

PREVENTING WORKPLACE HARASSMENT



**INSTRUCTOR GUIDE
HALF-DAY COURSE**

HRDQ[®]

PREVENTING WORKPLACE HARASSMENT

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Instructional design and learning philosophy

We are committed to providing the best core skills content possible for Instructor-Led Training (ILT). The following principles are applied in the development of programs:

Sound Instructional Design

All course content is developed using a variety of research techniques. These include:

- Brainstorming sessions with target audience
- Library research
- Online research
- Customer research (focus groups, surveys, etc.)
- Subject Matter Experts (SME)
- Interviews with trainers

Expert instructional designers create imaginative and innovative solutions for your training needs through the development of powerful instructional elements. These include:

- Learning objectives — effective tools for managing, monitoring and evaluating training
- Meaningfulness — connects the topic to the students' past, present and future
- Appropriate organization of essential ideas — helps students focus on what they need to know in order to learn
- Modeling techniques — demonstrate to students how to act and solve problems
- Active application — the cornerstone to learning — helps students immediately apply what they have learned to a real-life situation
- Consistency — creates consistent instructions and design to help students learn and retain new information
- Accelerated learning techniques — create interactive, hands-on involvement to accommodate different learning styles

Application of Adult Learning Styles

Adults learn best by incorporating their personal experiences with training and by applying what they learn to real-life situations. Our experienced instructional designers incorporate a variety of accelerated learning techniques, role-plays, simulations, discussions and lectures within each course. This ensures that the learning will appeal to all learning styles and will be retained.

Course timing

Type of Activity	Segment	Time
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Module One: Overview of Harassment

	Icebreaker: Matching statistics	20
	What is harassment?	20
	You be the judge	20

Module Two: How to Handle Harassment

	Confront the harasser	20
	Practice using "I" messages	10
	Confrontation practice	30
	Confronting the harasser in writing	10
	Documentation and retaliation	20
	Conducting an investigation	20
	Investigation role-play	20



Reading



Written exercise



Facilitate



Group activity

Course timing



Reading



Written exercise



Facilitate



Group activity

Module Three: Preventing Harassment



Common sense, written policy and training 20



Prevention checklist 20



Wrap-up/review appendix items 20

Contents

Licensing agreement.....	iii
Instructional design and learning philosophy	iv
Course timing	v
Course objectives	ix
Module One: Overview of Harassment	
Learning objectives	2
Introduction.....	3
What is harassment?	4
Sexual harassment.....	5
Four elements in determining harassment	6
You be the judge	7
Module Two: How to Handle Harassment	
Learning objectives	10
What do you do about it?	11
Confrontation practice	13
Confronting the harasser in writing.....	14
Document the situation.....	15
Dealing with retaliation	16
Conducting an investigation	18
If you're the harasser/accused of being the harasser	20
What should you do?.....	21
Module Three: Preventing harassment	
Learning objectives	24
Preventing harassment	25
Prevention checklist	26

Appendix

Sample harassment policy 28

Steps of an investigation 31

Statistics for opening activity 32

Action plan..... 34

Course review..... 35

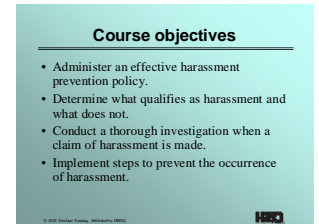
Solutions for every training challenge 37

Course objectives

Successful completion of this course will increase your knowledge and ability to:

- Administer an effective harassment prevention policy
- Determine what qualifies as harassment and what does not
- Conduct a thorough investigation when a claim of harassment is made
- Implement steps to prevent the occurrence of harassment

[Review the course objectives.](#)



Course objectives

- Administer an effective harassment prevention policy.
- Determine what qualifies as harassment and what does not.
- Conduct a thorough investigation when a claim of harassment is made.
- Implement steps to prevent the occurrence of harassment.

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Module One



OVERVIEW OF HARASSMENT

Elaborate on the first point — defining harassment. In particular, we want to focus on the relationship between discrimination, harassment and bullying.

Briefly, harassment tends to have a strong physical component and is usually linked to gender, race, disability (i.e., discrimination); bullying tends to be comprised of a large number of incidents (individually minor) with the main purpose of feeling superior over the target. The target may or may not be picked based on protected class status (sex, race, religion, disability, etc.). There is much overlap between harassment and bullying, therefore, you may see the terms bullying and harassment used somewhat interchangeably during this training.

