

Global Compliance Network (GCN)

Training Slides

Section 1: Sexual Harassment Policy & Overview

Your Organization's Sexual Harassment Policy

The purpose of your sexual harassment policy is to define your organization's view of sexual harassment and to clearly explain the rules and regulations associated with harassment. The policy can also give you guidelines on how to deal with sexual harassment, such as what to do if it occurs in your workplace and how to work with all involved. This includes a plan for communicating the policy, providing an action plan for reporting or handling harassment claims, and addressing how breaking the rules will be handled for those who cannot abide by the regulations set forth by the policy.

Acknowledging the Policy

Are you familiar with your organization's sexual harassment policy for recognizing and reporting inappropriate behavior? In a separate tutorial, you will be required to review and acknowledge your organization's policy related to sexual harassment in the workplace.

Section 1 Summary

- Recognized that sexual harassment is still prevalent in today's workplace.
- Discovered that sexual harassment is not understood by everyone and may be interpreted differently by managers and staff members. Everyone has a different idea of what sexual harassment is and what it is not, and what is appropriate and what is not appropriate.
- Completed a warm-up exercise that looked at situations that were appropriate within the workplace to situations that were annoying, uncomfortable, inappropriate, and outright harassing to those involved. This tested your knowledge and understanding of sexual harassment before you went through the tutorial.
- Learned your responsibilities within your organization.
- Learned the responsibilities of your organization related to providing you with a respectful, harassment-free workplace.
- Learned the costs and impacts of sexual harassment including financial and non-financial impacts.
- Learned the clearly-defined areas of sexual harassment and what are referred to as the gray areas.

Section 2: Laws, Outcomes, and Legal Precedents

Introduction to Legal Frameworks

As previously discussed, sexual harassment is still very prevalent in today's workplace. While sexually-related jokes and behaviors can seem only frustrating, irritating, or annoying to some, it can be very serious to others. A work environment that is rife with sexual harassment can become a hostile and dangerous place for some employees.

There are specific laws which protect employees from unwanted behaviors. This section of the tutorial will review the laws focused on sexual harassment and the impact and consequences of those laws. It will also look at some of the precedent-setting cases which will help you better understand that there are many forms of sexual harassment which are all supported by the law.

Objectives

With the help of this tutorial, you will better understand what sexual harassment is and what it is not. You will learn how to navigate around the conduct, behaviors, and actions which are appropriate and not appropriate, and most often found within the workplace. The goal is to create an environment which is respectful and free from sexual harassment. Specifically, you will:

- Explore cases that set the precedents to support the laws for the different sexual harassment outcomes.
- Recognize that there are different forms of sexual harassment that take place within the workplace and review each of these forms.
- Review some clear-cut forms of sexual harassment versus some gray areas of sexual harassment.

Section 2 Review Questions

Assessment Question	Correct Answer	Explanation / Notes
Both an employer and an employee can be held accountable and liable for not only their own behaviors, but the behaviors and actions of others in the workplace.	TRUE	Both can be held accountable.
Before the case Meritor Savings Bank vs. Vinson, if someone was sexually harassed in the workplace, they didn't necessarily have any recourse from protection for this form of harassment.	TRUE	The precedent of this case is that sexual harassment became a violation of Title VII and was upheld in the courts. It became illegal to sexually harass an employee in the workplace. Before this, that was not necessarily the case.
Some gray areas of sexual	FALSE	These are all types of

Assessment Question	Correct Answer	Explanation / Notes
harassment include: unwelcome touching; sexual favors; sexually-charged displays or actions and stalking.		clear-cut forms of sexual harassment.

Section 3: Reporting Barriers and Confidentiality

Why Victims Do Not Speak Up

Understanding the barriers to reporting is essential for maintaining workplace transparency and safety.

Section 3 Review Questions

Assessment Question	Correct Answer	Explanation / Notes
Some of the reasons that victims don't speak up about sexual harassment include: retaliation, being blamed for the harassment, fear of losing job, protecting the harasser and embarrassment.	TRUE	These are some of the reasons that victims do not speak out about harassment.
When dealing with Sexual Harassment, it is not necessary to document absolutely everything that has happened, only the really important parts.	FALSE	Since so many things occur in this type of issue and people's memories can become confused or forgetful, keep records of the facts. Include dates, times, places, people involved, any witnesses who might have been present, and other such information. Should an investigation take place, you're going to need very specific information to help your organization piece together the events.
If a coworker confides in you that he/she is being sexually	FALSE	Anything you are told from a coworker about potential

Assessment Question	Correct Answer	Explanation / Notes
harassed and does not want you to say anything, you must respect his/her wishes.		harassment cannot be kept confidential. If a co-worker comes to you and reveals that harassment has taken place and doesn't want you to pass along the information, you need to explain that you have no choice. You are required to report harassment to the proper authorities within your company in order to protect the stability and the safety of the workplace.

