

JacksonLewis

Understanding Sexual Harassment and Your Reporting Obligations

Academic Year 2021-22

Devastating Consequences



The Roles You Play

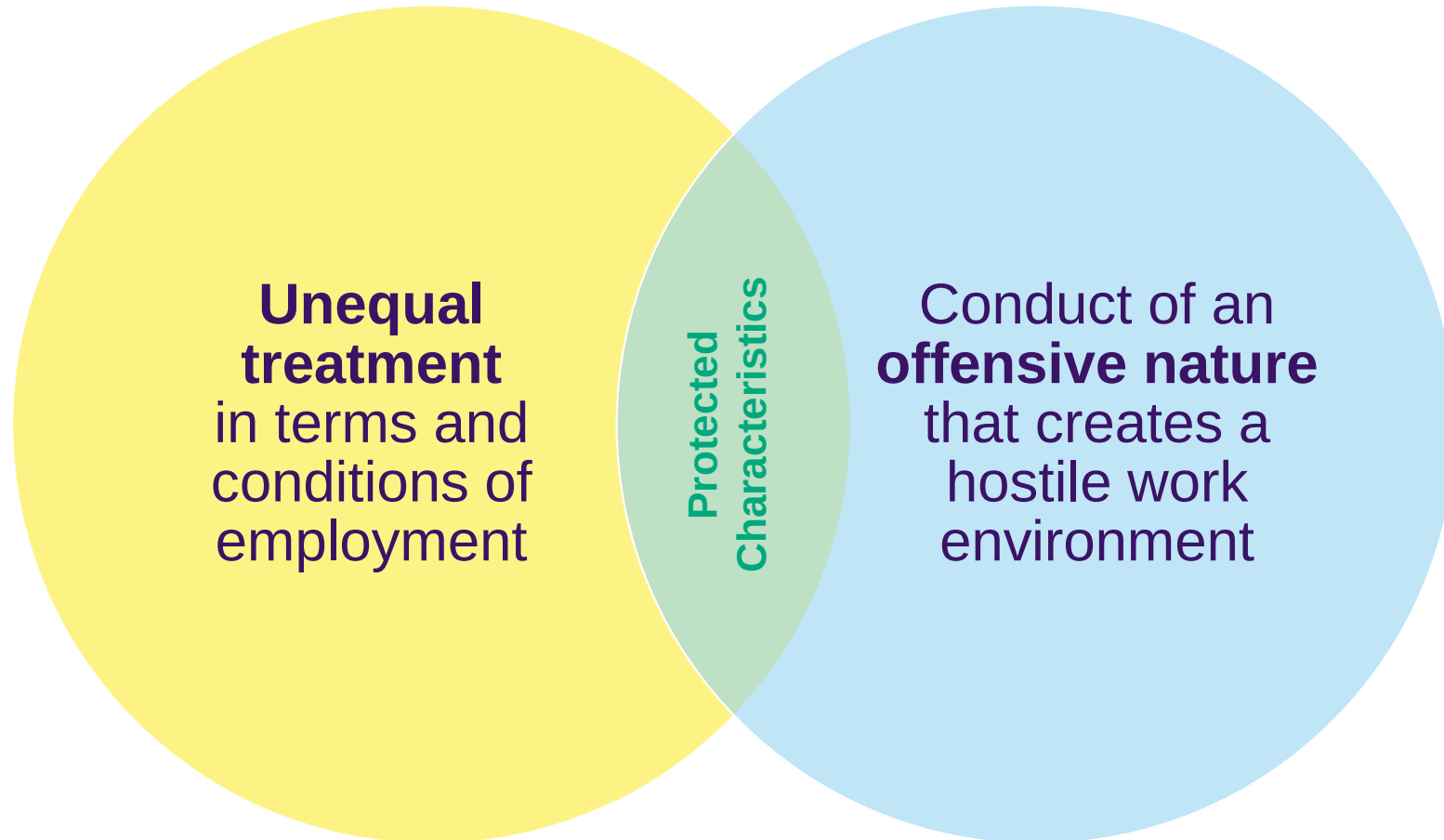
Potential
Victim



Potential
Harasser

Third
Party

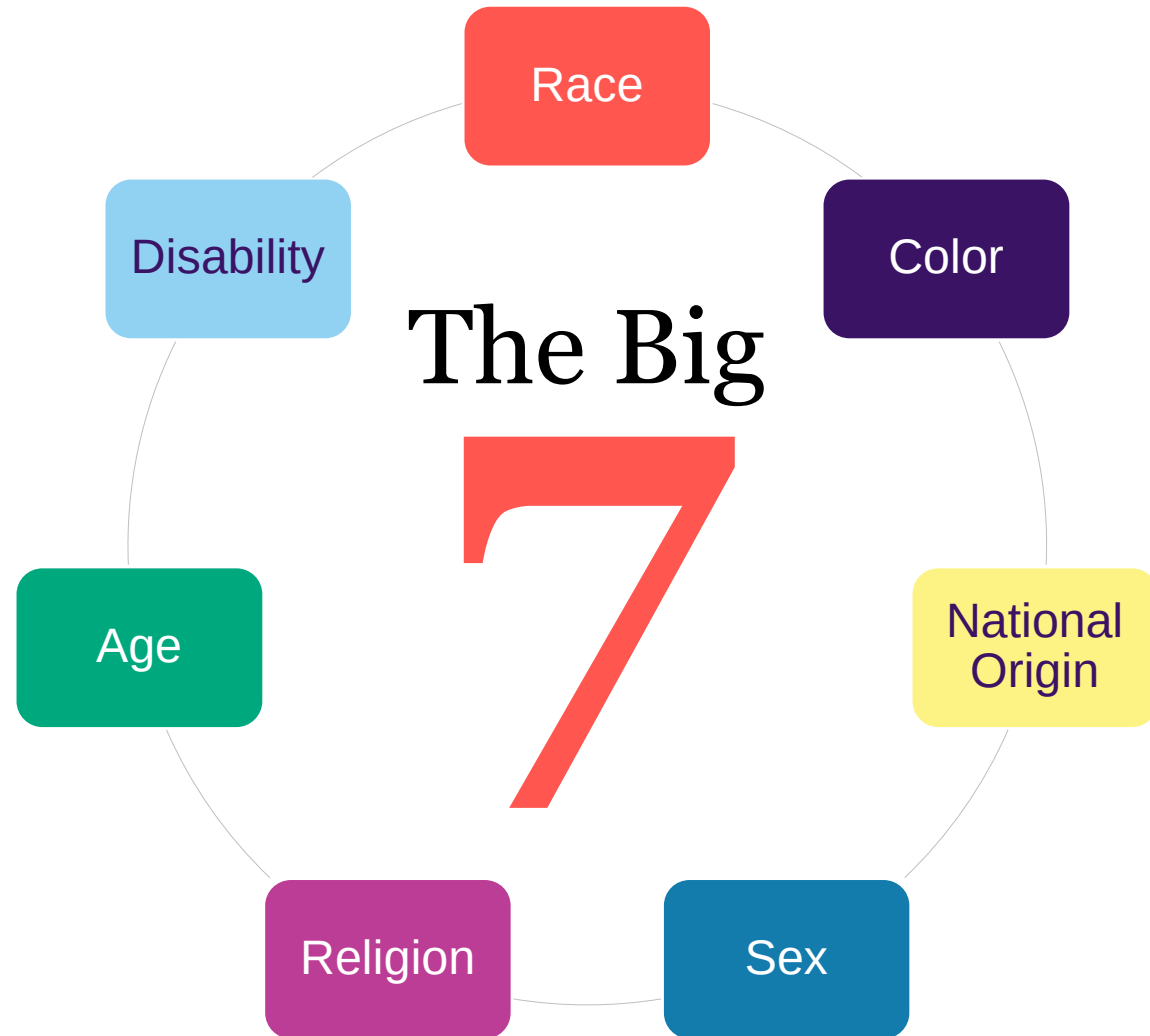