Module One: Objectives

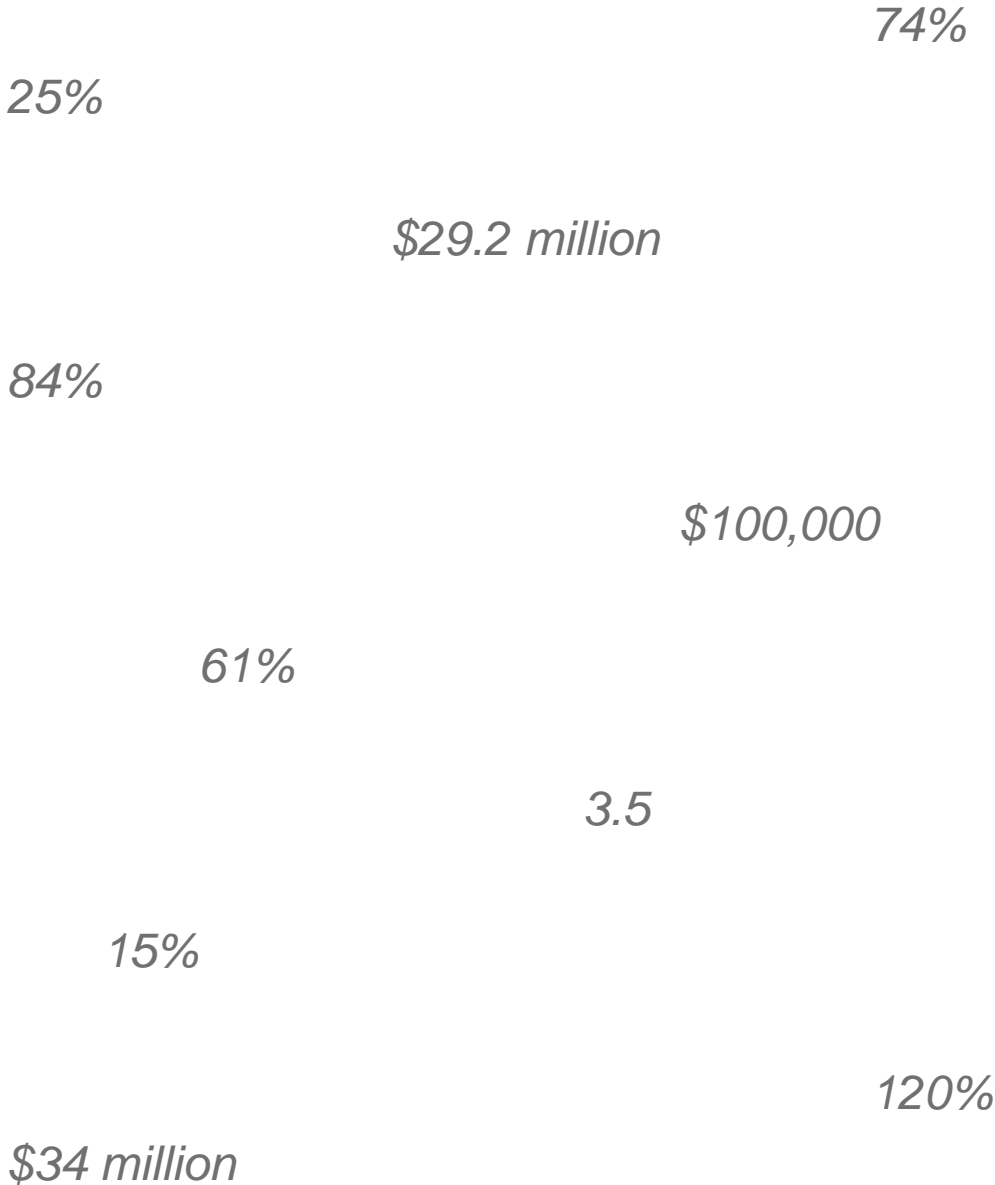
- Define harassment from both a legal and real-world perspective.
- Describe how harassment impacts individuals and the workplace.
- Identify examples of harassment.

