



New York State Sexual Harassment Prevention Training

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Discussion Outline

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What is Sexual Harassment?

- Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law.
- Sexual harassment includes harassment on the basis of sex, sexual orientation, self identified or perceived sex, gender expression, gender identity and the status of being transgender.
- Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
 1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
 2. Such conduct is made either explicitly or implicitly a term or condition of employment; or
 3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- **There are two main types of sexual harassment "Hostile Environment" and "Quid Pro Quo"**

What is a Hostile Environment?

- A hostile environment on the basis of sex may be created by any action previously described, in addition to unwanted words, signs,

Rape, sexual battery, molestation or attempts to commit these assaults.

Physical acts of a sexual nature (including, but not limited to, touching, pinching, patting, grabbing, kissing, hugging, brushing against another employee's body or poking another employee's body)

Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

Sabotaging an individual's work;

Bullying, yelling, name calling.

What is "Quid Pro Quo" Sexual Harassment?

- Quid pro quo sexual harassment occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.
- Quid pro pro

What is a Protected Activity?

- Any employee who has engaged in “protected activity” is protected by law from being retaliated against because of that “protected activity.”
- “Protected activities” with regard to harassment include:
 - o Making a complaint to a supervisor, manager or another person designated by your employer to receive complaints about harassment
 - o Making a report of suspected harassment, even if you are not the target of the harassment
 - o Filing a formal complaint about harassment
 - o Opposing discrimination
 - o Assisting another employee who is complaining of harassment
 - o Providing information during a workplace investigation of harassment, or testifying in connection with a complaint of harassment filed with a government agency or in court

What is Retaliation?

- Retaliation is any action taken to alter an employee’s terms and conditions of employment (such as a demotion or harmful work schedule or location change) because that individual engaged in any of the above protected activities. Such individuals should expect to be free from any negative actions by supervisors, managers or the employer motivated by these protected activities.
- Retaliation can be any such adverse action taken by the employer against the employee, that could have the effect of discouraging a reasonable worker from making a complaint about harassment or discrimination.
- The negative action need not be job related or occur in the workplace, and may occur after the end of employment, such as an unwarranted negative reference.

What is Not Retaliation?

- A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity.
- Employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity.