At the end of this session, you will be able to:

• Explain what constitutes sexual harassment.

• State why it is important to prevent sexual harassment in our workplace.

• Describe the Alabama A&M University policies and procedures for responding and reporting incidents of sexual harassment.

• Understand your responsibilities as personnel under our policies and procedures.

• Understand your responsibilities as supervisors for handling complaints and assisting in investigations and disciplinary action.
What is Sexual Harassment?

• Unwelcome sexual advances.

• Requests for sexual favors.

• Other verbal or physical conduct of a sexual nature that affects an individuals’ employment, unreasonably interferes with his/her work performance, or creates an intimidating, hostile or offensive work environment.

• AAMU Policy –
  – Staff Handbook, Section 8.6 Sexual Harassment Policy
  – Faculty Handbook, Section 3.12, Sexual Harassment
Examples of Sexually Harassing Behavior

• Sexual teasing, jokes, remarks or gestures.
• Pressure for dates or sexual favors.
• Letters, phone calls, or material of a sexual nature.
• Sexually suggestive looks or gestures.
• Deliberate touching, brushes up against, leaning over, cornering or pinching.
• Being the victim of sexual rumors.
• Unwelcome acts of sexual nature by a co-worker or a supervisor or a student, such as unwelcome touching, repeated unwanted propositioning, conditioning employment or promotion on sexual favors. Even staring in an intimidating manner can constitute harassment.
Remember This!

- The most important thing to remember is that is makes no difference what the harasser thought they were doing – as in they thought the remarks or gestures were flattering.

- The only person’s point of view in these circumstances is the victim’s.

- If the victim feels it is unwelcome behavior, then it is harassment – period!
Two Forms of Sexual Harassment

• Quid Pro Quo
  ➢ (Latin for “this for that” or “something for something”)

• Hostile Work Environment
Quid Pro Quo

• Tangible employment action or educational action against the victim.

• Involves monetary loss, change in job, or impact on grade.

  – Example No. 1 - Mary Smith receives smaller pay increase based on performance than other employees with similar performance because she refused to go to dinner with her supervisor, John Doe.

  – Example No. 2 – Tyrone Jackson receives a low grade on his final examination because he rebuffed the romantic advances of his professor Dr. Josephine Wilson.
Hostile Work Environment

• Speech or conduct that is severe and/or pervasive enough to create an abusive or hostile work environment.
  
  – Example No. 1: Mike Maloney is leering (elevator eyes) at and intentionally brushing against Sally Davis.
  
  – Example No. 2: Mario Lopez and Carol Freeman work in different departments; however, they often meet each other in the break rooms and lobbies to hold hands and cuddle because of their consensual romantic relationship.
  
  – Example No. 3: Theresa Short often tells the male employees in her department that they can’t relate to students in the on-campus child learning center/pre-school because they are men.

• Explicit or suggestive items displayed in the workplace that interfere with job performance or that create an abuse or hostile work environment
  
  – Example No. 4: Lucy Washington has a poster of a scantily clad man in her cubicle that is in plain view of others.
Who can be involved in sexual harassment?

- Those who commit – employees at all levels, customers, members of the same sex.

- Those who are targeted – victims, bystanders and, in some cases, witnesses who are affected by the harassment.

- Same sex/gender harassment is actionable. Employees need not be of the opposite sex for harassment to occur. The harassment simply has to be based on (e.g., because of) sex.

- Employee to employee; student to student; employee to student; and student to employee.
Where can sexual harassment occur?

• **In the Workplace** (e.g., office, laboratory, field, library, etc.)

• **Outside of the workplace – Official Business** (e.g., business trip, team building retreat, or educational activity – field trip, sports team trip, or organizational conference)
Retaliation - What is Retaliation?

Retaliation is defined as an adverse action taken against an employee (or student) because he/she complained of harassment or discrimination

• Adverse action includes demotion, discipline, termination, salary reduction, negative performance appraisal, change in job duties or shift assignment.

• Anti-discrimination laws prohibit employers from taking adverse action against employees for asserting their rights.

• When an employee complains of sexual harassment to you or to others at AAMU or to a government agency, you must not take any action that the employee may view as punishment or retaliation for filing the complaint.
Retaliation (Cont’d)

To succeed in a retaliation claim, an employee must prove the following:

1. That he/she engaged in a protected activity, such as complaining of sexual harassment.

2. That he/she suffered an adverse employment action, such as demotion, termination, change in job duties/assignments, change in shift, etc.

3. That the protected activity and adverse action are linked.
Retaliation (Cont’d)

To avoid charges of retaliation:

• Document the reason for any employment action against an employee or educational action against a student. Make sure that the documentation shows no discriminatory reason for the adverse action.