Discrimination v. Harassment



Protected Characteristics

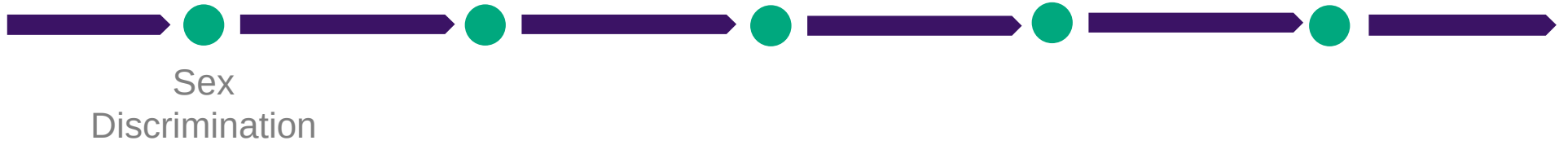


Protected Characteristics

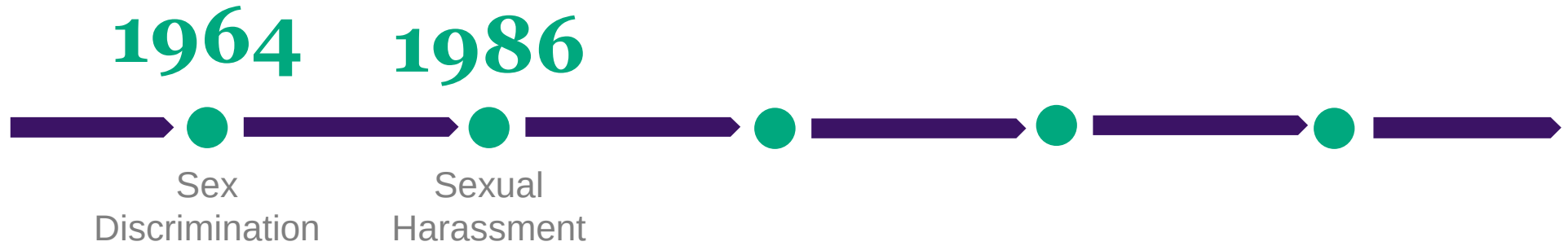


The Law's Evolution

1964



The Law's Evolution



The Law's Evolution



1964

1986

