



ONLINE HARASSMENT PREVENTION TRAINING



Welcome to the Kansas Human Rights Commission's Harassment Prevention Training

This online course promotes an understanding of harassment, including sexual harassment.

This presentation defines an inclusive workplace, reviews why an inclusive workplace is important, discusses workplace harassment, including sexual harassment, and provides guidance on what to do if you feel that you have been harassed. If you are a supervisor, this presentation reviews what you should do if you receive a report of harassment or witness harassment.

You can progress at your own pace.. You can proceed to the next screen or return to a previous screen by using the arrow buttons in the bottom right corner. There are review questions as you progress through the course.

Allow roughly 45 minutes to complete. **Please make sure you click on all tests and requirements to complete this course correctly.**

Click the "Right Arrow" button below to begin.

Special thanks to the Office of Personnel Services, Department of Administration, for its efforts in developing this online program.





Objectives of the Online Harassment Training

After completing this online harassment training, the learner will have:





-  Gained a general understanding of harassment, harassing behavior and why it is wrong
-  Reviewed why an inclusive workplace is important.
-  Increased awareness of harassing behavior.
-  Received instructions on what to do if they feel they are a victim of harassment.



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What is an Inclusive Workplace?



"It is time for parents to teach young people early on that in diversity there is beauty and there is strength."
---Maya Angelou

An inclusive workplace welcomes all individuals, treats them with dignity, and respects their differences.

Everyone deserves a workplace where they are treated with dignity and respect. An inclusive workplace does not mean that you have to like one another, or agree with one another on various opinions or lifestyle choices. However, everyone should be treated in a professional and courteous manner.

Why is Inclusiveness Important?

(Click on arrow)

- ▶ **Two heads are better than one.** Co-workers who are different than you may have skills, background, general knowledge, or institutional expertise that can help address workplace questions, problems or develop a better product or service than if just one viewpoint is considered.
- ▶ **Reflect your customer base and your community.** It has been demonstrated that organizations that reflect its customer base and community are more economically profitable than those that do not.
- ▶ **Maintain a good reputation in the community.** If applicants or employees do not feel welcome in the workplace, the employer may develop a reputation as a bad place to work.
- ▶ **Be a good partner in society.** Many organizations embrace equal employment opportunity or diversity as part of their mission.
- ▶ **Discrimination and harassment are against the law.** We'll learn more about this throughout today's presentation!



"The most valuable resource that all teachers (or any employee) have is each other. Without collaboration our growth is limited to our own perspectives."

---Robert John Meehan



What are the Consequences if Someone Does Not Feel Welcome in the Workplace?

(Click on arrow)

- ▶ Complaints of discrimination, including harassment, may be filed internally with your organization. They can also be filed with the Kansas Human Rights Commission, the U.S. Equal Employment Opportunity Commission (EEOC), and/or other entities.
- ▶ The EEOC is quite active in suing and/or settling with employers who have permitted discrimination and/or harassment in the workplace. Click [here](#) to learn more about the EEOC's activities.
- ▶ Civil lawsuits can be filed by an individual who feels he/she was harassed.
- ▶ Criminal charges in some cases may be appropriate, depending upon the behavior.



Review Question Number 1

An inclusive workplace is one that welcomes all individuals and respects their differences.

- ☒ True
- ☐ False



Let's look at Federal and State Laws that Prohibit Discrimination and Harassment



Some Common Federal Statutes

Discrimination and harassment are important societal issues. Accordingly, federal laws have been enacted to protect individuals from discrimination and harassment.

[Click on each law below to learn more about it!](#)

❖ [Civil Rights Act of 1964 \(amended in 1991\), Title VII](#)

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, and national origin. This act is administered by the U.S. Equal Employment Opportunity Commission. Complaints that fall under the jurisdiction of the EEOC and the Kansas Human Rights Commission can be filed with the Kansas Human Rights Commission.

❖ [Age Discrimination in Employment Act](#)

The Age Discrimination in Employment Act prohibits discrimination in the workplace against persons 40 years of age or older.

