

Sexual Harassment 101: What Every College and University Employee Should Know

EEOC Statistics for Fiscal Year 2019

Sex discrimination: 23,532

Sex-based harassment: 12,739

Sexual harassment: 7,514

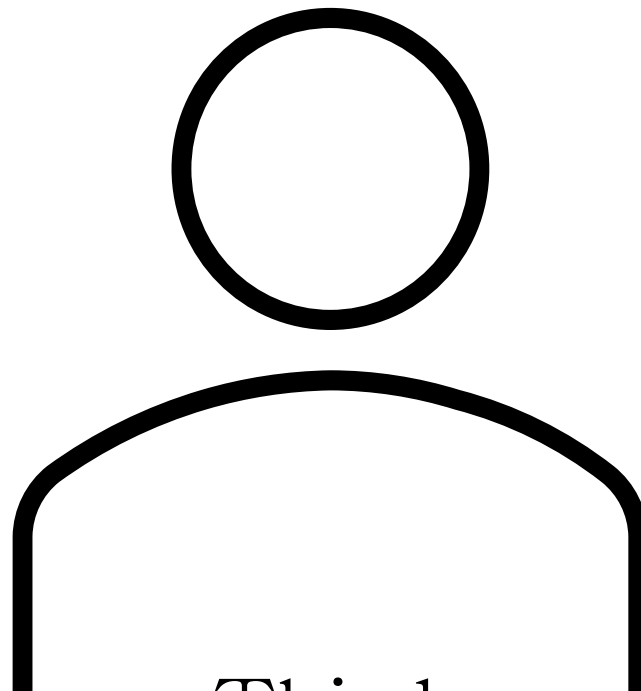
Percent filed by women: 83%

**1 in 3 women
say they have
experienced
sexual
harassment at
work.**



The Roles You Play

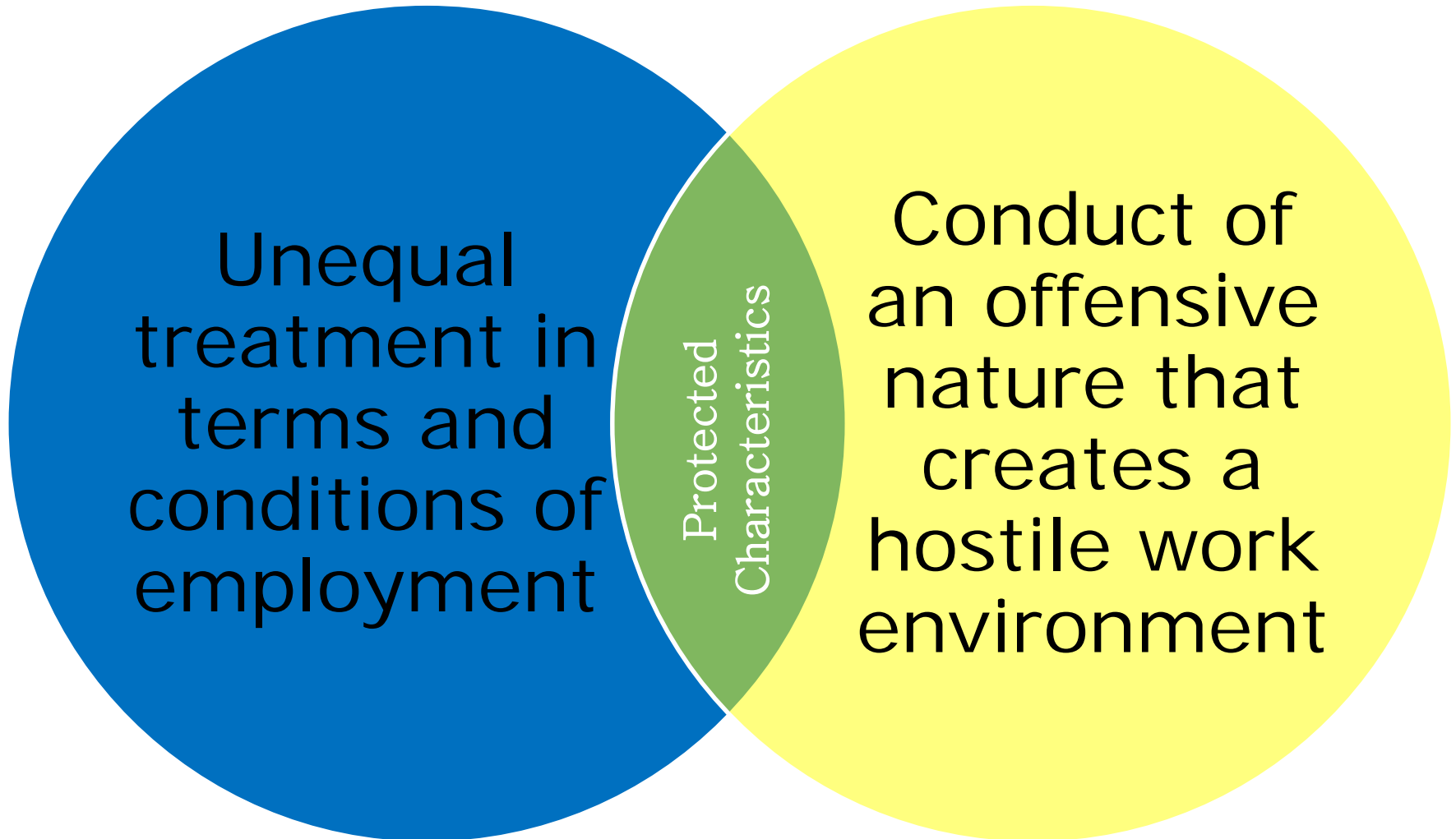
Potential
Victim



Potential
Harasser

Third
Party

Discrimination v. Harassment



Protected Characteristics



Protected Characteristics



The Law's Evolution



1964 Sex
Discrimination

The Law's Evolution