1989



The Law's Evolution



1964

1986

1989

1996



Sex
Discrimination

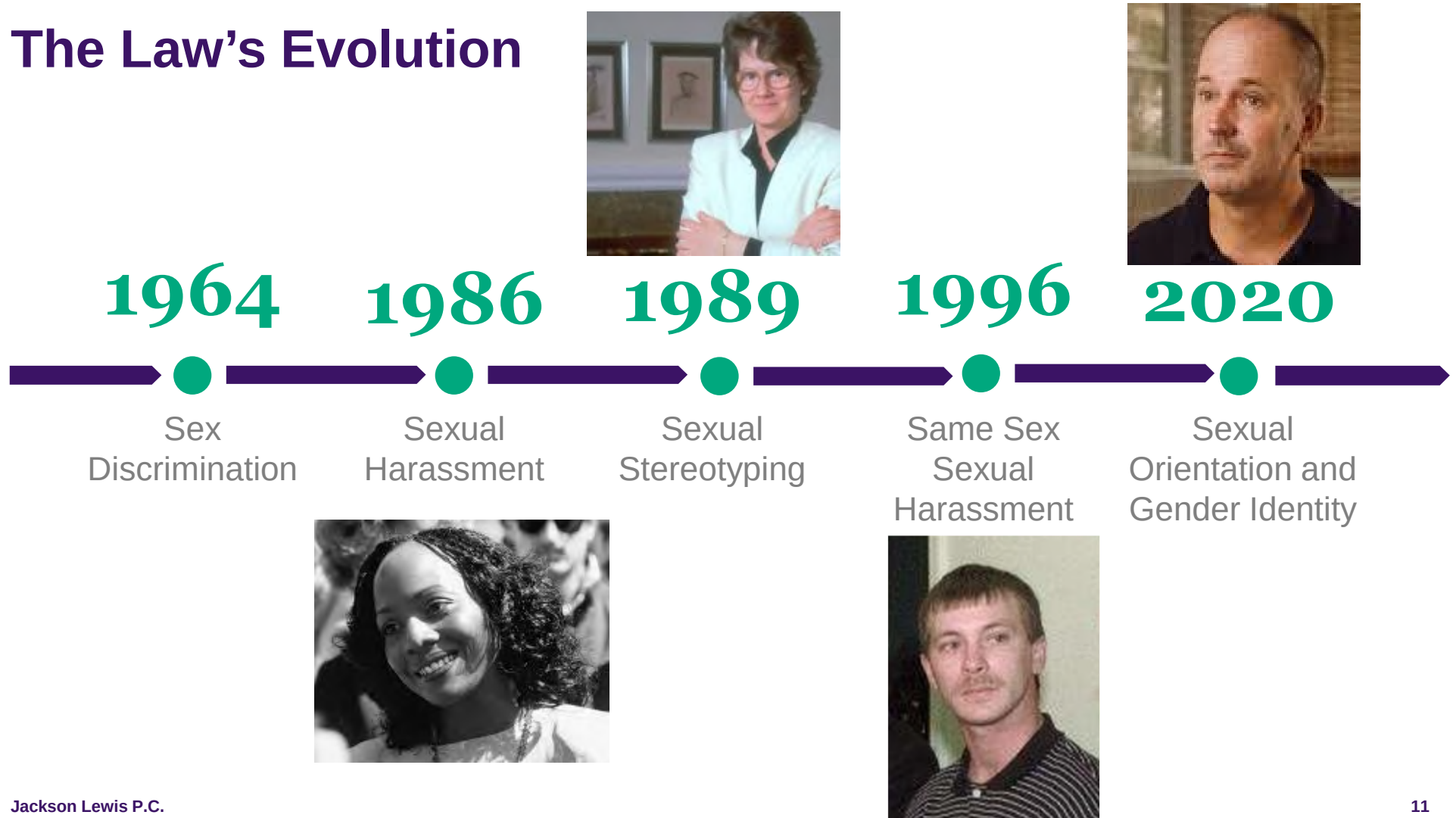
Sexual
Harassment

Sexual
Stereotyping

Same Sex
Sexual
Harassment



The Law's Evolution



Prohibited Conduct

Discrimination

Based on Gender/Identity