Section 4: Supervisor Responsibilities and Liability

The Frontline of Prevention

Sexual harassment is not an easy situation to deal with in the workplace. It's not a pleasant experience for anyone: the person who claims harassment, the accused harasser, and the management team responsible for ensuring that the problem is effectively resolved. Investigating a harassment claim can be very time consuming. It takes the time and energy of management personnel away from other projects. However, the frontline of any company in dealing with, resolving, and preventing future cases of harassment are the managers who interact with employees on a day-to-day basis. A manager is instrumental in setting the tone of the workplace. He or she sets the example of a harassment-free environment by swiftly responding to claims of harassment and completing a thorough investigation of any claims. A manager must create a zero tolerance environment where employees know they are safe from harassment and can focus on their assigned responsibilities. If the manager does not set a clear example or the right tone, then the organization risks seeing a rise in behaviors that are inappropriate for the workplace and endanger the stability of the company. Additionally, the manager risks becoming involved in a personal civil lawsuit if there is a sexual harassment charge. So it's critical that the manager understands: the laws related to sexual harassment, the company's policies and procedures, how to investigate a sexual harassment claim, and how to be proactive against harassment.

Objectives for Supervisors

This supervisor tutorial spans Sections 4 and 5. In Section 4, you will:

- Learn how to create and provide a respectful environment free of harassment.
- Discuss how to communicate your company's sexual harassment policy.
- Provide training that has a real impact on the workplace.
- Review the documentation and reporting process.

- Learn that it's up to the manager to protect and respect all parties involved in a sexual harassment incident.
- Discuss what liabilities you and your organization face when a sexual harassment claim is brought forward.

Creating and Communicating Policy

Managers need to uphold and support the law. Again, the right to be free from sexual harassment is protected under Title VII of the Civil Rights Act of 1964. Managers are responsible for creating a harassment-free workplace. This is an area that's safe to come to, where employees can focus on their work and not have to face inappropriate behaviors or pressures.

Most companies have a sexual harassment policy. Managers must strictly follow the company policy and procedures as well as enforce these policies and procedures. Lastly, managers must be proactive. They have to curb potentially harassing behavior before it gets out of hand. By hesitating in the face of inappropriate behavior or failing to respond quickly to harassment claims, managers will discover that they've actually helped to foster a hostile environment rather than a workplace free of harassment.

It's critical that management effectively communicates the company's harassment policy to those that the policy governs. First and foremost, the manager must understand the policy before he or she can communicate its details to staff members. If the manager doesn't understand the policy, then he or she needs to partner with Human Resources to learn and understand the policies. Only then can he or she provide an accurate explanation and training to employees. Managers need to make certain that the policy is communicated to all employees and that there is some form of documentation to show that all staff have acknowledged the details of the policy and that they have received the training. New hires or new employees coming into the organization need to understand and acknowledge the terms of the policy before they even start work. Providing new employees with harassment training from day one helps to maintain a workplace free from harassment.

Communicating the expectations of appropriate behaviors in the workplace and the ramifications if these behaviors are not followed is the best way to prevent sexual harassment in the workplace. Clearly reinforcing and explaining a company's policy and procedures around sexual harassment can help all employees to better understand what is expected of them and how to act in the workplace.

Handling Claims Professionally

As a manager, what do you do if you receive a claim of sexual harassment? What do you have to report? It's very important that managers cautiously handle claims of sexual harassment. First and foremost, you need to report everything and you need to keep thorough records. People will forget details over time. Recording the facts related to the claim provides a way to keep information organized and from being lost. Documenting the details of a claim is critical, especially if a charge of harassment should go to litigation. Those recorded details may have a powerful impact during legal proceedings.

You need to document all the parties who were involved in the incident and all conversations you have had with each of them. Who said what? Who witnessed what? Who was where at what time? What was said from one person to the next? What were the details and specifics of what happened? You need to list each step you'll take or have taken during the investigation

process. You'll also need to create a list of the next steps you'll take as you move towards a resolution. These steps will help you stay on track from start to finish.

It's also crucial that you involve Human Resources, senior leadership and/or legal counsel. As you investigate a claim of harassment, you may find yourself navigating issues that require direction from your company's legal team. You also need to keep your senior leaders aware of the progress you're making with your investigation and any roadblocks you encounter.