1964 Sex

1986
Sexual
Harassment



The Law's Evolution

1964 Sex

1986
Sexual
Harassment

1989 Sexual
Stereotyping



The Law's Evolution

1964 Sex

1986
Sexual
Harassment

1989 Sexual
Stereotyping

1996 Same
Sex Sexual
Harassment



The Law's Evolution

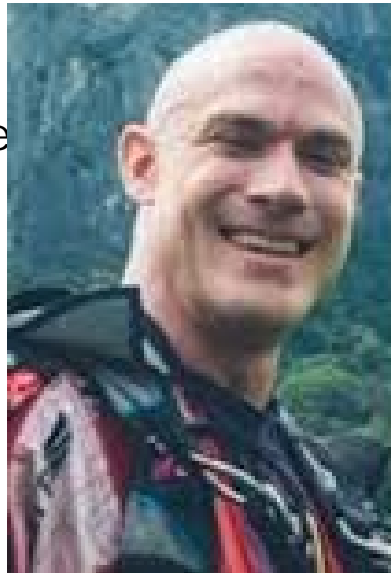
1964 Sex

1986 Sexual Harassment

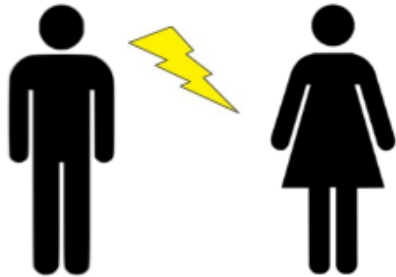
1989 Sexual Stereotyping

1996 Same Sex Sexual Harassment

2020 Sexual Orientation and Gender Identity

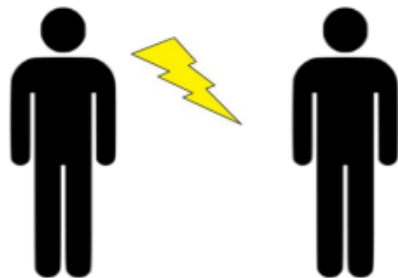
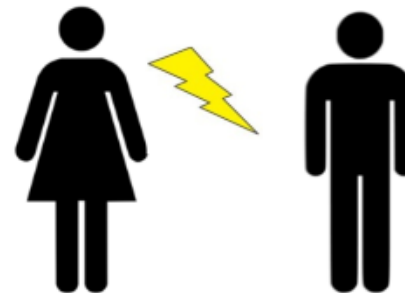


It is illegal workplace conduct for...