Based on Sexual
Orientation

Based on Pregnancy

Workplace Harassment

Quid Pro Quo

Hostile Environment

Clery Act Conduct

Sexual Assault

Stalking

Dating/Domestic Violence

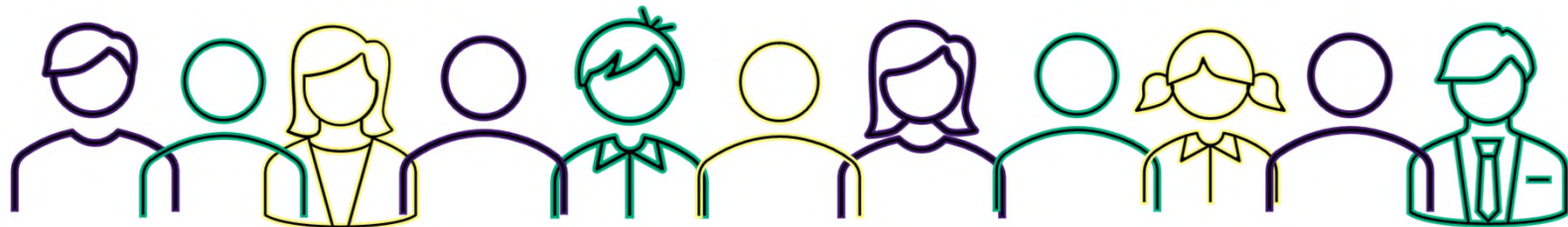
All of this conduct is wrong regardless of any person's