❖ [Pregnancy Discrimination Act](#)

The Pregnancy Discrimination Act amended Title VII of the Civil Rights Act to prohibit discrimination against applicants and employees who are currently pregnant, have been pregnant in the past, or could become pregnant in the future. Discrimination on the basis of pregnancy, childbirth, or related medical conditions is unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work.





Some Common Federal Statutes (Continued)

Click on each law below to learn more about it!

❖ Equal Pay Act

The Equal Pay Act works to ensure that men and women who work for the same organization and who perform the same type jobs receive equal pay.

❖ Americans with Disabilities Act (ADA)

❖ Genetic Information Non-Discrimination Act (GINA)



Some Common Federal Statutes (Continued)

Click on each law below to learn more about it!

❖ Equal Pay Act

❖ Americans with Disabilities Act (ADA)

The Americans with Disabilities Act prohibits discrimination against qualified individuals with disabilities. An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business.

❖ Genetic Information Non-Discrimination Act (GINA)

The Genetic Information Non-Discrimination Act prohibits an employer from requesting, requiring, or purchasing genetic information on applicants or employees. Genetic information (family health history) is not relevant to an individual's work performance.





Kansas Act Against Discrimination &

Kansas Age Discrimination in Employment Act

Governor Arn signed a bill on April 1, 1953, establishing the Kansas Act Against Discrimination and the Kansas Anti-Discrimination Commission, the forerunner to the Kansas Human Rights Commission. Kansas became the twelfth state to adopt an anti-discrimination law. The federal Civil Rights Act of 1964 followed 11 years later.

The Kansas Age Discrimination in Employment Act was adopted in 1983.

The Kansas Human Rights Commission (KHRC) is a neutral investigative agency. The KHRC receives complaints of discrimination and harassment, investigates them, and works to resolve them.



The Kansas Act Against Discrimination

Prohibits discrimination in:

- Employment (where we work),
- Housing (where we live), and
- Public Accommodations (where we consume goods and services offered to the public).





Review Question Number 2

Discrimination and harassment are important social issues. There are laws at the Federal and State levels that prohibit discrimination and harassment

- ☒ True
- ☐ False



Protected Classes

- ❖ Race
- ❖ Religion
- ❖ Color
- ❖ National Origin
- ❖ Ancestry
- ❖ Sex
- ❖ Disability
- ❖ Age (employment only)
- ❖ Family Status (housing only)
- ❖ Genetic Screening and Testing (employment only)



Other: Retaliation (for outwardly opposing discrimination)





Let's Learn More About Each Protected Class!

Race:

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features).

Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols.

All races, including Whites, Blacks, Asians, Pacific Islanders, Native Americans, and Native Alaskans, are protected from racial discrimination. Bi-racial and multi-racial individuals also are protected from discrimination on the basis of race.

You are also protected from being punished or harassed at work because you or someone you closely associate with (for example, a relative or close friend) complains about race discrimination or is closely associated with someone of a certain race.

Source: www.eeoc.gov



More on the Protected Classes

Religion:

Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs. Non-believers also are protected from religious discrimination. It also protects people who have varying degrees of the same religion.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

Harassment can include, for example, offensive remarks about a person's religious beliefs or practices.

The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion.

Source: www.eeoc.gov





More on the Protected Classes

Color:

Discrimination based on color involves treating someone (an applicant or employee) unfavorably because of their skin color or complexion.

It is unlawful to harass a person because of that person's color. Color is commonly understood to include pigmentation, complexion, or skin shade or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic, such as complexion, shade, tone, or skin discoloration, of the person. Color discrimination is prohibited against all persons, including Caucasians.

Harassment can include, for example, slurs, offensive or derogatory remarks about a person's color.

Source: www.eeoc.gov





More on the Protected Classes

National Origin:

National origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin.

It is unlawful to harass a person because of his or her national origin. Harassment can include, for example, offensive or derogatory remarks about a person's national origin, accent or ethnicity.

An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons.

An employer may not base an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance.



More on the Protected Classes

Ancestry:

Ancestry discrimination involves treating people (applicants or employees) unfavorably because their family is from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

Ancestry discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain family heritage.