Remember, senior leadership is ultimately accountable for any sexual harassment claim or charge and its outcome.

A sexual harassment claim can be very serious and very frustrating for all parties involved. It's critical that managers protect and respect all parties involved during a claim investigation. A manager has a responsibility to the organization to treat everyone with fairness. This means avoiding a rush to judgment before all the facts have been collected and interpreted. A manager must remain unbiased or neutral as he or she completes the investigation process.

Section 4 Summary

- Managers are responsible for setting the tone in the workplace. They are at the frontline and must work to prevent sexual harassment from occurring. Managers need to create and provide an environment of respect that's free from harassment. Therefore, they need to communicate the sexual harassment policy, provide training that supports the policy, and be very clear what will happen if sexual harassment occurs.
- Managers need to document everything they did in their report of the sexual harassment claim or charge. Managers need to protect and respect all parties involved. They need to complete a thorough investigation and not rush to any judgments until all of the facts are collected and interpreted.
- Both the organization and the manager can be liable in a sexual harassment claim or civil suit. The company and the manager both have risks should they not uphold the guidelines set forth in the sexual harassment policy.

Section 4 Review Questions

Assessment Question	Correct Answer	Explanation / Notes
It is common to have new employees receive their sexual harassment training within six months of their hire.	FALSE	New employees coming into the organization need to understand and acknowledge the terms of the policy before they even start work. Providing new employees with harassment training from day one helps to maintain a workplace free from harassment.
Any manager can be held liable in a civil lawsuit if he or	TRUE	It's critical for managers to understand that they are

Assessment Question	Correct Answer	Explanation / Notes
she does nothing at all to either stop or prevent harassment in the workplace.		personally involved and that if they don't do anything, they can be charged.
While investigating a claim of sexual harassment, it is not necessary to involve Human Resources, senior leadership and/or legal counsel.	FALSE	It's crucial that you involve Human Resources, senior leadership and/or legal counsel. You may find yourself navigating issues that require direction from your legal team. You also need to keep your senior leaders aware of the progress you're making with your investigation and any roadblocks you encounter. Remember, senior leadership is ultimately accountable for any sexual harassment claim or charge and its outcome.

Section 5: The 10-Step Claims Process

Introduction to Claims Management

In this section of the tutorial, you will learn about the claims process. As previously mentioned, sexual harassment is very disruptive in the workplace. It's not easy for anyone, especially the manager, when he or she has to investigate a claim. A claim that's being investigated can be disruptive to all involved, especially in the department where the claim originated.

While some claims can be very clear and easy to understand, others can be extremely confusing. Investigators have to rely on conflicting information. During the investigation, details can become very confusing and people may tend to forget what happened. The facts, figures, and specifics of a harassment incident can become clouded and the details of what exactly took place may change as time wears on.

It's critical for managers to take a claim seriously and to start their investigation promptly. Yet, at the same time, managers need to follow the sexual harassment claims process in a specific way. This is a step-by-step process to get all of the information, details, and facts. Also, it's critical that managers treat everyone involved fairly and respectfully -- following both the law and the organizational policy to ensure that everyone is treated with dignity while the investigation is underway. Should a manager or an investigator not treat everyone fairly or make a mistake during the process, it can be devastating to those involved. It may also lead to lawsuits and discrimination claims.

Objectives include reviewing the ten steps to effectively handle a sexual harassment claim,

learning how to handle a "defined" harassment claim and a "gray area" claim, and understanding when to get help. There will be occasions when the manager or the person investigating the claim will need to call on additional assistance to support the investigation.