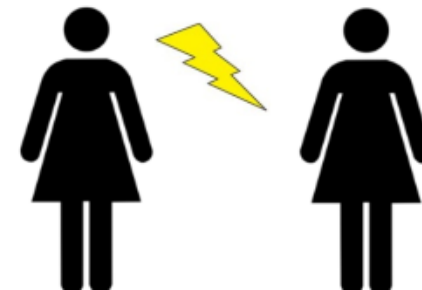
A man to sexually harass a woman.

A woman to sexually harass a man.



A man to sexually harass a man.

A woman to sexually harass a woman.



Sexual Harassment

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graph TD; A[Sexual Harassment] --> B[Quid Pro Quo]; A --> C[Hostile Environment]
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Quid Pro Quo

**Hostile
Environment**

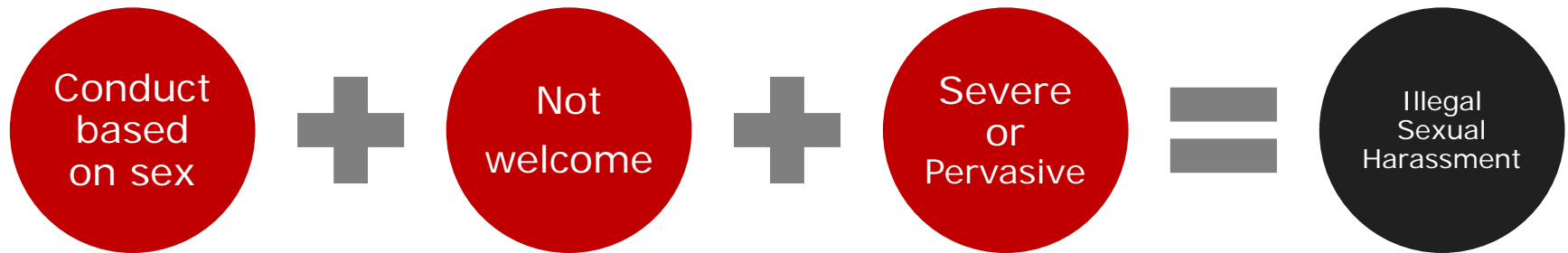
QUID PRO QUO SEXUAL HARASSMENT

- Involves abuse of power, typically by a supervisor
- Reward/punishment conditioned on sexual behavior



You want a part in my movie, right? Well, there are things I want from you, too.

Hostile Environment Harassment



The word “conduct” casts a wide net

PHYSICAL:

