

Welcome to the QMR Training Scenes Library

Volume 6 – *You Can STOP Harassment* - Training Scenes

Introduction:

This volume of the **QMR Training Scenes Library** consists of 7 training dramatizations.

- 1st Scenario: “Who Do You Think I Am?” - *Sexual harassment between coworkers*
- 2nd Scenario: “Slave Day” - *Racial harassment by a supervisor*
- 3rd Scenario: “Silent Treatment” - *Sexual orientation harassment by coworkers*
- 4th Scenario: “Let us Pray” - *Religious harassment and retaliation by a supervisor*
- 5th Scenario: “It’s No Joke” - *Racial and sexual harassment by a coworker*
- 6th Scenario: “Heads Up” - *Ethnic and religious harassment by a coworker*
- 7th Scenario: “She’s the Boss” - *Sexual harassment by a supervisor (includes same sex harassment)*

These 7 workplace harassment training scenes are each followed by a brief discussion featuring 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:

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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 that 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*.
6. Where the scene continues or is replayed with a more positive outcome, play the scene to demonstrate the key points learned.

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

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You Can STOP Harassment Training Scenes

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SCENARIO ONE – *WHO DO YOU THINK I AM?*

Is Phil harassing Sara? How?

(Although it isn't clear in the scenario of Phil's behavior is based on Sara's gender, it is clearly offensive and unwelcome and will likely interfere with Sara's ability to do her work. By this measure the behavior is harassment. What isn't clear is whether it is illegal or simply inappropriate. Either way, it should not be tolerated at work.)

Is John sexually harassing Sara? How?

(John's behavior is aimed at Sara as a woman. His repeated requests for a date and his labeling her as "frigid" and spreading rumors about her in the workplace all constitute illegal sexual harassment. The behavior is clearly unwelcome and offensive, it is also repeated. Taken together, John is creating a hostile work environment for Sara.)

How should Sara respond to Phil? To John?

(If Sara feels safe doing so, she should confront both Phil and John and ask them to stop the behavior. She should use "I" statements to let them know how their behavior makes her feel, and clearly request that the behavior stops. She could try the "When... I feel... I need or want..." formula. For example, "Phil, when you call me stupid it makes me feel like I have no value. I want you to stop.")

If Sara is unable to stop the harassing behavior from Phil and John herself, what should she do?

(If either Phil or John continues to harass Sara, she should seek assistance from her supervisor, a manager, someone in Human Resources, or another representative of management that she feels she can trust.)

What lessons might we learn from this scenario?

(It is important to communicate clearly your discomfort with inappropriate behavior in the workplace. Remaining silent, hoping the behavior will just go away is likely to send the signal that you welcome such behavior or, at least, are not offended by it. Employees should avoid making disparaging remarks about colleagues. Repeatedly asking an employee out for a date once you have been told she/he is not interested is inappropriate and may constitute illegal harassment.)

SCENARIO TWO – *SLAVE DAY*

Is this a case of racial harassment?

(Margaret clearly finds the “Slave Day” game offensive. She has informed Becky of this on several occasions. Given that Margaret is an African American, there can be a racial component to forcing her to play a slave at work. Harassment does not have to be intentional to be offensive or illegal. This situation would likely qualify as illegal racial harassment.)

What responsibility does Becky have for this situation? What is her intent? What is the impact of her behavior?

(Becky, as the team leader or supervisor, has a responsibility to see to it that there is no harassment in the workplace. In this case, she is actually the harasser. The fact that Becky may not mean any harm and may simply be trying to encourage team development does not make her behavior or the situation any less offensive. This is a good example of where someone’s intent may be very different from the impact of his/her behavior. When it comes to harassment, it’s the impact that counts.)

How should Becky as the team’s leader respond when Margaret tells her she is uncomfortable with the “Slave Day” game?