The Ten Steps Highlighted

1. **Investigate:** Uncover all the details immediately. Look at the who, what, when, where, how, and why of the event. Interview all parties and any witnesses involved. Separate those you are interviewing; never conduct an interview with more than one person at a time to prevent information from becoming tainted by another's influence.
2. **Listening:** One of the most critical steps. Interview each person involved and really listen to what is being said and what's not being said. Pay attention to non-verbal cues (emotions, reactions, body language). Ask open-ended questions and probe deeper based on responses. Avoid interrupting them, let them tell their story, and remain objective and neutral without rushing to judgment.
3. **Explaining the Company Policy:** Address the policy with all involved. Explain how the policy governs the process and the potential outcomes. Remind the claimant not to take personal action or retaliate; it should be "business as usual" while the investigation is going on. Reassure them that the claim will be handled discreetly and expeditiously.
4. **Interpret:** Use the Five-Point Harassment Assessment Scale (Quid Pro Quo, Hostile Environment, Reasonable Person Standard, Vicarious Liability, and Prompt Prevention). Piece together the events to create a narrative using all available data, while remaining completely objective.
5. **Document:** Document every piece of information collected (interviews, phone conversations, notes). Be thorough and professional, as everything documented can be used in court should the claim become a legal suit.
6. **Counsel:** Build trust with all parties. Reassure everyone that the claim is treated seriously and confidentially. Determine when it's necessary to recommend using your company's employee assistance program (EAP) and refer those involved to counseling if requested.
7. **Reporting:** Compile findings into a comprehensive report. Send it to senior leadership, human resources, and/or legal counsel following the management hierarchy, ensuring it does not go to anyone unauthorized.
8. **Take Action:** Do not penalize any party until a firm decision has been reached. Once a decision is made, follow the disciplinary process set forth by the policy (which may include suspension or termination). Move forward immediately to avoid additional negative consequences on the workplace.
9. **Training:** Provide training or retraining to remind everyone within the organization about the company's policy towards harassment. Re-communicate the policy using multiple channels (emails, newsletters, posters) and evaluate the program's effectiveness.
10. **Archive Investigation Materials:** Carefully file all materials related to a claim in a single place that's secure and confidential. These records verify patterns of behavior, ensure regulatory compliance, and defend the company during legal actions.

Case Scenario 1 Walkthrough

- **Step 3:** Explain the policy to each individual separately. Be clear that the policy will be followed, treated seriously, and resolved swiftly.
- **Step 4:** Interpret information without rushing to judgment. Use the five-point scale to

determine if harassment occurred.

- **Step 5:** Document all materials and keep them confidential.
- **Step 6:** Counsel both parties, keeping them aware of the progress and making EAP assistance available.
- **Step 7:** Create a thorough report weaving in details to construct a clear picture, and send it to the required personnel.
- **Step 8:** Take action quickly based on findings. Execute the appropriate resolution if harassment occurred or if retaliation took place.
- **Step 9:** Provide staff training to reinforce the zero-tolerance policy and evaluate its impact.
- **Step 10:** Archive all situation materials securely to verify future behaviors or defend against potential lawsuits.

When to Step In

Managers need to act quickly to resolve issues and reassure their team members that the company has a zero tolerance for harassment. Whenever you see or hear of a situation that may be inappropriate, step in! There's no better time to stop harassment than when it's in its early phases. Paying attention to warning signs or responding immediately when someone reports harassment is critical to avoiding serious organizational repercussions.

Section 5 Review Questions

Assessment Question	Correct Answer	Explanation / Notes
When investigating a claim of sexual, bring all relevant parties together in the same room and interview them together.	FALSE	It's important to separate those you are interviewing. You never want to conduct an interview with more than one person at a time. This may cause information to become tainted by another's influence. You need to have clear and objective statements to work with.
When interpreting your findings in a claim of sexual harassment, you should use the Five-Point Harassment Scale (quid pro quo, hostile environment, reasonable person standard, vicarious liability, and prompt prevention).	TRUE	In this step, you want to use the Five-Point Harassment Assessment Scale.
Following the steps of your	TRUE	It's critical that you follow the

Assessment Question	Correct Answer	Explanation / Notes
organization's Sexual Harassment policies and procedures during an investigation will help minimize any chance of legal action.		company's sexual harassment investigation policies and procedures specifically, and that you document clearly all that happened to ensure all persons are treated fairly and respectfully in the investigation process. This will help minimize any chance of legal action.

Section 6: Workplace Bullying and Abusive Conduct

Defining Abusive Conduct

Abusive conduct (or workplace bullying) is defined as: "conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests." Abusive conduct may include:

- Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets;
- Verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating; or
- The gratuitous sabotage or undermining of a person's work performance.

A single act does not constitute abusive conduct, unless especially severe and egregious. Employees cannot sue for abusive conduct in the workplace, unless of course it becomes discrimination or harassment against a protected class. From a legal perspective, abusive conduct, while not good for business, is legal.

Action Steps for Targets

If you are experiencing abusive conduct:

1. **Keep calm:** Getting excited or yelling may make the situation worse. Tell the bully to stop by putting your hand up and stating "Please stop and just let me work."
2. **Record events:** Record the bully's name, actions, time, date, location, and any witnesses. Ask witnesses to corroborate and document what they saw.
3. **Set up a meeting:** Present written documentation calmly to your supervisor. Let the supervisor come to his or her own conclusions. If the supervisor is the aggressor, contact their supervisor or human resources.
4. **Escalate if unresolved:** Speak with higher management or consult an attorney if nothing is being done. Consider changing jobs to protect your mental and physical health.

