



*Preventing Sexual and Other  
Unlawful Harassment  
& Title IX*

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*Why Sexual Harassment Training?*

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Harassment of any type is :

- Is wrong
- Is demeaning, disruptive, and unproductive
- causes poor morale and increases stress
- leads to increased absenteeism and turnover

Sexual Harassment is **against** University policy  
Sexual Harassment and harassment based on other characteristics protected by law is illegal.

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*Objectives of This Training*

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To be able to:

- Identify and increase knowledge
- Identify and prevent
- Provide guidelines for addressing
- Identify and report  
Sexual or other harassment

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*Federal Law*

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- Title VII of the Civil Rights Act of 1964 – Prohibits discrimination against any individual with respect to terms and conditions of employment based on race, color, sex or national origin. Establishes sexual harassment as a form of discrimination.

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*Characteristics Protected by Law*

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- Gender (sex)
- Sexual Orientation, Gender Identity and Expression
- Age
- Race
- Ethnicity, Ancestry, or National Origin
- Physical or Mental Disability
- Religion
- Skin Color
- Military or Veteran Status
- Workers' Compensation Claim Status
- Genetic Information (GINA)

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*Harassment is -*

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- Illegal
- Against University Policy



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## *University Policy*

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- The Sexual and Other Unlawful Harassment Policy can be found on the Franklin Pierce Human Resources web page
- A copy of the policy can be printed and provided to you. Please make your request to the Human Resources Office

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## *Definitions*

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### Sexual Harassment

- Unwelcome sexual conduct or contact
- Inappropriate verbal or physical conduct
- Inappropriate from the perspective of a reasonable person

### Unlawful Harassment

Unwelcome conduct that is based on a person's protected status that alters the terms and conditions of employment and that is subjectively and objectively offensive.

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## *Two Types of Sexual Harassment*

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- Quid Pro Quo (which means "This for that")
- Hostile Work Environment

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## *Quid Pro Quo (This for That)*

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The Latin term meaning "something for something". This can include requests for dates or sexual favors in exchange for employment, promotions, raises or assignments. The advances are made in such a way that implies that a work situation would be improved by consenting or hurt by declining the request.

Only a supervisor, manager or faculty member can commit quid pro quo harassment. Someone in a power position or decision-making position.

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## *Quid Pro Quo*

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### Abuse of Authority

When a supervisor interferes with an employee's work situation of a student's education environment because the employee or student rejects unwelcome sexual conduct or advances.

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## *Hostile Environment Sexual Harassment*

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"Behavior of a sexual nature or gender based that interferes with an individual's ability to work or study, or creates a hostile, offensive or intimidating work or learning environment."

Unwelcome and offensive gender-based conduct that is sufficiently severe or pervasive so as to materially alter the terms and conditions of employment (or education).

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## *Hostile Environment Sexual Harassment*

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It must be: Severe and Pervasive

Totality of Circumstances:

- \* Frequency
- \* Nature
- \* Duration
- \* Number of People Involved
- \* Co-Worker/Supervisor

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## *Sexual Harassment How, Where, Who*

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### How?

- Verbal
- Non-verbal
- Physical

### Where?

- Workplace
- After Hours
- Non-University Event

### Who?

- Supervisor (or person in a power position such as a teacher or coach)
- Co-worker
- Client/Customer/Member
- Vendor

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## *Who may be a Victim of Sexual Harassment?*

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Anyone at all

- Female by Male Harasser
- Male by Female Harasser
- Female by Female Harasser
- Male by Male Harasser

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## *Unlawful Harassment*

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Unlawful Harassment is unwelcome and offensive conduct that is based upon a person's protected status that affects the terms and conditions of employment.

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## *Unwelcome Conduct*

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Question: How can you tell if conduct is unwelcome?

Answer: Often, you can't!



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## *Offensive Conduct*

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Question: How can you tell if conduct is legally offensive?

Answer: When a "reasonable person" finds the conduct offensive.

Remember: INTENT is irrelevant.

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### *Examples of Verbal Harassing Behavior*

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- Sexually suggestive Comments
- Degrading words or names
- Sexual jokes or innuendo
- Comments about individual's body or appearance
- Comments about an individual's personal life, sexual preference, or gender expression
- Comments about a particular gender

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### *Examples of Non-Verbal Harassing Behavior*

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- Staring, suggestive looks, looking a person up and down (elevator eyes)
- Pictures, calendars, cartoons
- Unwelcome notes, gifts, mail, email
- Displaying gender specific materials
- Sexual flirtation
- Providing more favorable terms and conditions of employment to one gender over another

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### *Examples of Physical Harassing Behavior*

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- "Accidentally" brushing up against someone
- Friendly pats
- Squeezes or hugs
- Sexual relations
- Sexual flirtations, advances, or propositions

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### *What Does This Mean For Me*

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### *Monitor Your Own Conduct*

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- Does my conduct meet standards of professionalism?
- Does my conduct violate the University's policy on harassment?
- Does it violate any other University policy?