It is unlawful to harass a person because of his or her ancestry or family heritages. Harassment can include, for example, offensive or derogatory remarks about a person's ancestry, accent or ethnicity.





More on the Protected Classes

Sex:

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. [Sex includes pregnancy discrimination for the Kansas Human Rights Commission.]

It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. (Also, vice versa, it is illegal to make offensive comments about men in general.)

Note: The U.S. Equal Employment Opportunity Commission has interpreted "sex" to include gender identity, including transgender status, or sexual orientation. To learn more about the EEOC's efforts in this area click on the link below.

Source: www.eeoc.gov



More on the Protected Classes

Disability:

Disability discrimination occurs when an employer or other entity covered by the Americans with Disabilities Act, as amended, or Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because he or she has a disability.

Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee less favorably because:

- **A Record of a Disability:** He or she has a history of a disability (such as cancer that is controlled or in remission).
- **Being Regarded as Being Disabled:** He or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if she does not have such an impairment). The person is considered by others to have a disability, even though that is not accurate.

Source: www.eeoc.gov





More on the Protected Classes

Disability (continued)

The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship").

It is illegal to discriminate against an employee because he or she is associated with someone, such as a spouse or a child, who has a disability.

It is illegal to harass an applicant or employee because he or she has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment). Harassment can include, for example, offensive remarks about a person's disability.

Source: www.eeoc.gov



More on the Protected Classes

Age:

Age discrimination involves treating an applicant or employee less favorably because his or her age is 40 years or older. Harassment can include, for example, offensive or derogatory remarks about a person's age. Harassment can also include disparaging remarks about a person's physical or mental ability to "keep up" with younger workers or technological aptitude.

[Harassment can include repeated inquiries about retirement plans.]

Source: www.eeoc.gov





More on the Protected Classes

Genetic Screening or Testing:

It is illegal to discriminate against employees or applicants because of genetic information. The Genetic Information Nondiscrimination Act prohibits the use of genetic information in making employment decisions, restricts employers and other covered entities (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.

It is also illegal to harass a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee.

Source: www.eeoc.gov



More on the Protected Classes

Retaliation:

It is illegal to retaliate or punish an applicant or employee

- For filing or being a witness in a discrimination/harassment charge, complaint, lawsuit or investigation
- For communicating with a supervisor or manager about discrimination, including harassment
- Answering questions or providing a witness account during an investigation of alleged harassment
- Refusing to follow orders that would result in discrimination
- Resisting sexual advances or protecting others
- Requesting accommodation for a disability or religious practice.

Examples of retaliation might include, but not be limited to:

- Reprimanding the employee or giving a lower performance evaluation than it should be
- Transferring the employee to a less desirable position, shift or location
- Verbal or physical abuse
- Increased scrutiny
- Spreading false rumors, or
- Making the person's work more difficult.

Source: www.eeoc.gov





Your Organization's Anti-Harassment or Anti-Discrimination Policies



You should be aware of your organization's own policies. They may offer more protections than what we have covered here. For example, many employers prohibit discrimination based on sexual orientation or gender identity. Some public employers prohibit discrimination based on political party affiliation or military status.



Review Question Number 3

It is against Federal and State laws to harass someone in an employment setting because of their race, religion, color, national origin, ancestry, disability, age, or genetic information.

- ☒ True
- ☐ False



What is Discrimination?



Discrimination means any direct or indirect exclusion.... segregation.... denial, or any other differentiation...in the treatment of a person on the account of their ...[protected class]

KHRC Rules & Regulations



Discrimination Happens When....

An **adverse action** meets



a **protected class**.



Discrimination Happens When.... (Continued)

Adverse Employment Action:

A "tangible employment action" means a significant change in employment status.

Examples include not hiring, firing, laying off, not receiving a promotion, demotion, undesirable reassignment, or a decision causing a significant change in benefits, compensation decisions or work assignments.

Other common allegations include an unfavorable evaluation compared to peers in the same situation, increased scrutiny of work compared to peers or being disciplined more severely than peers in the same situation.



Discrimination Happens When.... (continued)

When either an applicant or an employee wants to file a complaint of discrimination, including harassment, there must be a **causal link** between the adverse employment action or the harassment and the protected class. The person believes the adverse employment action or the harassment was **because of** one or more of their protected classes.