IDENTITY

Sex
Gender Identity
Sexual Orientation

ROLE

Faculty
Staff
Student



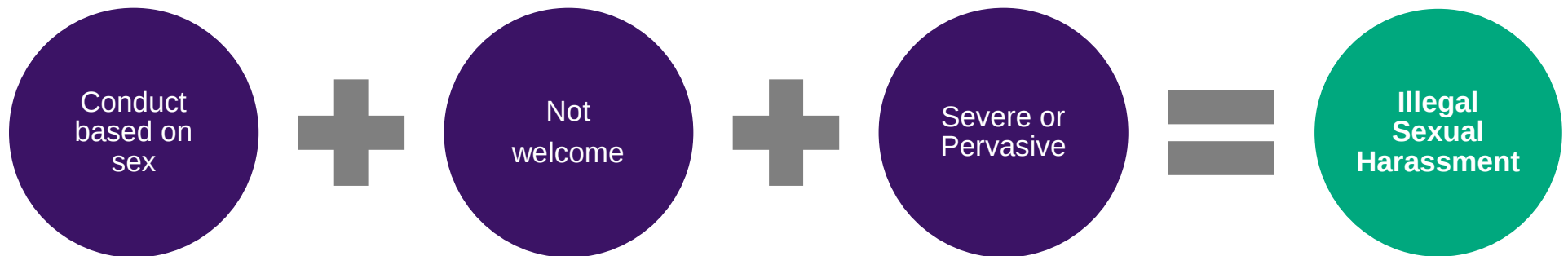
Quid Pro Quo Sexual Harassment

- 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

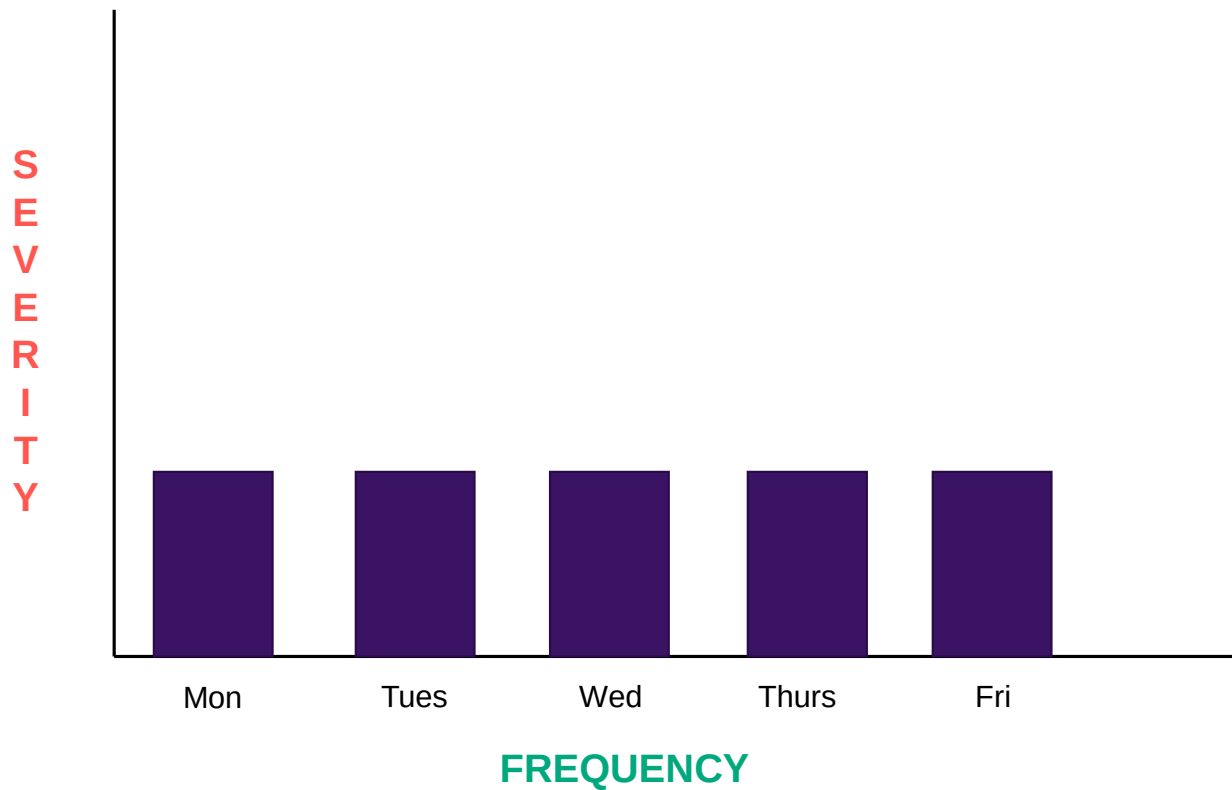
VERBAL

- Jokes
- Explicit language, comments, threats or banter
- Sexually suggestive sounds, songs