(Any leader in an organization has a responsibility, first and foremost, to listen when a complaint of harassment or inappropriate behavior is raised. Becky should hear Margaret’s concerns and take whatever measures she can to stop the offensive behavior. In this case, resolving the problem should be relatively easy. She needs to cancel “Slave Day” and come up with a more appropriate team building activity.)

Should Chen and George have responded differently? How?

(If employees want to end workplace harassment, they need to support each other in seeing to it that inappropriate behavior does not occur. In this situation, Chen and George could have refused to participate in an activity that they knew was offensive to Margaret. In addition, they could have spoken up in support of Margaret when she challenged Becky on Slave Day. They could have spoken to Margaret privately and told her they understood her discomfort and that they were willing to help her by going to Becky or some other supervisor together with Margaret to complain.)

What can Margaret do to stop this behavior? How should she handle this situation?

(Margaret has informed Becky that she finds the behavior offensive. She could speak with Becky privately to explain why she is offended by “Slave Day”. If that doesn’t work, Margaret should speak with a manager or with someone in Human Resources who has the authority to get the behavior to stop.)

SCENARIO THREE: SILENT *TREATMENT*

Is Chuck being harassed at work? If so, how?

(Chuck is being harassed based on his sexual orientation. The writing of obscenities on his car and the theft of the picture from his desk are all inappropriate and should not be tolerated. In addition, the “silent treatment” Chuck gets when he is around his coworkers can be both intimidating and upsetting and would constitute a hostile work environment.)

What, if anything, can Phyllis do to help improve this situation?

(Phyllis may be afraid to confront her coworkers on Chuck’s behalf. If she feels safe doing so, she could explain that it is wrong to ostracize Chuck and she could insist that the behavior stop. She could go to Chuck and offer to support him if he chooses to confront the behavior. She could also report the situation to a manager or to Human Resources to get their help in resolving the problem.)

Is it illegal to harass or discriminate against someone because of their sexual orientation?

(In some jurisdictions it is illegal to discriminate against or harass someone because of their sexual orientation. However, whether it is illegal or not, it is always inappropriate. A person’s sexual orientation has nothing to do with their ability to do their job. People don’t have to accept another employee’s lifestyle, but they do need to treat each other with respect.)

What should Chuck do to stop the offensive behavior?

(Chuck could confront his coworkers and let them know how he feels about the exclusion and harassment. He could also insist that the behavior stop. If the harassment continues, he should seek help from a supervisor, manager or from Human Resources. This kind of situation can have a very negative impact on a workgroup’s productivity and it is important that measures be taken to assure that the behavior will stop.)

SCENARIO FOUR: LET *US PRAY*

Is Ron a victim of religious harassment?

(We don't have enough information to be certain that Ron has been discriminated against based upon his religion. However, if it turns out that William is in fact showing a hiring and promotion preference for people of a certain religious affiliation, it could constitute illegal religious harassment against Ron.)

Do you think this is a case of retaliation? What do we need to know to determine if this is the case?

(Retaliation can sometimes be understood by looking at the timing of events. Did Ron have positive performance reviews before he complained, and negative reviews soon after the complaint? Did his work assignments change soon after he complained? If so, there may be a strong case for a retaliation charge. William has put himself at risk by reviewing Ron's performance after Ron had made a complaint against him. It would have been better to settle the harassment or discrimination complaint first.)

What recourse does Ron have in this situation?

(If Ron believes he is being targeted for retaliation, he should immediately speak with an uninvolved manager or with Human Resources. Retaliation is a serious charge that carries significant liability. Ron should not have to accept negative performance reviews and assignments as the cost of having brought forward a harassment complaint.)

Is it illegal to retaliate against someone for making a discrimination or harassment complaint?

(Yes, it is illegal to retaliate against someone for complaining of discrimination or harassment. This is true even if the initial charge of harassment is never proven. That is, a manager could face liability for retaliation even if he/she never harassed or discriminated against the complaining employee in the first place.)

How can we avoid retaliation in the workplace?