For example, if Jenny believes she was fired and harassed because of being a woman, she can file a complaint using the protected category (Sex).



Below are different types of discrimination that we will be discussing in the coming slides.

Disparate Treatment

Disparate Impact

Harassment

Hostile Work Environment

Quid Pro Quo



Types of Discrimination

Disparate Treatment

Treating members of a protected class in a different and less favorable manner than others because of their protected class status.

Overt or direct discrimination is an intentional, purposeful act of discrimination based on an individual's protected class status.



Example: Refusing to hire women with pre-school children, while not applying the same standard to male applicants. Even though the women and men are in the same situation, the women are treated worse than the man, resulting in Sex discrimination.



Two Types of Discrimination

Adverse Impact

Conduct which, although applied equally to all, has significant adverse effect on protected class members as compared to others. That is, practices fair in form but discriminatory in operation. Adverse impact most often occurs when there is policy or practice that is applied to all, but it adversely impacts one or more protected classes.



Example: English tests when reading/writing is not an essential function of the job. This policy might have an adverse impact on those that are from another nation (National Origin) and English is a second language, or have difficulty reading or taking a test due to a disability (Disability).



Harassment

It is illegal to harass an applicant or an employee because of race, color, religion, sex* (including pregnancy)*, ancestry, national origin, age (40 or over), disability, genetic information. It is also illegal to harass someone because they have complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. It is also illegal to harass someone because he/she requested an accommodation for a disability or a religious practice.

* The U.S. Equal Employment Opportunity Commission accepts complaints of harassment based on sexual orientation and gender identity.





How Widespread is Harassment?

According to the U.S. Equal Employment Opportunity Commission in their press release from January 14, 2015:

- Approximately 30 percent of all charges filed with the EEOC allege workplace harassment.
- One in four women face harassment in the workplace.
- Individuals with disabilities are especially vulnerable to harassment.



How Widespread is Harassment? - Continued

How about Kansas?

- Click [here](#) to learn more about the number and type of harassment complaints filed with the Kansas Human Rights Commission.



Harassment Overview

- Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted).
- The behavior and the actions are judged by the impact on the alleged victim using a reasonable person, in the victim's shoes, using common sense and socially accepted moral standards.
- The alleged harasser's intent, whether it is "joking", "teasing", or "just having fun", is disregarded.



Who Can Be a Harasser?

- ❖ The harasser can be the victim's supervisor, a supervisor in another area, or a co-worker. The harasser can be someone who is not an employee of the employer, such as a client or customer, but comes into contact with the person through work duties. This is called third-party harassment.



- ❖ Harassment outside of the workplace may also be illegal if there is a link with the workplace. For example, if a supervisor harasses an employee while driving the employee to a meeting or at a conference. Harassment can also occur in social settings away from work.



- ❖ The victim can be a bystander witnessing harassing behavior by others.





LE
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"Unwelcome" - The conduct must be unwelcome in the sense that the employee (or the applicant) did not solicit or incite it, and in the sense that the employee (or applicant) regarded the conduct as undesirable or offensive. The behavior is also viewed from the victim's perspective. The alleged harasser's intent is disregarded. If one is subjected to taunts on the basis of race, national origin, etc., there is ordinarily no question that the comments are perceived as abusive and are therefore unwelcome.

Harassment complaints are judged from the perspective of a reasonable person in the same or similar circumstances. Harassment is not subjective or socially accepted behavior.

Click on the **highlighted** words in the list below.

1. The incidents are related to the job, occurring on the job, or away from the workplace, including social settings away from work.
2. **Unwelcome**, uninvited, offensive
3. Sufficiently **severe*** to affect the terms and conditions of employment.
4. **Pervasive***, not isolated

* Conduct can either be severe or pervasive to cross the threshold of harassment. This means that one incident of sufficient severity or many low-level pervasive incidents can constitute harassment.