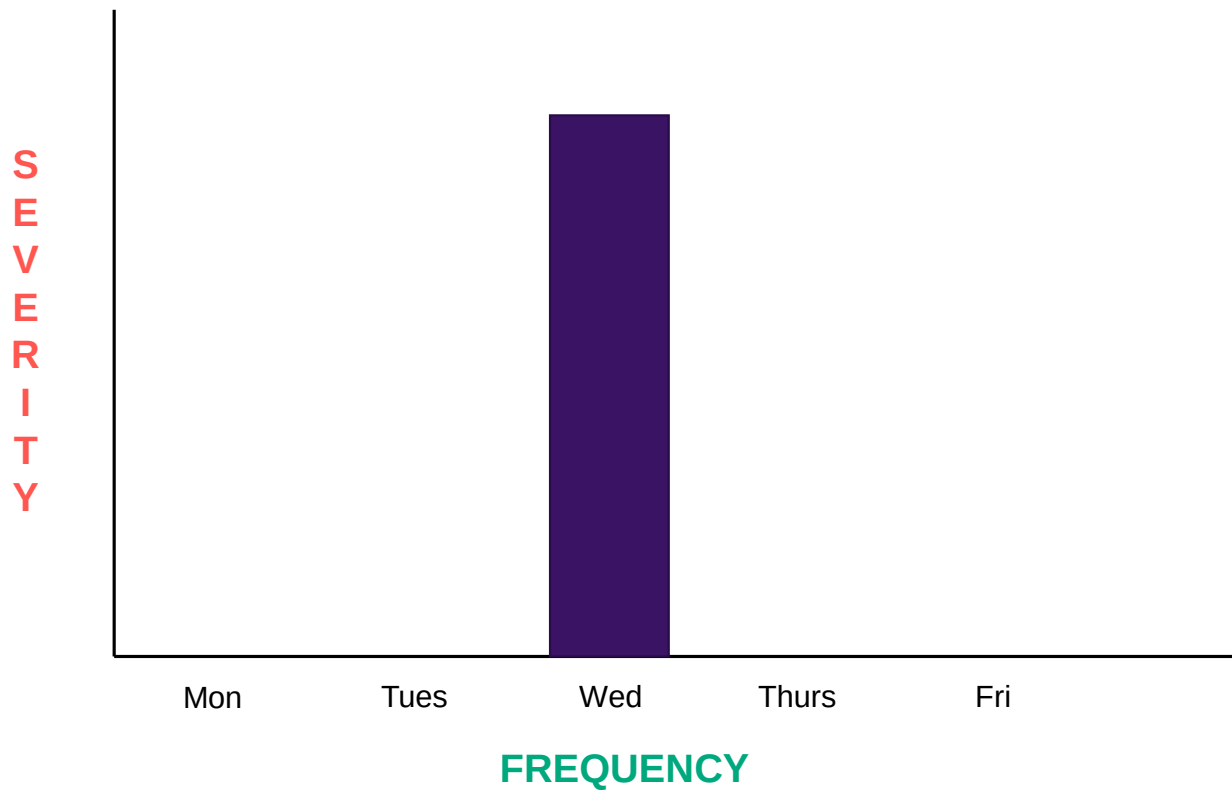
NON-VERBAL

- Ogling
- Leering
- Staring
- Offensive emails
- Pictures
- Text messages
- Websites

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

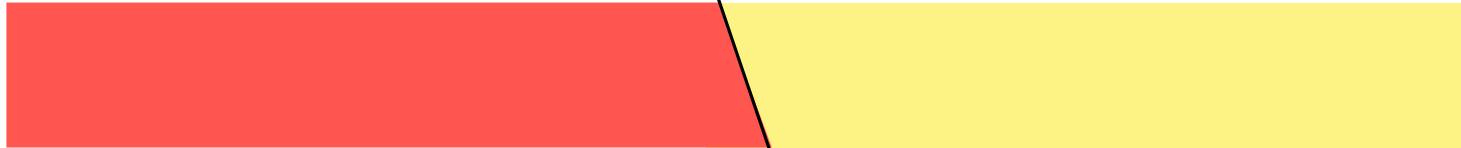


Offensive conduct can unreasonably interfere with work performance if it is **severe**.