Back rubs, sexual touching, targeted hugging, handsiness

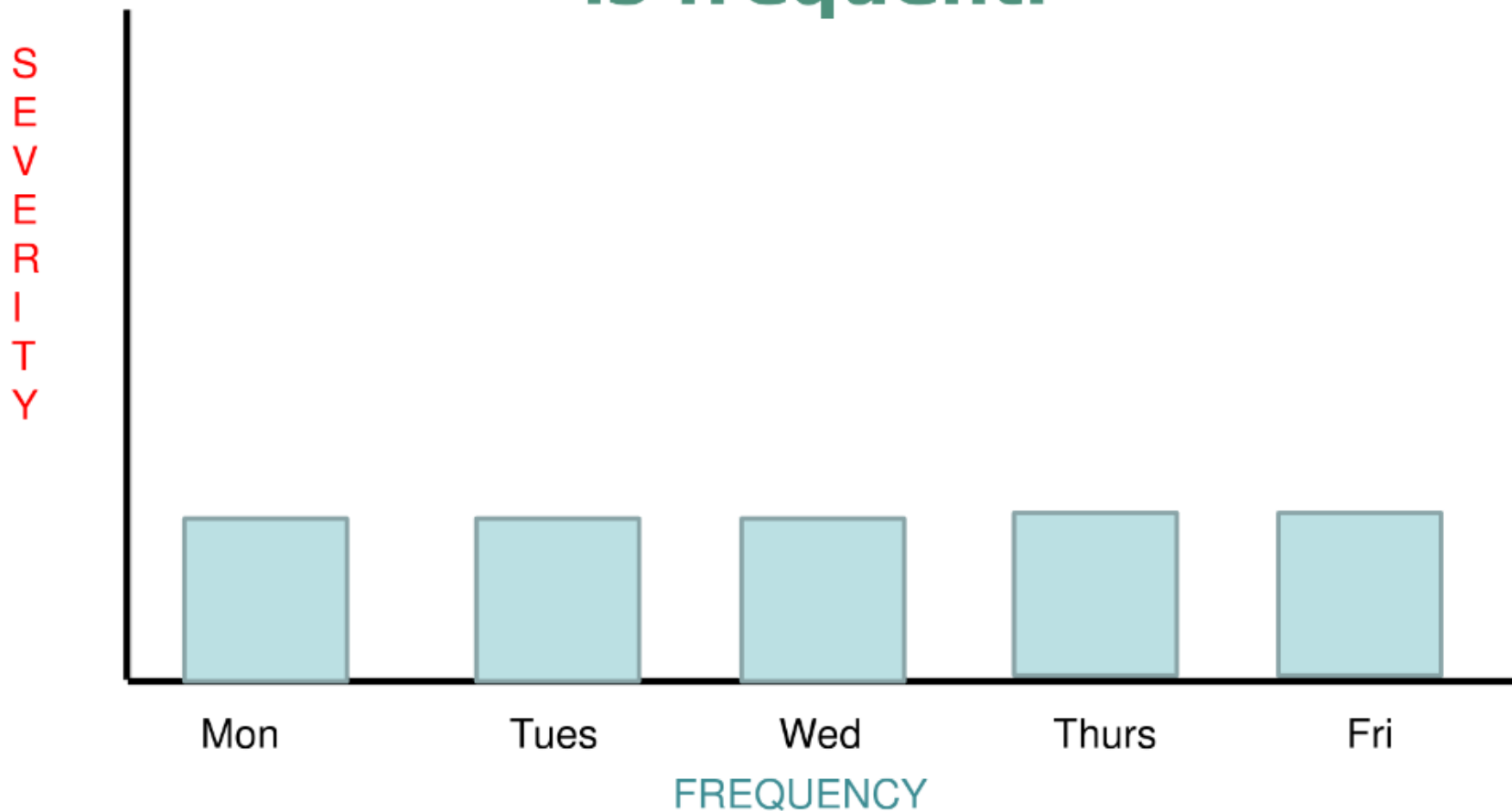
VERBAL:

Jokes, explicit language, comments, threats or banter, sexually suggestive sounds, songs