"Severe" or "Pervasive" - In determining whether harassment is sufficiently severe or pervasive to create a hostile environment, the harasser's conduct should be evaluated from the objective standpoint of a "reasonable person." Unless the conduct is quite severe, a single incident or isolated incidents of offensive sexual conduct or remarks generally do not create an abusive environment. But a single, unusually severe incident of harassment may be sufficient to constitute a violation; the more severe the harassment, the less need to show a repetitive series of incidents. This is particularly true when the harassment is physical. Unwelcome, intentional touching of a charging party's intimate body areas is sufficiently offensive to alter the condition of his/her working environment and constitute a violation.

Harassment complaints are judged from the perspective of a reasonable person in the same or similar circumstances. Harassment is not subjective or socially accepted behavior.

Click on the **highlighted** words in the list below.

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Let's Review the Six Components of Evaluating a Harassment Complaint (Continued):

Click on the **highlighted** words to learn more.

5. Of a prohibited nature (broadly interpreted)
(Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age, Family Status, Genetic Information)
6. Creates an intimidating, **hostile**, abusive environment in the workplace.



Let's Review the Six Components of Evaluating a Harassment Complaint (Continued):

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6. Creates an intimidating, **hostile**, abusive environment in the workplace.

"Hostile" - Since "hostile environment" harassment takes a variety of forms, many factors may affect this determination, including: (1) whether the conduct was verbal or physical or both; (2) how frequently it was repeated; (3) whether the conduct was hostile and patently offensive; (4) whether the alleged harasser was a co-worker or a supervisor; (5) whether the others joined in perpetrating the harassment; and (6) whether the harassment was directed at more than one individual.

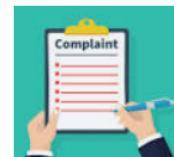
The U.S. Supreme Court in Meritor Savings Bank v. Vinson noted in assessing a hostile environment claim, the totality of the circumstances must be examined, including "the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance."



Evaluating a Harassment Complaint

It would be convenient if we could write that this type of behavior is always harassment or that type of behavior is bad conduct not rising to the level of harassment. However, evaluating harassment claims is not that simple. Each complaint must be evaluated on a case-by-case basis and the totality of the circumstances must be evaluated. Anyone engaging in offensive behavior should remember the proclaimed intent of the behavior, such as "joking" or teasing", is disregarded, and the situation is judged by a reasonable person in the victim's shoes using common sense and socially accepted moral standards.

Therefore, anyone engaging in inappropriate behavior in the workplace must realize that someone else may be judging their behavior to determine if it has crossed the threshold into harassment.



Quid Pro Quo Sexual Harassment

- ❖ **Quid Pro Quo** - ("This for that") occurs when submission to unwelcome sexual conduct is made a condition of employment or employment decisions.



Quid Pro Quo Sexual Harassment

Quid Pro Quo harassment occurs when a manager, supervisor, or person in a position of authority threatens an applicant or an employee with a negative consequence, such as a demotion, or promises something positive, such as a benefit or promotion, in exchange for sexual favor(s). Quid Pro Quo may also occur if an employee feels he/she must tolerate sexual advances, or other behavior of a sexual nature, because of a perceived threat by the person of authority.



Favoritism Due to Sexual Favors

If one employee is rewarded in the workplace (promoted, given better work assignments, or larger pay raises) for cooperative sexual behavior at the expense of other non-favored employees in your workplace, it may be evidence of a hostile environment. A romantic relationship at work should not be reason for workplace rewards or perks. Work performance should be the only basis for rewards at work.



Performance at work should be the only basis for rewards at work





Same Sex Harassment

Same sex harassment usually occurs when an individual does not consider another person to meet the stereotype of his or her gender. For example, a woman is not feminine enough or a man is not masculine enough.

Anne Hopkins prevailed in a 1989 U.S. Supreme Court decision in *Price Waterhouse v. Hopkins*. Ms. Hopkins felt she was not promoted to partner because she was not considered to meet the stereotype of how a woman was to look and act.

Ms. Hopkins was considered to demonstrate "male traits" in that she was overbearing, aggressive, dominant and foul-mouthed. She was told that she needed to walk, talk, and dress more femininely, wear makeup and jewelry and have hair styled in order to receive a promotion. Thus, she was being judged on whether she met the stereotype of being a woman, not her work performance.