Where is the line?

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



- Hugging
- Asking someone out
- Occasional jokes
- Compliments on appearance

Where is the line online?

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

PROBLEM

- Suggestive virtual backgrounds
- Nude photos or videos
- Allowing a sidebar chat to drift in an off-color direction
- Remarking on a bed or other intimate imagery

The Roles You Play

Potential
Victim



Potential
Harasser

Third
Party

Protect Yourself: **Potential Harasser**

Remember that your authority creates a predicament.

1. Don't make romantic overtures to students.
2. Don't casually flirt with colleagues who may view you as powerful.
3. Be alert and respect signals of discomfort.

Protect Yourself: **Potential Victim**

Respond clearly and firmly to inappropriate conduct.

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.

Protect Others: **Third Party**



Model professional behavior

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

Report concerns to the Title IX Coordinator



Calm. Clear. Firm.

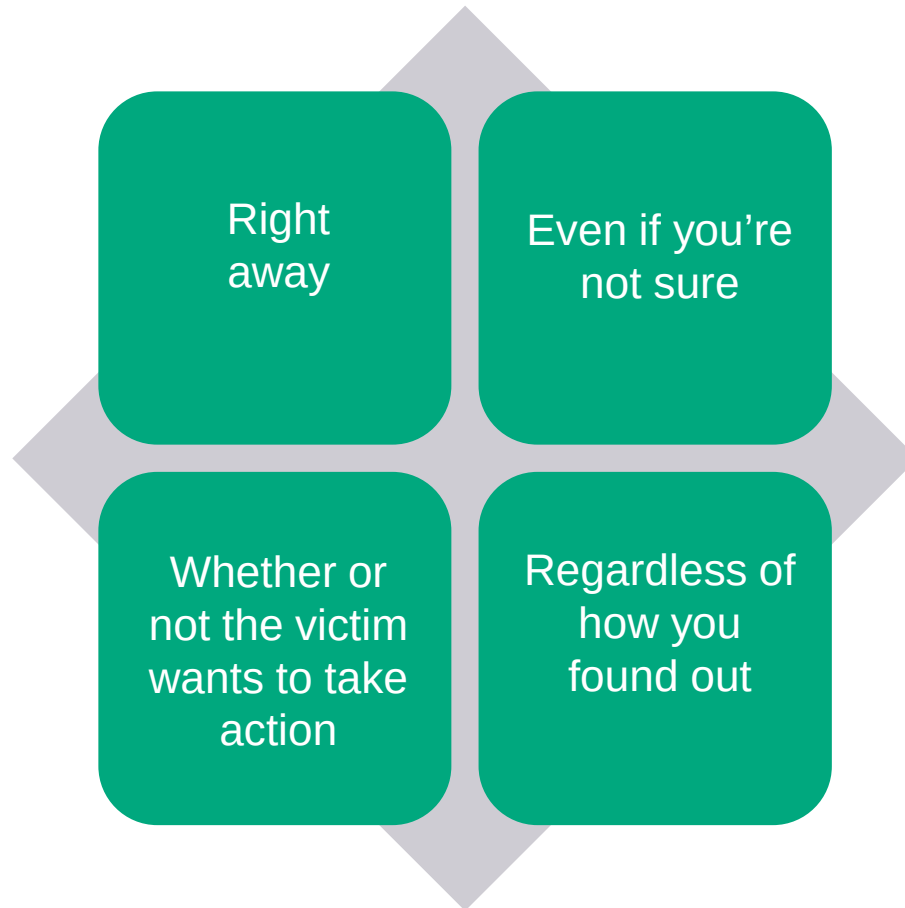
- Let's keep this professional
- That makes me uncomfortable
- Not cool
- Yikes – human resources alert
- I want no part of this
- Not smart
- That seems inappropriate
- Unwelcome
- I'd rather focus on work
- That feels disrespectful

Reporting is easy.

If you're not sure where to go,
type:

**Name of School +
Title IX Coordinator**
into your browser

Reporting Should Happen



What happens after a report?

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 Jackson Lewis Title IX Team



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JacksonLewis

Thank **you.**