• Do NOT take any adverse action against an employee who has complained of sexual harassment without discussing with and obtaining approval from the General Counsel or HR Director (if directed to contact HR by the Office of General Counsel).
Workplace Professionalism

- Engage in professional conduct (e.g., words, actions, attire, etc.) at all times.
- Physical contact with others should be limited to a customary business handshake.
- Do not discuss details of your personal romantic life.
- Do not ask colleagues or students about details of their personal romantic life.
- Do not refer individuals by terms of endearment or “pet names” (e.g., “dear”, “sweetheart”, “sweetie”, “baby”, “boo”, “main squeeze”, etc.) - refer to individuals in a professional manner only (e.g., Dr. Smith, Ms. Jackson, or Mr. Freeman).
- Do not tell jokes or stories or make casual remarks of a sexual, racial, religious nature.
- Adhere to all workplace laws and AAMU policies at all times.
How to Avoid Harassing Others?

Follow some simple guidelines, ask the following questions:

• Would I say or do this in front of my spouse or mother or minister?

• Would I say or do this if it were to be reported in the newspaper or on TV?

• Would I say or do this to a member of my same sex, race or ethnic group in exactly the same way?

• Does it follow the “Golden Rule”? How would I feel if done to me?

• How would I feel if this were said or done to my wife/husband, girlfriend/boyfriend, mother/father, daughter/son or sister/brother?
Why it’s Important – AAMU Values

Why is it important to prevent sexual harassment in our workplace?

• Sexual harassment harms us all. The most important part of Alabama A&M University personnel values is to ensure all employees are treated professionally with respect, and dignity. The University has policies prohibiting all forms of unlawful discrimination and harassment. Engaging in, condoning, or not reporting sexual harassment is in direct conflict with our values and violates federal law as well as AAMU anti-harassment policies.
Why it’s Important – AAMU Liability

Quid Pro Quo
Liability for the employer may be under federal or state law or civil litigation
- Alabama A&M University is always responsible for harassment by a supervisor that results in a tangible employment action such as a hiring, firing, promotion, demotion, change in pay or benefits, and work duties. This would be the *Quid Pro Quo* type of sexual harassment.

Hostile Work Environment
If the harassment does not result in a tangible employment action, Alabama A&M University may still be liable unless it proves that:
- It exercised reasonable care to prevent and promptly correct any harassment.
- The employee alleging unlawful harassment unreasonably failed to complain to management or to avoid harm otherwise.
Alabama A&M University Policy and Procedure on Sexual Harassment – Staff Handbook, Section 8.6

Policy Statement:

• The University is committed to a work environment in which all individuals are treated with respect and dignity. Therefore, discrimination or harassment based on age, race, gender, color, religion, national origin, disability, genetic information, sexual orientation, covered veteran status, or any other characteristics protected under state, federal, or local law will not be tolerated. This policy applies to all applicants, employees, guests, vendors, and persons doing business with the University. These policies specifically prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the University. (e.g., an outside vendor or customer).
Alabama A&M University Policy and Procedure on Sexual Harassment – Staff Handbook, Section 8.6.1

Reporting of Incidents:
• An individual who has experienced sexual harassment shall immediately report that fact to his/her immediate supervisor, or if the immediate supervisor is the subject of the complaint, the report will be made to the Director of Human Resources. Supervisors are responsible for notifying the Director of Human Resources, who serves as the University’s Affirmative Action Officer for personnel matters, of the filing of a sexual harassment complaint by an employee. An investigation will be conducted upon receipt of verbal or written complaint.

Written reports (via electronic mail) must include:
• Name and Contact Information of Person Filing the Report
• Type of Allegation (e.g., race, sex, disability, action )
• Summary of Alleged Harassment (dates, names, witnesses)
• Identification of alleged victim(s) and respondent(s)
• Corrective action taken at the time of the report (if any)
• Verbal reports will be investigated as required by law.
Policy Statement: Alabama A&M University is firmly committed to providing an environment that is free of conduct that degrades employees and students. The University prohibits all forms of harassment and will thoroughly investigate complaints.

Reporting of Incidents: An employee who believes that he or she has been the victim of harassment, as identified in sections of the Faculty Handbook, should notify the Director of Human Resources/EEO within 30 working days of the incident. The notification may be oral or written; however, employees are encouraged to submit written complaints.

Written reports (via electronic mail) must include:
• Name & Contact Information of Person Filing the Report
• Type of Allegation (e.g., race, sex, disability, action)
• Summary of Alleged Harassment (dates, names, witnesses)
• Identification of alleged victim(s) and respondent(s)
• Corrective action taken at the time of the report (if any)
Alabama A&M University Policy and Procedure on Consensual Relationships – Faculty Handbook, Section 3.12.4

Romantic relationship (consensual or otherwise) between faculty members and students are prohibited when the faculty member has professional responsibility for the student, such as a student enrolled in a course being taught by the faculty member or whose academic work, including work as a research/teaching assistant, is being supervised by the faculty member. Any faculty who enters into a relationship in violation of University policy shall be subject to disciplinary action.
Your Responsibilities – Staff and Faculty

• Know and comply with our policy and procedure.
• Report incidents that you experience directly or witness.
• Cooperate with investigations.
• Support alleged victims.
• Do not isolate the alleged harasser.
• Maintain confidentiality of all parties and the investigation.
• Do not engage in any form of retaliation.
Your Responsibilities - Supervisors

• Know and comply with AAMU anti-discrimination and harassment policy and procedures.

• Immediately report any complaint that you receive from your employees or incidents that you witness involving other supervisors’ employees to the Human Resources Director.

• In handling sexual harassment complaints from your employees:
  – Demonstrate your willingness to hear and objectively discuss complaints.
  – Inform the employee that you must report all complaints to the HR Director.
  – Tell the employee that confidentiality will be respected as much as possible but cannot be assured in order to investigate fully and properly.
Your Responsibilities – Supervisors, (cont.)

• Do not object if an employee prefers to or actually does bypass the standard chain of command and report matters directly to HR.
• Respond to any employee’s complaint as soon as possible.
• Do not engage in retaliation against an employee who complains of sexual harassment.
• Do not isolate or discipline an employee accused of violating the AAMU sexual harassment policies.
• Investigations are conducted by the HR Director or by the Office of General Counsel.
• Be available for interviews and provide as much information as possible.
• Make employees available for interviews.
• Maintain confidentiality of the investigation and all parties (e.g., need to know disclosures only).
Summary

Sexual harassment is:
• Unwelcome sexual advances.
• Requests for sexual favors.
• Other verbal or physical conduct of a sexual nature that affects an individuals’ employment, unreasonably interferes with his/her work performance, or creates an intimidating, hostile or offensive work environment.

There are two forms of sexual harassment:
• Quid Pro Quo
  – (Latin for “this for that” or “something for something”)
• Hostile Work Environment

Harassment:
• It is important to prevent sexual harassment in our workplace because it harms us all. It conflicts with our corporate value that all employees are treated with respect and dignity.
• Sexual harassment is illegal under federal and state laws.
Summary (cont.)

Your responsibilities regarding prevention of sexual harassment at Alabama A&M University are to:

• Know and comply with our policy and procedure.

• Report incidents that you experience directly or witness to your supervisor and/or the HR Director.

• Cooperate with investigations.

• Maintain confidentiality of parties and investigations.
Summary (cont.)

Your responsibilities regarding prevention of sexual harassment at Alabama A&M University are to:

• Handle complaints in accordance with AAMU policies and procedures. Cooperate with investigations. Cooperate with disciplinary action (if a supervisor).

• Never retaliate against an employee who complains of unlawful harassment or discrimination. Assure that victims are not adversely affected (if a supervisor).

• Cooperate with measures implemented to ensure that sexual harassment stops and does not recur (if a supervisor).
Office of Human Resources Contact Information

Cheryl K. Johnson
Interim Director of Human Resources

Alabama A&M University
Office of Human Resources
4101 Meridian Street
P.O. Box 305
Normal, Alabama 35762
256.372.5515 (Telephone)
256.372.5881 (Facsimile)
http://www.aamu.edu/hr/ (Website)
Office of General Counsel Contact Information

Angela Redmond Debro, General Counsel
Roslyn Crews, Associate General Counsel

Alabama A&M University
Patton Hall, Room 304
P: 256.372.8889
F: 256.372.8890
Questions?
Sexual Harassment Quiz – True or False

1. Harassment means demanding sexual favors from a woman.

   X - False

   Harassment means much more than demanding sexual favors from a woman:
   ✓ Not only quid pro quo, but also intimidating, hostile, or offensive behavior.

   ✓ Not only sexual, but also racial, ethnic, age, disability, or any other way of belittling others.

   ✓ And it also includes demanding sexual favors from a man.
Sexual Harassment Quiz – True or False

2. Only physical acts by one employee against another constitute sexual harassment.

X - False

Sexual harassment also includes non-physical acts (e.g., verbal comments and leering) and actions by (or towards) groups.
Sexual Harassment Quiz – True or False

3. When making a pass at a girl, No means Maybe . . . and Maybe means Yes.

X - False

In the workplace, No mean NO forever. And there’s something else wrong with this statement. Technically, a girl is female under the age of 18. Informally, of course, girl often is used to refer to an adult female (e.g. girlfriend or girls’ night out). But it has a belittling effect when used by men to refer to female co-workers.
Sexual Harassment Quiz – True or False

4. Sexual, racial or ethnic bantering at work is OK as long as the other person doesn’t mind.

X - False

The other person may indeed mind that bantering, but is afraid to say anything. And others who do mind may overhear, or hear about it later.
Sexual Harassment Quiz – True or False

5. A court can require a harasser to pay damages to a harassed employee.

√ - True

A court can require the individual (not just the employer) to pay damages to the harassed employee. And some of the awards have been in the $100,000’s!
Sexual Harassment Quiz – True or False

6. Sexual visuals or objects in a workplace are OK unless someone complains.

X - False

The Equal Employment Opportunity Commission and the courts have determined that sexual visuals or objects in the workplace are NOT OK, even if no one has objected.

Examples include:
- Portrayals of nudity, semi-nudity, or sexual acts
- Sexual cartoons or jokes.
- Sexual computer images, emails, or voicemail messages; “adult” websites.
Sexual Harassment Quiz – True or False

7. Give a job promotion to a woman who has willingly participated with you in an office romance is sexual harassment.

√ - True

Promoting a woman, who has willingly participated in an office romance with the man who promotes her, is sexual harassment, for at least two reasons:
• Was she really willing or afraid for her career?
• What about other qualified employees – female and male?