Same Sex Harassment - Continued

Likewise, men may be victims of same sex harassment if they are harassed because someone else does not consider them to meet the stereotype of being a man.

For example, Kerry is harassed by his boss, Charles. Charles does not think Kerry is manly enough to be a construction worker. Charles teases Kerry because he thinks "Kerry" is a girl's name, calls Kerry "Princess", and makes disparaging remarks about Kerry's small build.





Behaviors Leading to Harassment Complaints

- Jokes, slurs, graffiti, offensive or derogatory comments, sarcasm or other verbal conduct based on any of the protected classes of Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age, or Genetic Information are not appropriate at work.
- Unwelcome physical conduct (blocking movement, pats, pinching, hugs, rubbing or caressing) is inappropriate behavior.
- Teasing, spreading rumors, "telling tales" of a sexual nature is inappropriate.
- Actions such as groping, forcing someone to kiss, or exposing oneself have no place in the work environment.
- Non-verbal behaviors, such as staring, looking someone up and down, suggestive looks, should not occur.
- Posters, cartoons, drawings, calendars, pin-ups, and pictures of an offensive nature should not be displayed in the workplace.
- Computer screen savers, e-mails, phone calls, voice mails, text messages, digital pictures, instant messaging, social media posts or direct/instant messaging, etc. should not be used to convey offensive or inappropriate messages, pictures, or links to offensive websites at work.



What to Do If You Are Harassed



- **Tell the person to STOP** if you feel comfortable doing so. Telling the person to end the harassing behavior demonstrates that it is unwelcome
- **Follow your organization's policy for reporting harassment; Advise management of alleged harassment and ask for help** to get the bad behavior stopped. Tell your supervisor, a supervisor in another area, the supervisor of the alleged harasser, or your Human Resources manager. Describe the harassing behavior and ask for that person's help to stop it. Reporting the bad behavior and asking for assistance to make it stop shows the behavior is unwelcome.
- **If you make a verbal complaint, follow it up with a written complaint.** Although not required by law, submitting a written complaint and keeping a copy of it for your records supports that you have complained about harassing behavior, that it is unwelcome, and that you have notified your employer of the alleged harassment.





What to Do If You Are Harassed - Continued



- **Keep records.** Even if it is painful to do so, keep records of any harassment including dates, times, places, and any potential witnesses. Keep copies of any electronic harassment, including but not limited to, voice mails, e-mails, text messages, and social media posts or messages. Preserve any physical evidence such as notes, "jokes", pictures, etc. Also, be aware of others in the workplace who may also be a victim.
- **File a complaint if not resolved by your organization.** You can file a complaint of harassment with the Kansas Human Rights Commission (Ph. (785) 296-3206, TTY (785) 296-0245, or www.khrc.net) or the U.S. Equal Employment Opportunity Commission if the situation is not resolved by your organization.
- **Retaliation is illegal.** Remember it is illegal to retaliate against someone for reporting or complaining about harassment.



What to Do If You Are a Supervisor

- Know your organization's anti-harassment policy and complaint process.
- Have zero-tolerance for "teasing" or "jokes" based on any of the protected classes, even if the alleged victim does not *seem* to mind.
- If you see harassing behavior "in the act", put a stop to it.
- Set an example. If a supervisor exhibits bad behavior, subordinates may fear reporting legitimate complaints of harassment.
- Have your listening ears on when someone complains; Be receptive to complaints.
- If you receive a complaint or if you have a concern (even if you did not receive a complaint), work together with your HR/Legal. (The organization must show they have demonstrated "reasonable care" to prevent and stop harassment with an effective anti-harassment and complaint policies, effective investigation, and take prompt, corrective action.)
- Do not retaliate against the alleged victim for complaining or witnesses for participating in an investigation.





Review Question Number 4

If you are harassed, including sexually harassed at work, you should:

- ☐ Not tell anyone and hope the harasser goes away.
- ☒ Tell the harasser to stop, advise management of the alleged harassment, and follow your organization's harassment policy to report the alleged harassment
- ☐ Not tell anyone at work, but tell friends and family



Case Study No. 1 - Race Harassment

Jon, an African American, works on the assembly line at a manufacturing company.

