



SEXUAL HARASSMENT TRAINING

SUGGESTED GUIDELINES FOR EMPLOYERS & ORGANIZATIONAL LEADERSHIP

School districts and all public and private employers have a responsibility to provide a safe and productive workplace free of harassment for administration, faculty, staff, and students. Sexual harassment is one such area that continues to receive a great deal of attention. This topic was discussed by my TRICOR co-worker Brent Straka two years ago in an article that was shared with all WI school districts. The focus of this article is to review the suggested content when providing training, especially for school administration and leadership within school districts.

FIRST OF ALL, A REVIEW OF WHAT IS SEXUAL HARASSMENT

The U.S. Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces both discrimination and sexual harassment. They define sexual harassment as follows:

"Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."

Sexual harassment can occur in a variety of circumstances, including but not limited to, the following:

- *The victim, as well as the harasser, could be a woman or a man. The victim does not have to be of the opposite sex.*
- *The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee (student).*
- *The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.*
- *Unlawful sexual harassment may occur without economic injury to or discharge of the victim.*
- *The harasser's conduct must be unwelcome.*

Suggested items to be included in training content, specifically for school district administration and leadership.

CLEAR REVIEW OF OBJECTIVES:

- Learn the definition and different kinds of sexual harassment.
- Understand the role and responsibilities of the administration and leadership.
- Understand how to report harassment and how to respond to employee complaints and reports.
- Learn to identify potential harassment situations.

BREAKING IT DOWN:

- Review of the different kinds of Sexual Harassment as it relates to behaviors and motivations.
- Understanding that Sexual Harassment can be both verbal and physical conduct.
- Quid Pro Quo connection - "This for that" between supervisor, manager or employer, and a subordinate.
- May be a single incident or an ongoing pattern of behavior.
- Understanding that the employer or, in this case, the school district, could be held liable for the supervisor/leader's actions.
- Material in the training should review sexual harassment connected with a Hostile Work Environment supported by examples.
- Also connected with Hostile Work Environment is a review of frequency, severity, verbal vs. physical, co-worker, vs. supervisor, and the effects on anyone connected with such actions.

REVIEW OF THE "EVEN IF" SCENARIOS:

- Review that it is never okay, even if something that started as consensual turns to harassment.
- Understand it is never okay if it occurred at an off-site event outside work hours.

CONTENT SHOULD INCLUDE AN UNDERSTANDING OF "WHEN IS IT SEXUAL HARASSMENT?:"

- Behavior is based on sex or of sexual nature?
- Was the behavior welcomed or unwelcomed?
- How severe was the conduct?

OTHER KEYS TO REVIEW THAT SHOULD BE IN TRAINING MATERIALS:

- "Reasonable Person Standard" explanation and examples.
- Intent vs. Impact explanation and examples.
- Case study examples to review what was learned and how it may apply.

PREVENTION OF SEXUAL HARASSMENT:

- A review of "What is at Stake"? Individuals get hurt, increased turnover, harmful reputation to the school district and community.
- Sexual harassment prevention is critical, and even though it is not a State of Wisconsin requirement to provide Sexual Harassment training in the workplace, it is strongly suggested. If training is done, the following should also be strongly considered:
 - Annual distribution and review of the school district's sexual harassment policy with all leadership and employees.
 - Be proactive in focusing more when potential behavior is happening, and when engaging with corrective actions, be sure the corrective actions are proportional to the severity or frequency of the unwelcome behavior.

- Be sure that administration and leadership are familiar with the school district's method of reporting, documenting, and investigating sexual harassment claims.

Lastly, it is time to check your current insurance policies. Several Property and Casualty carriers offer insurance products, including "Employment Practices Liability Insurance" that may provide various levels of protection including covering legal costs, claims, and back wages. As always, take an opportunity to take time to speak with the legal staff at the Wisconsin Association of School Boards (WASB) or your own legal counsel to outline what your responsibilities are and how they may assist you in the event an allegation arises.

Important Disclaimer: TRICOR strongly recommends employers connect with a licensed professional and/or legal counsel for an assessment of any employee benefit and district policy changes.



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