to determine who is most qualified for the promotion.)

#### **Is there room for romantic relationships in the work environment?**

(This scenario illustrates the potential problems inherent in a romantic relationship between a supervisor and subordinate. Either the employee in the relationship or other employees in the work group may perceive that they are being treated unfavorably. Furthermore, if the subordinate ends the relationship, the supervisor's future actions with regard to that subordinate may be seen as retaliation.

These same problems are not inherent in relationships between coworkers. Given that employees will be attracted to one another, it generally is not advisable to prohibit such romantic relationships.)

## SCENARIO FOUR: **TAKE IT LIKE A MAN**

### **Is Michelle a victim of sexual harassment?**

(Michelle is probably a victim of both quid pro quo and hostile environmental harassment. It is quid pro quo harassment because the supervisor told her that sexual harassment was a condition of her job, and it constitutes a hostile environment because her coworkers' negative behavior seems to be occurring because of her gender.)

### **Is it sexual harassment if male employees also go through a similar "initiation" process?**

(In this circumstance it could still be sexual harassment because at least part of the harassment, i.e., the inappropriate "art" on her locker, is sexual in nature. If a new male employee was subjected to this same sexually offensive conduct, he too could have a sexual harassment complaint.)

### **What special problems can face women entering a traditionally male workplace?**

(There is often resentment toward women who are entering what are viewed as traditionally male occupations. The men in these positions may not be comfortable working with women, may feel that a woman is not qualified for the job and may feel that they no longer can have "fun" after a woman joins the team. Job security issues may also arise.)

### **What needs to be done in this work environment? What is missing?**

(First, the organization and the manager need to take a strong position that they will not tolerate harassment of employees in the workplace. The manager should counsel and, if necessary, discipline those coworkers who engaged in the inappropriate behavior. In addition, the employees should be educated as to what constitutes sexual harassment, the impacts of sexual harassment upon victims, harassers and other employees, and the importance of treating all employees, whether men or women, with respect.)

### **Is there anything Michelle can or should do to improve her work environment?**

(Michelle should clearly communicate to her coworkers that she will not tolerate sexual harassment. In addition, Michelle should go to Phil's manager or the human resource director to get assistance in resolving this problem.)

## SCENARIO FIVE: *RUMORS*

### **Can rumors and gossip constitute sexual harassment? Why or why not?**

(Rumors and gossip could constitute sexual harassment if they are sexual in nature and are pervasive enough to create a hostile environment.)

### **What could management have done to avoid this situation?**

(Management should have made it clear to all concerned parties that Cindy was the most qualified person for the promotion.)

### **What should management do now?**

(Cindy's manager should speak with Harvey and Kim and explain that their conversations have been overheard and have hurt Cindy's feelings. The manager should explain that the rumors are not true, only serve to hurt others in the work environment and should stop immediately.)

### **What liability do the employer and manager have in this scenario?**

(In this instance, the rumors may not be pervasive enough to constitute sexual harassment. Even if they were, both the employer and the manager could avoid liability for what has happened up to this point in time if they now take the appropriate corrective action.)

## SCENARIO SIX: ***POLLUTING THE ATMOSPHERE***

### **Is Betsy a victim of sexual harassment even though these remarks were not aimed at her?**

(Yes, Betsy has been a victim of sexual harassment. This behavior has created a hostile environment for her even though it is not directed at her.)

### **What could the supervisor have done to avoid this situation?**

(Prior to Betsy joining the group, the supervisor should have advised the male employees that their conversations could offend others in the work environment and, therefore, were inappropriate. The supervisor could also have introduced Betsy to the team and assisted her integration so they would be more accepting of her as a coworker.)

### **What steps should the supervisor take to resolve this situation?**

(The supervisor should counsel the coworkers that their comments are inappropriate and unacceptable and ask them to stop making them. If the coworkers are aware of Betsy's complaint, the supervisor should warn them that they cannot retaliate against Betsy for bringing her concerns to management's attention.)

### **How can the supervisor avoid any retaliation against Betsy by the men in her department?**

(The supervisor should tell Betsy that any retaliation against her will not be allowed and that if she feels there is such retaliation, she should let the supervisor know immediately. The supervisor should also tell her coworkers that the company wants people to feel comfortable raising these issues and that they cannot retaliate against Betsy because she did so.)