Jon reports that "Uncle Tom", a derogatory racial reference, was written on his safety helmet. A few days later, the "N" word, a racial epithet, was written on his safety helmet.

Jon suspects Sam, a Caucasian co-worker, wrote the offensive words on his safety helmet. Jon says that Sam exhibits a broad range of offensive behaviors including racial slurs and racial epithets. Jon states that Sam demonstrates inappropriate physical touching by shoving him and bumping into him. Jon reports that Sam does not demonstrate this behavior towards his Caucasian co-workers. The incidents reportedly took place at work, as well as social settings, away from work. Jon says that Sam initiated the behavior, which is corroborated by witness testimony. Jon says that he tries to avoid Sam, but is difficult because they work in close proximity. Jon says Sam's abuse happens nearly every day.

Jon complained to his supervisor, Mark, about Sam's harassing behavior and asked for Mark to put a stop to Sam's harassment. The manufacturer has an anti-harassment policy, which both Jon and Sam have signed.





Case Study No. 1 - Race Harassment

How Would You Evaluate This Complaint?

Think how you would answer each question below and then proceed to the next slide.

1. **Is the complaint related to employment?**
___Yes ___No ___Maybe
2. **Is the behavior unwelcome, uninvited, offensive?**
___Yes ___No ___Maybe
3. **Are the actions sufficiently severe to affect the terms and conditions of employment?**
___Yes ___No ___Maybe
4. **Are the actions pervasive, not isolated?**
___Yes ___No ___Maybe
5. **Is behavior of a prohibited nature (broadly interpreted) based on one or more of the protected classes?**
(Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age, Genetic Information)
___Yes ___No ___Maybe
6. **Does it create an intimidating, hostile, abusive environment in the workplace?**
___Yes ___No ___Maybe



Case Study No. 1 - Race Harassment

Let's Evaluate this case together.

1. Is the complaint related to employment?

- ▶ **Yes**, this complaint is related to employment. The conduct occurs at work. It also occurs in social settings away from work. Because Jon and Sam are co-workers there is a link to employment even when conduct occurs away from the workplace.

2. Is the behavior unwelcome, uninvited, offensive?

- ▶ **Yes**, the behavior is unwelcome to Jon and he considers it offensive. It is Sam, not Jon, who initiates the behavior, which is verified by witnesses. Also, Jon complained to his supervisor about Sam's conduct and asked for his supervisor to put a stop to Sam's harassment, which demonstrates that Sam's behavior was unwelcome to Jon. We disregard the alleged harasser's intention.





Case Study No. 1 - Race Harassment

Let's Evaluate this case together.

3. Are the actions sufficiently severe to affect the terms and conditions of employment?

- ☒ **Yes**, the behavior is severe. The workplace was permeated with discriminatory intimidations, ridicule, and insult. The conduct was physically threatening and humiliating.

4. Are the actions pervasive, not isolated?

- ☒ **Yes**, the actions are pervasive. Not only does the abuse happen almost every day, it occurs in both work and social settings.



Case Study No. 1 - Race Harassment

Let's Evaluate this case together.

5. Is behavior of a prohibited nature (broadly interpreted) based on one or more of the protected classes? (Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age, Genetic Information)

- ☒ **Yes**, the derogatory racial reference, epithet, and slurs demonstrate the behavior is based on Jon's race of African American. The physical behavior of shoving and bumping is only against an African American, but is not demonstrated against non-African Americans.

6. Does it create an intimidating, hostile, abusive environment in the workplace?

- ☒ **Yes**, in reviewing the totality of the circumstances, a reasonable person, in the victim's shoes, using common sense and socially accepted moral standards would conclude the behavior created an intimidating, hostile, abusive environment in the workplace.



Case Study No. 2 - Sexual Harassment

Let's review a case of alleged sexual harassment

- Bob is the head of the organization. Bob asks subordinate women if they come to work without their panties, demands kisses, tells women he wants to see them naked, and dragged one woman in a headlock while whispering in her ear.



Case Study No. 2 - Sexual Harassment How Would You Evaluate This Complaint?

Think how you would answer each question below and then proceed to the next slide.