Learning objectives

Successful completion of this module will increase your knowledge and ability to:

- Define harassment from both a legal and real-world perspective
- Describe how harassment impacts individuals and the workplace
- Identify examples of harassment

Introduction



Icebreaker activity: Hand each participant an index card or sticky note with a statistic or the "answer" located in the appendix.

Note: Depending on group size, you may have to duplicate some of the statistics and answers. Tell participants to circulate around the room, introduce themselves and share their statistic or answer. When they think they have a match, they can stop. When everyone is paired up, or after about five minutes, debrief by reviewing the statistics and their answers. Emphasize how pervasive sexual harassment is and how large the cost is, both financially (in terms of productivity to an organization) and emotionally (to an individual). Note: These statistics are from the resources listed at the back of the workbook—in particular, the books and the EEOC Web site.

Statistics	
Statistic	Answer
100,000	The median, most frequent, in those who seek harassment cases filed with the EEOC.
61%	Percentage of people who stated that harassment had a negative impact on the workplace in terms of cost and time spent.
3.5	Number of people who are eventually involved in the action harassment taking place.
15%	Percentage of women who are harassed while at their jobs.
84%	Percentage representing the number of women reporting harassment.
64%	The percentage of people who had they been harassed but not charged.

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Statistics	
Statistic	Answer
10%	Percent age of managers who have filed harassment charges with the EEOC.
10 million	Number of people who have been harassed who reported costs ranging from \$100,000 to \$1 million.
10%	Percentage of harassment charges that get worse when ignored.
20%	Percentage of women who are sexually harassed without a sense of safety to avoid the work situation.
100 million	Large number of cases for an individual in an employer's cost of harassment.
100%	Number of harassment cases made by Hispanic women in the last decade.

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Review the definition of harassment. Mention that federal law does not prohibit simple teasing, offhand comments or isolated incidents that are not extremely serious. The conduct must be sufficiently frequent or severe to create a hostile work environment or result in a “tangible employment action,” such as hiring, firing, promotion, or demotion.

What is harassment?

Harassment is any verbal or physical conduct that unreasonably interferes with an individual's work or performance, or creates an intimidating or hostile work environment. Harassment can be based on race, color, national origin, sex, age, disability, religion, sexual orientation or veteran status. These categories constitute protected classes.

Harassment isn't

- Simple teasing
- Offhand comments
- Isolated incidents that are not extremely serious

Protected classes

- Race
- Color
- National origin
- Sex
- Age
- Disability
- Religion
- Sexual orientation
- Veteran status

Assume everyone is in a protected class.

While all harassment is against the law, sexual assault is a criminal act and should be reported to the campus or city police.

What is harassment?

Harassment is any verbal or physical conduct that unreasonably interferes with an individual's work or performance, or creates an intimidating or hostile work environment. Harassment can be based on race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status. These categories constitute protected classes.

What is a hostile environment?

Unwelcome conduct by an individual(s) against another individual based upon her/his protected class that is sufficiently severe or pervasive that it alters the conditions of employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to a hostile work environment.

Harassment based upon protected classes may involve:

- Physically assaulting or repeatedly intimidating, teasing, mocking, or joking based on an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status
- Repeatedly directing racial or ethnic slurs at an individual
- Repeatedly telling an individual that he/she is too old to understand new technology
- Repeatedly pressuring an individual for dates or sexual favors
- Repeatedly displaying sexually explicit visual material (calendars, posters, cards, software, and Web sites)
- Repeatedly giving or sending inappropriate gifts, calls, letters, or e-mails
- Using promises or rewards in return for sexual favors
- Engaging in unwelcome physical contact
- Sexually assaulting an individual

Sexual harassment

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

Categories of sexual harassment

Quid pro quo

Request for sexual favors in exchange for a promotion, a raise or even keeping a current position.

One incident is usually enough to support a claim of sexual harassment.

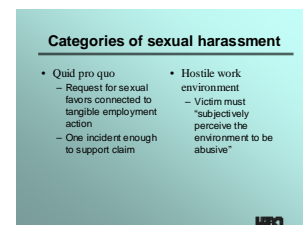
Hostile work environment

Unwelcome sexual advances or other verbal or nonverbal behaviors that interfere with work performance or create an intimidating environment.

The conduct must be "severe or pervasive enough to create an objectively hostile or abusive environment that a reasonable person would find hostile or abusive," according to the U.S. Supreme Court.