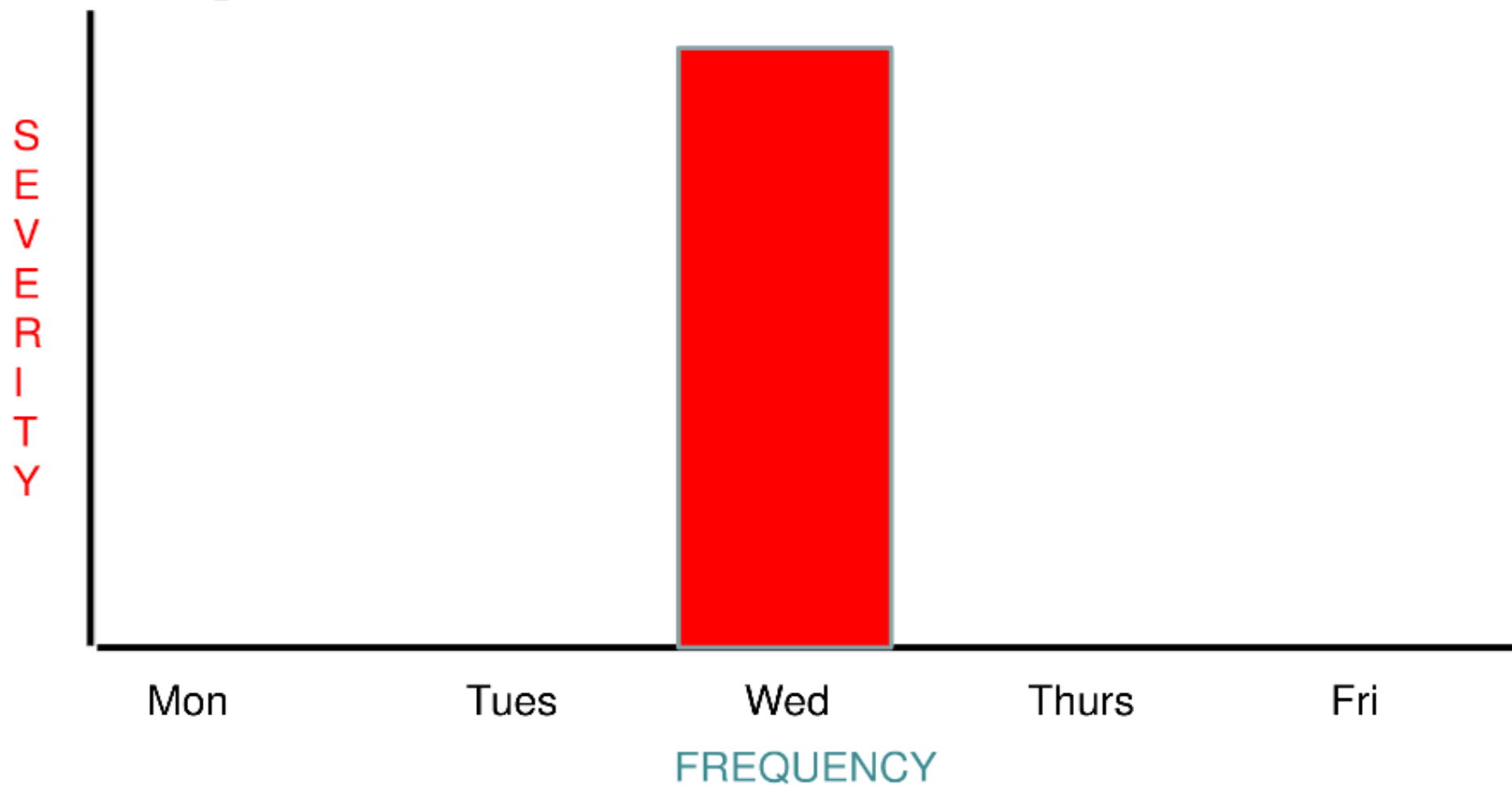
NON-VERBAL:

Ogling, leering, staring, offensive emails, pictures, text messages, websites

Offensive conduct can unreasonably interfere with work performance if it is frequent.

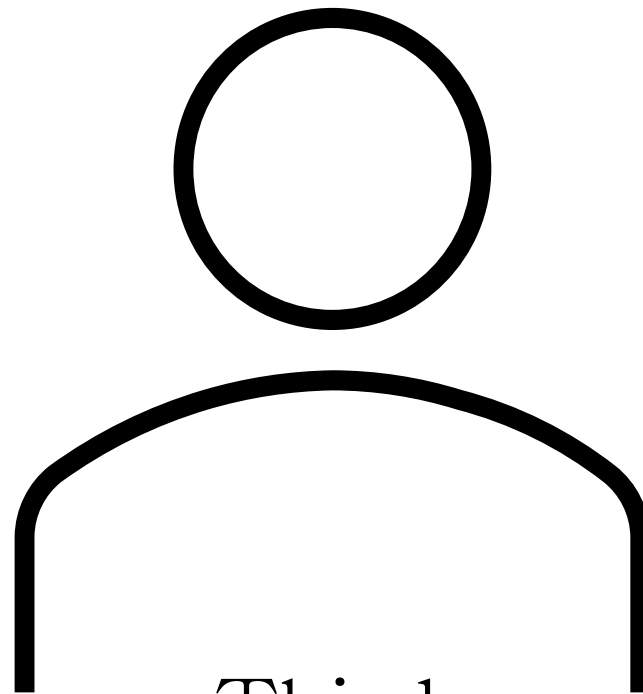


Offensive conduct can unreasonably interfere with work performance if it is severe.