(It is a common human response for someone who has been charged with an offense to seek some kind of retaliation. Knowing this, it is the responsibility of everyone in the workplace to make certain that retaliation does not occur. This is especially true of managers, who have a legal responsibility to ensure there is no workplace retaliation. This takes close monitoring of the situation in the workgroup and regular follow-up with the complaining party to make sure no retaliation has occurred.)

SCENARIO FIVE: IT'S *NO JOKE*

Is Ben harassing Viv? In what ways?

(Ben is sexually harassing Viv by repeatedly asking her out on dates when she has made it clear she isn't interested. Ben is also racially harassing Viv by his repeated use of racial stereotypes. He is creating a hostile work environment for Viv.)

Is there a difference between Ben's intent and the impact of his behavior?

(Ben seems to like Viv. His intent is to go out on a date with her. However, the impact of his behavior is perceived by Viv as harassment. In cases of harassment, it's the impact of the behavior on the victim, not the intent of the harasser that counts.)

How should Steve have responded to Ben's 'impersonation'?

(When Steve saw Ben's impersonation of Stevie Wonder, he should have taken him aside and informed him that his behavior was offensive and will not be tolerated. The fact that Ben is seen as the workplace clown does not excuse his behavior. Steve's silence sent a message to Viv that he approved of, or at least is willing to tolerate Ben's behavior.)

What responsibility and liability does a manager face if he/she ignores cases of harassment at work?

(Managers and supervisors represent management in the workplace. They carry with them the authority of the organization's leadership. With this authority comes a legal responsibility to see to it that the workplace is safe and free of harassment. In some cases, managers may face personal liability if they are involved in workplace harassment. Their failure to act to stop harassment at work can place their organization at risk.)

What recourse does Viv have? How should she respond?

(Viv is making it very clear to Ben that she finds his behavior offensive and wants it to stop. If Steve is unwilling to take action, then Viv should go to another manager or supervisor or to Human Resources to let them know about the harassment. If the organization continues to ignore Ben's harassing behavior, Viv may be pushed into taking legal action.)

SCENARIO SIX: *HEADS UP*

Is Marco harassing the unseen employee?

(Yes, the unseen employee is being harassed by Marco based on his religion and, possibly, his ethnicity. By spreading rumors about the employee and yelling at him about his hair, Marco is creating an offensive and hostile work environment.)

What should Ann, the supervisor, have done when confronted by Marco?

(By not calling Marco on his inappropriate comments, Ann gave him the impression that she may have agreed with him. This only served to reinforce Marco's negative stereotypes about the unseen employee and encouraged the situation to escalate. She should have clearly indicated that Marco's comments were inappropriate and offensive and that they violated the organization's anti-harassment policy.)

What steps should Ann now take to ensure the offensive behavior stops?

(As his supervisor, Ann should counsel Marco that his comments are inappropriate and unacceptable and ask him to stop making them. She should assure Marco that the unseen employee is not dangerous or dirty and explain that she is offended by Marco's comments. She should also make it clear that any harassment will not be tolerated. She should also speak with the target of Marco's behavior and make sure he feels welcome and safe at work and assure him that any future harassment by Marco or anyone else will not be tolerated. She should encourage him to let her know if he is subjected to any further inappropriate behavior.)

How can Ann avoid any retaliation against the unseen employee by Marco or any other employees?

(Ann should tell the unseen employee that any retaliation against him will not be allowed and that if he feels there is such retaliation, he should let her know immediately. Ann should also tell Marco [and any other employees who may have been involved in the harassment] that the organization wants all employees to feel safe and valued at work and that he [they] cannot retaliate against the unseen employee in any way. She should make clear what disciplinary action will be taken should there be any retaliation and document the conversation in Marco's file.)

What is the employer's potential liability in this situation?

(The employer is liable for this behavior if it knew or should have known that it was occurring and failed to take prompt effective action to stop it. In this case Ann as a supervisor represents management. If Ann fails to take action, the employer may have severe liability.)