### **What is the employer's liability? If the supervisor was involved in the behavior, does the employer's liability change?**

(The employer is liable for this behavior only if it knew or had reason to know that it was occurring and failed to take prompt effective action to stop it. If the supervisor was involved, either because he knew it was occurring or because he himself was engaging in the behavior, the employer may have severe liability.)

SCENARIO SEVEN: **WHO IS HARASSING WHOM?**

**Is this sexual harassment and, if yes, who is liable?**

(This one incident is not sufficient to constitute a hostile environment. However, if Carol's employment is in any way conditioned on her agreeing to date Chuck, it could constitute *quid pro quo* harassment.)

**If Eva was Carol's supervisor, could this be a more serious case?**

(The situation would be more serious because now it would be a supervisor suggesting that it is a condition of Carol's employment that she date a customer.)

**How should Carol's manager resolve this situation?**

(Carol's manager should counsel Eva that it is not a part of any employee's job nor is it appropriate that she be asked to date a customer. Then either the manager and/or Eva should counsel the customer that while they value his business, the company will not require that Carol go to dinner with him.)

**Could this situation have been avoided?**

(This situation could have been avoided by the organization clearly communicating its policy against harassment and making it clear to employees that no employee should be subject to harassment or sexual pressure from a customer.)

## SCENARIO EIGHT: ***A CHANGE OF HEART***

### **Does this constitute harassment, and if so, why?**

(If Mike is changing his employment expectations because it no longer appears that Delores is available to date him, it is *quid pro quo* harassment. This could also have constituted a hostile environment if Delores had made it clear that she did not welcome Mike's advances.)

### **Who is liable for this harassment?**

(The employer is strictly liable for Mike's *quid pro quo* harassment. If Mike is a senior manager in the organization and has created a hostile environment, the employer could also be strictly liable for his behavior. Mike is liable in either event as the harasser. Karen could be liable if the evidence shows that she knew that Delores was uncomfortable with Mike's advances and she failed to take corrective action.)

### **Did Karen make a mistake in judgment by not taking immediate action when she became aware of the attention Mike was paying to Delores? What could she have done to avoid this situation?**

(Karen should have counseled Mike that, because he is in a supervisory position, his "attention" to Delores could be perceived as harassment. Karen could also have spoken with Delores to find out if she was uncomfortable with Mike's behavior.)

### **What steps should Karen take now?**

(Karen should investigate this situation. She should interview Mike to find out if and why he has changed his performance expectations. If she determines that Mike has changed his expectations because Delores will not date him, she should warn Mike that any future behavior is grounds for immediate dismissal. Karen should also consider transferring Mike or removing him from a supervisory position in order to protect Delores from retaliation.)

## **THE PRACTICAL DEFINITION OF SEXUAL HARASSMENT**

In practical terms, there are two kinds of sexual harassment:

**Quid Pro Quo:** Where employment decisions or expectations (e.g., hiring decisions, promotions, salary increases, shift or work assignments, performance expectations) are based on an employee's willingness to grant or deny sexual favors. Examples of quid pro quo harassment:

- \* Demanding sexual favors in exchange for a promotion or a raise.
- \* Disciplining or firing a subordinate who ends a romantic relationship.
- \* Changing performance expectations after a subordinate refuses repeated requests for a date.

**Hostile Environment:** Where verbal or non-verbal behavior in the workplace: (1) focuses on the sexuality of another person or occurs because of the person's gender, (2) is unwanted or unwelcome and (3) is severe or pervasive enough to affect the person's work environment.

The following are examples of behaviors that can create a hostile environment if they are unwanted and uninvited:

- \* Off-color jokes or teasing
- \* Comments about body parts or sex life
- \* Suggestive pictures, posters, calendars or cartoons
- \* Leering, stares or gestures
- \* Repeated requests for dates
- \* Excessive attention in the form of love letters, telephone calls or gifts
- \* Touching -- brushes, pats, hugs, shoulder rubs or pinches
- \* Assault/rape

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**Is Nancy a victim of sexual harassment?**

**Why did Nancy do nothing to stop the behavior that she found offensive?**

**Should Nancy have reacted differently?**

**Did the other employees do something wrong? What should they have done?**

**What lessons might we learn from this scenario?**

**HANDOUT**

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**What, if anything, should Deborah have done to better manage the situation?**

**What should Jeff have done differently?**

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**What could Anne and Bill have done to avoid this situation?**

**What should Anne do now?**

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**Could this situation be avoided?**

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**What steps should Karen take now?**

**What further complications or repercussions should be avoided and how?**

**HANDOUT**