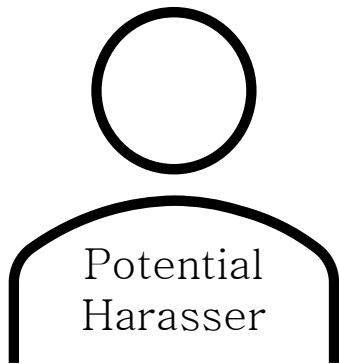
The Roles You Play

Potential
Victim



Potential
Harasser

Third
Party



Protect Yourself

Where is the line?

- Unwanted sexual touching
- Quid pro quo proposals
- Severe or persistent behavior
- Ignoring/ridiculing discomfort
- Retaliation for complaints



- Hugging
- Asking someone out
- Occasional jokes
- Compliments

Finding the Virtual Line

NO PROBLEM

- Virtual morning coffee chats with 3-4 colleagues
- Setting up a regular schedule of virtual check-ins
- Sharing tips with others about what has been successful in the virtual classroom
- Remaking on nice artwork on a home office wall

POTENTIAL PROBLEM

- Suggestive Zoom backgrounds
- “Hot chick of the day” emails
- Allowing a sidebar chat to drift in an off-color direction
- Remarking on a bed or other intimate imagery

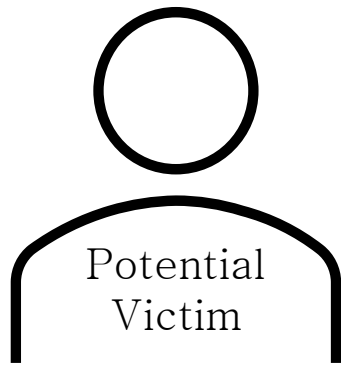
When there's a power imbalance...

It's all too easy for flirting to come across as pressure.

And invitations to come across as expectations.

You may think you're offering an option to someone when you're really creating a predicament for them.





Protect Yourself

Send clear signals that you aren't interested
and can't be pushed around.

1. Shoot down trial balloons.
2. Prioritize clarity over safeguarding the other person's feelings.
3. Remember that silent discomfort doesn't serve you (or anyone) well.

A System of Mutual Responsibilities

Employees

Reasonably
avail
themselves of
procedures

Employers

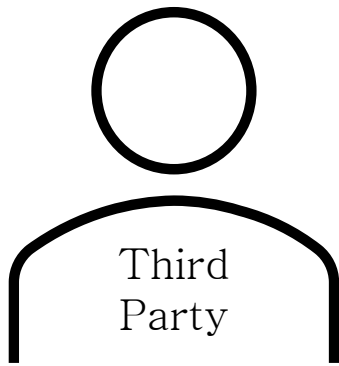
Respond
promptly and
effectively to
complaints

- *Let's keep it professional*
- *That makes me uncomfortable*
- *Not cool*
- *Yikes -- human resources alert*
- *I want no part of this*
- *Not smart*
- *That seems inappropriate*
- *Unwelcome*
- *I'd rather focus on work*
- *That feels disrespectful*

Calm

Clear

Firm



Protect Others

Model
professional
behavior

Don't tolerate
sexual
harassment in
your sphere of
control/influence

Report concerns
to HR or to the
Title IX
Coordinator

Title IX's Purpose

Prohibitions or Limitations
on Participation Based on
Sex

Unequal Funding of Men's
and Women's Athletics

Pregnancy Discrimination

Sexual Harassment

- Sexual Assault
- Stalking
- Domestic/Dating Violence
- Verbal/expressive



The Title IX Coordinator

Report

- Complainant decides whether to proceed
- Supportive measures available regardless

Investigation

- Fair and impartial investigators
- Both parties share their perspective and evidence

Adjudication

- Informal resolution (e.g. mediation) sometimes available
- Formal hearing always available

Your Parker Poe Title IX Team



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Josh Whitlock



Maureen Zyglis

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