SCENARIO SEVEN: SHE'S THE BOSS

Is June sexually harassing Morgan and David?

(Since the behavior is repeated, unwelcome and offensive, this would constitute sexual harassment. It is still harassment despite the fact that Morgan and June are both women and that the behavior may not be intentionally sexual or intentionally harassing. Same sex harassment is illegal and it is the impact on the victims of the behavior, not the intentions of the harasser that count.)

How do we know when touching someone at work is appropriate or inappropriate?

(Touch is a powerful communication tool. When used by a person in a position of power, it can be intimidating and offensive. While there is no law against touching people at work per se, it is wise not to touch people in any way that could be construed as controlling, intimidating or sexual.)

Can the manager hearing these complaints honor Morgan and David's requests that June not be informed that they had complained? Why or why not?

(The manager has a responsibility to hear both sides of the situation. He or she cannot do that without informing June of the nature of the complaint and of who it was that complained. The manager also cannot ignore the situation when an employee has confided that they feel they are being harassed – even if the employee asks them not to take any action. The manager has a legal responsibility to see to it that the offensive behavior stops. The manager cannot promise confidentiality, but can explain that people will only be told of the complaint on a “need-to-know” basis.)

When June is presented with these complaints, how should she respond?

(When hearing about a complaint against you, it is best to listen. Don't justify or explain, but simply acknowledge that you understand the person's concerns and will try to do whatever you can to improve the situation. In June's case, this would mean stopping the offensive touching.)

What is the appropriate way to investigate a harassment complaint? What actions should the manager hearing this complaint take?

(See the **Manager's Guide - Conducting the Harassment Investigation** – pages 19-23.)

What You Need to Know About Workplace Harassment

- Harassment is a form of discrimination where a person is subjected to threatening, intimidating, embarrassing, or other offensive behavior because of his/her gender, race, ethnicity, religion, age, disability or some other distinguishing characteristic.
- Harassment usually occurs when there is a disparity of power between the harasser and the target of his/her behavior.
- Harassment is not always intentional, and doesn't have to be intentional to be illegal.
- Men can harass men, women can harass women, women can harass men and men can harass women. It's the behavior that counts – not the gender of the participants.
- A person can feel harassed even if he or she is not the intended target of the behavior.
- While not all harassing behavior meets the standard of illegal conduct, any workplace harassment is inappropriate and should not be tolerated.
- If you feel harassed at work or you are aware of incidents of workplace harassment, you have a right and a responsibility to confront the harasser if you feel safe doing so, or to report the harassment to a manager or an appropriate human resources person.
- If you report an incident of harassment, the organization will conduct a fair, discreet investigation and appropriate corrective action will be taken.
- It is illegal to retaliate in any way against an employee for complaining about or reporting workplace harassment.
- There is no room for harassment of any kind in a workplace where people value and respect each other. Harassment is the opposite of respectful workplace behavior. You have the right to work in an environment that is free of harassment.

HANDOUT

SCENARIO ONE – *WHO DO YOU THINK I AM?*

Is Sara being harassed by Phil? How?

Is John sexually harassing Sara? How?

How should Sara respond to Phil? To John?

If Sara is unable to stop the harassing behavior from Phil and John herself, what should she do?

What lessons might we learn from this scenario?

HANDOUT

SCENARIO TWO – *SLAVE DAY*

Is this a case of racial harassment?

What responsibility does Becky have for this situation? What is her intent? What is the impact of her behavior?

How should Becky as the team's leader respond when Margaret tells her she is uncomfortable with the "Slave Day" game?

Should Chen and George have responded differently? How?

What can Margaret do to stop this behavior? How should she handle this situation?

HANDOUT

SCENARIO THREE: SILENT *TREATMENT*

Is Chuck being harassed at work? If so, how?

What, if anything, can Phyllis do to help improve this situation?

Is it illegal to harass or discriminate against someone because of their sexual orientation?

What should Chuck do to stop the offensive behavior?