1. **Is the complaint related to employment?**
___Yes ___No ___Maybe
2. **Is the behavior unwelcome, uninvited, offensive?**
___Yes ___No ___Maybe
3. **Are the actions sufficiently severe to affect the terms and conditions of employment?**
___Yes ___No ___Maybe
4. **Are the actions pervasive, not isolated?**
___Yes ___No ___Maybe
5. **Is behavior of a prohibited nature (broadly interpreted) based on one or more of the protected classes?**
(Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age, Genetic Information)
___Yes ___No ___Maybe
6. **Does it create an intimidating, hostile, abusive environment in the workplace?**
___Yes ___No ___Maybe



Case Study No. 2 - Sexual Harassment

Let's Evaluate this case together.

1. Is the complaint related to employment?

- ☒ **Yes**, this complaint is related to employment. The conduct occurs at work. It also occurs when Bob and his subordinates are traveling to other locations to carry out their official duties.

2. Is the behavior unwelcome, uninvited, offensive?

- ☒ **Yes**, the behavior is unwelcome. None of Bob's victim's initiated the behavior. They find Bob's actions offensive. We disregard the alleged harasser's intention.



Case Study No. 2 - Sexual Harassment

Let's Evaluate this case together.

3. Are the actions sufficiently severe to affect the terms and conditions of employment?

- ☒ **Yes**, the behavior is severe. The workplace was permeated with discriminatory intimidations. The conduct was physically threatening and humiliating.

4. Are the actions pervasive, not isolated?

- ☒ **Yes**, the actions are pervasive. Not only did Bob harass one woman, he harassed several. It happens almost every day.







Case Study No. 2 - Sexual Harassment

Let's Evaluate this case together.

5. Is behavior of a prohibited nature (broadly interpreted) based on one or more of the protected classes? (Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age, Genetic Information)

 **Yes**, the actions are based on sexual harassment.

6. Does it create an intimidating, hostile, abusive environment in the workplace?

 **Yes**, in reviewing the totality of the circumstances, a reasonable person, in the victim's shoes, using common sense and socially accepted moral standards would conclude the behavior created an intimidating, hostile, abusive environment in the workplace.



Case Study No. 2 - Sexual Harassment - Continued

- Bob resigned his position amid widespread allegations of sexual harassment.
- Bob pled guilty to one felony and two misdemeanors for placing a woman in a headlock, kissing another woman, and grabbing the buttocks of a third.
- Bob was sentenced to three months of home confinement and three years of probation.



Click on yellow arrows



We have provided some pretty extreme examples











We receive complaints with far less serious allegations.



Behaviors That Violate Respectful Workplace Norms

The Kansas Human Rights Commission can only accept discrimination or harassment complaints when they are based on a protected class. However, the KHRC receives contact from individuals who feel they have been mistreated in the workplace, even if they do not feel the adverse treatment is due to protected class. Listed below and on the next slide are examples of behaviors that violate respectful workplaces.

-  Spreading rumors or whispering about others
-  Making demeaning comments about others
-  Raising your voice
-  Slamming your hand down on a desk
-  Slamming doors
-  Touching someone else or shaking your finger in the face
-  Calling names, i.e. "Stupid" or "Dumb" or inappropriate nicknames
-  Using profanity





Behaviors That Violate Respectful Workplace Norms

- ➔ Not keeping confidential information confidential
- ➔ Standing in someone's personal space
- ➔ Driving by someone's house or following them
- ➔ Cyberstalking
- ➔ Bullying



It is a short walk from bad behavior to a harassment complaint. Whenever individuals engage in unprofessional, disrespectful behavior, they may be labeled as a harasser. If the behaviors listed on the previous slide and this slide, or other adverse conduct becomes directed at individual(s) based on their protected class (Race, Religion, Color, National Origin, Ancestry, Sex, Disability, Age or Genetic Information), then inappropriate behavior may meet the threshold of harassment.

It is up to all of us to create inclusive workplaces by treating others in a professional, respectful, courteous manner.



Thank you for taking this online harassment prevention training.

Congratulations! You have now completed the course. Please click on the Exit button at the top.

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