The victim must "subjectively perceive the environment to be abusive."


Because sexual harassment is the most prevalent form of harassment, we're going to look at it in more detail. Review the information on this page.



The quid pro quo category is limited to sexual harassment; however, the hostile work environment can occur in all forms of harassment — the particular circumstances would be different.

Discuss the reason there is so much “gray area” when it comes to harassment — because it is “in the eye of the beholder.” Certain behavior that doesn’t bother one person may bother another. Or certain behavior coming from one person may not be considered harassment, but coming from another person (such as a supervisor) it may be.

Gray area



- Harassment is in the eye of the beholder
- “Reasonable person” standard

Determining harassment

- Was the conduct observable?
- Was the conduct unreasonable?
- Was the conduct severe or pervasive in the workplace?
- Was the conduct unwelcome?

Discuss the difference between behavior and attitude. For example, the statement “He hates women” reflects an attitude but provides no clues as to the actual conduct that led to that conclusion. The “reasonable person” standard was established by the U.S. Supreme Court to assess harassment claims. In other words, would a reasonable person consider this harassment?

Attitude vs. behavior

“He’s a jerk.”	“He made derogatory comments about my programming skills.”
“She’s a know-it-all.”	“She interrupted the meeting four times in ten minutes.”
“He’s lazy.”	“He was late three times last week.”

Four elements in determining harassment

Was the conduct observable?

Behavior versus attitude

Was the conduct unreasonable?

“Reasonable person” standard

Was the conduct severe or pervasive in the workplace?

The more severe the behavior, the less it has to be repeated

The less severe the behavior, the more it has to be repeated

Was the conduct unwelcome?

The importance of speaking up

You be the judge

The situations below may or may not be harassment. Using the information you've been given, determine if each situation is clearly harassment, clearly not harassment, or in the gray area.

1. Three women (a supervisor, a sales rep and an analyst) went to Las Vegas to make a sales call on their client, a major hotel. They attended a dinner with a group of people representing the hotel. One man was drinking and making continuous comments to the analyst (e.g., asking to see her after dinner, etc.). The analyst was clearly uncomfortable. The sales rep noticed it, but neither the sales rep nor the analyst knew what to do because they didn't want to jeopardize the relationship with the client.
2. John is a new staff member. He is young, and according to many of the women in the unit, quite "gorgeous." Four of your staff members have witnessed one of the office females making suggestive remarks to him. John has told other staff members that she sometimes comes up behind him and starts rubbing his neck. John has never mentioned anything to his supervisor.
3. Clara had been assigned a new team. Many of the members were well versed in the new technology needed to complete the project, but several, including a man, Steve, over 60, needed more training. As the training progressed and most of the new members learned quickly, Steve struggled to understand the technological skills. Clara began to give him fewer and fewer tasks on the project. When Steve complained that he was not being included, Clara responded by saying, "You're getting too old to learn this new technology, Steve. Besides I need you in these other areas instead."

Have participants work in small groups, reading each scenario and making a judgment.

1. Clearly harassment: Even though the client was not an employee, the situation created a hostile work environment
2. Gray area. If John doesn't speak up, it's difficult to know whether or not he finds it offensive. If he does, his first step is to speak directly to the woman and ask her to stop.
3. Clearly harassment. Clara, the manager, is creating an environment that is preventing Steve from doing his best work.

Have participants work in small groups, reading each scenario and making a judgment.

4. Clearly harassment. Benny is being singled out based on his religion. Note: Some participants may maintain that it doesn't affect Benny's performance at work because this is a social event outside work hours. However, the event is taking place at his manager's house and he's the only person not invited and work-related issues are often discussed at events like this. Benny is missing out on the opportunity to participate.

4. Benny, a Mormon, was recently relocated to a new branch in his organization. When he first started he observed that his peers were a fun-loving group and liked to get together after work. He was seldom invited to these gatherings. Benny assumed it was because he was new. A few months later, his co-workers were planning an office Halloween party at one of the manager's houses. When Benny did not get an invitation he asked one of his co-workers why not. His co-worker responded, "We didn't think that people like you enjoyed having any fun." Benny was offended and hurt. He asked to be transferred again.

You be the judge

1. Clearly harassment
2. Gray area
3. Clearly harassment
4. Clearly harassment



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