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SCENARIO FOUR: LET *US PRAY*

Is Ron a victim of religious harassment?

Do you think this is a case of retaliation? What do we need to know to determine if this is the case?

What recourse does Ron have in this situation?

Is it illegal to retaliate against someone for making a discrimination or harassment complaint?

How can we avoid retaliation in the workplace?

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SCENARIO FIVE: IT'S *NO JOKE*

Is Ben harassing Viv? In what ways?

What is the difference between Ben's intent and the impact of his behavior?

How should Steve have responded to Ben's 'impersonation'?

What responsibility and liability does a manager face if he/she ignores cases of harassment at work?

What recourse does Viv have? How should she respond?

HANDOUT

SCENARIO SIX: **HEADS UP**

Is Marco harassing the unseen employee?

What should Ann, the supervisor, have done when confronted by Marco?

What steps should Ann now take to ensure the offensive behavior stops?

How can Ann avoid any retaliation against the unseen employee by Marco or any other employees?

What is the employer's potential liability in this situation?

HANDOUT

SCENARIO SEVEN: SHE'S THE BOSS

Is June sexually harassing Morgan and David?

How do we know when touching someone at work is appropriate or inappropriate?

Can the manager hearing these complaints honor Morgan and David's requests that June not be informed that they had complained? Why or why not?

When June is presented with these complaints, how should she respond?

What is the appropriate way to investigate a harassment complaint? What actions should the manager hearing this complaint take?

HANDOUT

Conducting the Harassment Investigation

A Manager's Guide

Keep in Mind

- Be Prompt
- Be Objective
- Take All Complaints Seriously
- Create a Written Record of a Fair and Objective Process
- Make Involved Employees Comfortable with the Process

Interview the Complaining Party Thoroughly

- If a sexual harassment complaint, consider having two interviewers, at least one of whom is the same sex as the complaining employee.
- Allow the employee to have a representative present, if requested.
- Assure the complaining party of the appropriateness of coming forward.
- Assure the employee that the complaint will be taken seriously.
- Don't promise confidentiality. Assure narrow disclosure on a need-to-know basis.
- If the employee wants to confront the harasser him/herself, document employee's intent and follow-up to find out if the employee was satisfied with the result.
- If the employee wants nothing to be done, try to convince him/her of the wisdom of positive action. If the employee still insists that nothing be done, consider investigating anyway in light of legal liability for the organization.
- Write a detailed description of allegations including time, place, witnesses, identity of harasser(s), frequency.

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- Obtain all relevant factual information including any prior relationship of the parties, whether the complaining party objected, the effect of conduct on the complaining party.
- Find out if the complaining party has raised concerns with management previously and what management's response has been.
- Identify others who have been subjected to similar treatment/behavior.
- Ask the employee to identify all persons s/he would like interviewed.
- Advise the employee of what they can expect during the process and keep him/her regularly apprised of the process.
- Ask the employee whether s/he is comfortable with existing working conditions pending the investigation.
- Make no promises and voice no preliminary conclusions
- Advise the employee of the importance of nondisclosure, e.g. "I will attempt to keep this matter as confidential as possible, and I ask that you do the same so that we can get to the facts and resolve this matter."

Determine Appropriate Initial Response to Complaint Pending Investigation

- Should working conditions be modified pending the investigation? (Note: Any changes must not appear to be retaliation against the complaining employee.)
- What level of investigation is necessary and appropriate?
- Should the investigation be conducted by a manager, human resources or by a third party such as legal counsel or another professional?
- Should legal counsel be contacted? What is the likelihood of future litigation?