Action Steps for Supervisors

- Implement a zero-tolerance abusive behaviors policy across all channels, including texting and social media.
- Make the policy part of New Employee Orientation and hold regular training sessions.
- Act immediately when spotting or being told about abusive behavior. Do not wait for employees to work it out alone. Take all complaints seriously.
- Address behaviors swiftly to enforce boundaries, and seek external help if unable to assess the situation objectively. Fostering engagement and teamwork can reduce the competition that often fuels bullying behavior.

Section 7: School-Specific Protections (Bullying, Restraint, and Mandated Reporting)

Anti-Bullying in School Environments

Staff members have reporting responsibilities regarding suspected bullying behavior and retaliation. Reports made to staff by students, parents, and others can be in either oral or written form. Oral reports should be transcribed by staff. Reports made by staff **MUST** be in written form using the Suspected Bullying Prevention and Determination Form. Disciplinary action will not be taken **SOLELY** on the basis of an anonymous report.

Staff must take immediate steps to support and protect the alleged target (e.g., predetermined seating, schedule alterations for the aggressor, or assigning a "safe" person). If further investigation is warranted, a report must be made to the principal or designee. If a determination of bullying or retaliation is confirmed, the administrator will determine remedial action and disciplinary measures.

Students with Disabilities & Special Education

Students with disabilities are a particularly vulnerable population in relation to being a target of bullying. When a student has a disability that affects social skill development or makes them vulnerable to teasing, the IEP Team must assess the student's skills to avoid and respond to bullying, and include remedial goals when indicated.

Discipline procedures for Special Education students are governed by Federal IDEA and state laws. This includes the completion of a Manifestation Determination to determine the relationship between the behavior and a student's disability and a decision about whether or not the student should be held to the general education disciplinary code.

Strategies to Prevent School Bullying

- Setting clear expectations and effective routines.
- Modeling appropriate and positive responses and reinforcement even when students require discipline.
- Using increased rates of praise and recognition of positive behavior more frequently than negative statements and punishment.

- Developing respectful relationships with students.

Collaboration with parents, guardians, and community stakeholders is vital to provide a safe, positive atmosphere for students. This is not solely a school-based problem; we must team with others for the benefit of our students.

Mandated Reporter Requirements (Massachusetts)

During the screening and investigation of a 51A report, any mandated reporter who has information which he/she believes might aid the Department in determining whether a child has been abused or neglected shall, upon request by DCF, disclose the relevant information.

Mandated Reporters are protected from civil or criminal liability as a result of filing a report of abuse/neglect providing the report was made in good faith, was not frivolous, and the reporter was not the cause of the abuse. However, failing to report can lead to severe consequences:

- Fines up to \$1,000 for failure to report incidences or suspected abuse and neglect of a child under age 18.
- Fines up to \$5,000 or up to 2.5 years in a house of correction if the unreported abuse/neglect results in serious bodily injury or death (as of July 1, 2010).
- Increased risk of further abuse for the victim and others, as frequency and severity typically escalate over time without intervention.

Physical Restraint Guidelines (Massachusetts)

The purpose of the Massachusetts mandate for restraint is to ensure that every student participating in a Massachusetts public education program is free from the use of physical restraint. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. Personnel must aim to administer restraint only when needed to protect a student or community member from assault or imminent, serious physical harm, and minimize any harm to the student during the process.

Nothing limits protections afforded under other state/federal laws, or precludes staff from using reasonable force to protect against imminent harm. Physical Restraint is defined as direct physical contact that prevents or significantly restricts freedom of movement. It does not include brief physical contact to promote safety, physical guidance, skill prompting, redirecting attention, providing comfort, or a physical escort (temporary holding without force to induce an agitated student to walk to a safe location).

Restraint Training Requirements

Restraint training must occur within the first month of school each year and incorporate prevention strategies (role of student/family, prevention policy, de-escalation, student histories, trauma-informed care, and positive behavioral intervention supports).

Additional required training elements include permitted physical restraints, safety considerations (including risks of extended duration), and accounting for medical/psychological limitations or behavioral intervention plans. The principal must identify staff for in-depth restraint training (recommended 16 hours initially with annual refreshers) to act as a school-wide resource. In-depth training covers procedures for preventing restraint, identifying specific dangerous behaviors, simulated administration/receipt of restraint, monitoring for distress, documentation, and family impacts.