HANDOUT

Interview the Alleged Harasser

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- Make every effort to make the alleged harasser comfortable with the process.
- Assure the alleged harasser of your commitment to be objective and to get at the truth.
- Identify the specific allegations and obtain responses to each one.
- Identify witnesses and their observations.
- Identify statements or conduct that may have been misinterpreted.
- Determine if complaining party had any motivation to falsely accuse the alleged harasser.
- Obtain copies of all relevant documentation.
- Do not make any promises or voice preliminary conclusions.
- Ask the alleged harasser to identify all persons s/he would like interviewed.
- Explain the necessity of limited disclosure. Do not promise confidentiality.
- Advise the alleged harasser of what to expect during the process and continue to involve him/her during the process.
- Advise the alleged harasser of the prohibition against retaliation against the complainant or witnesses and the importance of avoiding even the hint of such action.

Interview All Potential Witnesses, Not Just Those Identified by the Parties

- Determine what amount of disclosure about the complaint and the identity of the parties is necessary to conduct a meaningful investigation. Disclose on a need-to-know basis.
- Advise each witness of the context and his/her role – so they understand they are not being investigated.
- Ask potential witnesses to identify other witnesses.

HANDOUT

- Explore with each witness:

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1. Observations of interactions between alleged harasser and alleged victim
2. Personal experiences with each party
3. Whether alleged victim ever discussed harassment with witness
4. Corroborating evidence – e-mails, letters, memos

Interview Alleged Harasser and/or Complaining Party Again if Necessary

- Ask the hard questions
- Explain process to date and ask each who else they would like interviewed
- Determine whether each is satisfied with the scope of the investigation
- Advise each of the next step in the process

Review the Evidence to Determine if Any Form of Illegal Harassment Has Occurred

- Was the harassment based on the person's race, religion, color, national origin, age, sex, sexual orientation, marital status, or the presence of any physical, mental or sensory disability?

- If sexual harassment, was the conduct:

Was submission to sexual conduct made either explicitly or implicitly a term or condition of the complaining party's employment?

Was submission to or rejection of such conduct by the complaining party used as a basis for an adverse employment decision?

Was the conduct unwelcome?

Was the conduct based on gender?

From the perspective of a reasonable woman/reasonable man, was the conduct sufficiently severe or pervasive to alter the terms or conditions of the complaining party's employment?

Was the alleged harasser a manager, director, or principal?

- If unsure of potential liability, consult legal counsel for advice

HANDOUT

Determine Appropriate Remedial Action

- Counseling or Training

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- Verbal Warning
- Written Warning
- Suspension
- Discharge
- If you cannot determine whether misconduct occurred, provide alleged harasser with a memo stating that employer has been unable to determine what actually occurred but that serious allegations of harassment have been made. Include:
 - Restate the organization's Anti-Harassment Policy.
 - Make it clear you won't tolerate such conduct.
 - Stress that if misconduct occurs in the future or if future evidence is revealed that supports the initial allegation, appropriate disciplinary action will be taken.
 - Reiterate that retaliation against complaining party will not be tolerated.

Bring the Matter to a Close

- Advise the complaining party and the alleged harasser of the outcome of the investigation and the corrective action, if any, that will be taken.
- If appropriate, write an investigative report, documenting the process and the findings.
- Do not share the investigative report with either party. Keep the report for the organization's records.
- Stress the organization's non-retaliation policy to both parties. Let the complaining party know whom to come to should s/he perceive retaliation.
- Ask both parties for their feedback: Did they feel the process was thorough and fair? Are they satisfied with the outcome?
- If appropriate, work on the "healing" process with the workgroup to ensure that there is no retaliation and that the team is again able to productively work together.

NOTE: If at any stage in the investigation you are uncertain about how to proceed or would like legal assistance, contact senior management, human resources or your organization's legal counsel.

HANDOUT

ACKNOWLEDGMENT OF HARASSMENT TRAINING

I acknowledge that on _____(date), I attended harassment awareness training entitled "**You Can STOP Harassment – Training Scenes**".

I understand that: (1) I have the right to work in an environment free from harassment; (2) I have a responsibility not to engage in behaviors that constitute harassment; and (3) if I feel I am being harassed, I have the right and responsibility to either communicate this directly to the harasser or to a non-involved supervisor or other representative of management.

(Name)

(Signature)