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### *Monitor Your Own Conduct*

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- Is there equal status and power between myself and the co-worker I am asking on a date?
- Does my conduct related to getting my job done?
- Would it be okay to read about that I said or did in the newspaper, or see it on the TV news?

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### *Would it pass the Grandmother test?*

Think before you act – is this something you would do or say in front of your Grandmother? Daughter? Wife? If not, you probably shouldn't do or say it.

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### *Early Intervention*

- Many potential harassment claims are avoided through simple communication.
- Tell the person you are uncomfortable with their behavior or are offended by their comments, pictures, etc.
- Often, a “harasser” is unaware of the impact of their behavior or comments.

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### *Preventing Sexual Harassment*

- It is impossible to precisely define sexual harassment
- As a member of the workplace community, you must be aware of the impact your conduct has on others
- The workplace is not your living room and different standards apply
- If you are concerned about a particular situation, consult with administration

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### *Reporting - How Do I Report?*



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### *Report Suspected Harassment To...*

- Your Supervisor
- A Manager, Director or Vice President
- The Human Resources Director

You can use any or all of these to report suspected harassment

Do not discuss suspected harassment only just only with a peer, seek assistance.

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### *Reporting Sexual Harassment*

- You are **expected** to report inappropriate conduct
- All complaints will be investigated
- The University has an Internal Complaint Process for harassment complaints. Failure to use the University's complaint procedure may interfere with the University's ability to correct the problem and may negatively impact the success of a legal claim against the University.
- Review the written complaint procedure

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### *What Happens After I Report?*

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- To every extent possible, the investigation will be kept confidential
- You may be asked to put your complaint in writing
- Any employee who administration determines has been engaged in harassment will be promptly disciplined

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### *Factors Affecting Sexual Harassment*

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- Did it involve verbal comments or physical contact?
- What was the frequency of the conduct?
- Was the conduct hostile or blatantly offensive?
- Was the harasser a peer or supervisor/professor?
- Did others join in the harassment?
- Was the harassment directed at more than one individual?

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### *You can also report sexual harassment to*

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#### Office of Civil Rights

NH Commission for Human Rights  
2 Chenell Drive  
Concord, NH 03301-8501  
(603) 271-2767  
[humanrights@nhsa.state.nh.us](mailto:humanrights@nhsa.state.nh.us)

Arizona Civil Rights Division  
Office of the Arizona Attorney General  
1275 W. Washington Street  
Phoenix, AZ 85007-2926 Tel: (602) 542-5263  
[civilrightsinfo@azag.gov](mailto:civilrightsinfo@azag.gov)

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### *What is Administrations responsibility when they get a complaint?*

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As a member of administration will

- Listen to the facts. Let the person talk and explain what happened. Do not add opinions or be judgmental.
- Take notes. Try to get times, dates and if there were any witnesses.
- Contact Human Resources immediately.

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### *What is Administrations responsibility when they get a complaint?*

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You must inform the employee that they are obligated by University policy to report the information that they have been given to the Human Resources Department for investigation.

They are not to attempt to confront, accuse or investigate the matter until they have discussed the matter with a Human Resources Representative.

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### *Confidentiality*

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A complainant's identity will be kept as confidential as possible. However, a certain amount of disclosure is required in order to conduct a thorough investigation, but it will be limited to only those individuals who are pertinent to the investigation.

Franklin Pierce University takes these matters very seriously and will not tolerate any retaliation towards you for making this complaint.

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## *Facing my accuser*

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Investigating a sexual or other unlawful harassment complaint is an internal, employment action. The person against who the complaint is lodged does not have a right to face his/her accuser.

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## *Resolution of an investigation*

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Because of privacy laws, the University can make the following statements to the complainant:

- The University has completed its investigation and concluded.
- If disciplinary action was taken, all the University can tell the complainant is that appropriate disciplinary action was taken.

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## *Retaliation is illegal*

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The University will not retaliate against you for:

- Complaining about harassment
- Filing a claim of harassment
- Participating in an investigation of harassment

### **REPORT RETALIATION IMMEDIATELY**

You may be disciplined or discharged if you retaliate against someone who complains about harassment or who participates in an investigation of harassment.

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## *What is my responsibility?*

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- Act as a role model in behavior and attitude
- Expect professionalism
- Do not engage or encourage dialogue that is sexual or discriminatory in nature.
- Know where the University's Sexual or Other Unlawful Harassment Policy is posted
- Consult with the Human Resources Department for advice, even if you're not sure a sexual or other unlawful harassment situation exists

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## *THINK TWICE!*

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- Do I treat people I work with as equals?
- Do I say or do anything relating to protected groups/persons that I would not say or do in their presence?
- While we are all over 18 yrs. old, there is a line we must not cross!
- Would I want what I say or do to appear in the local newspaper or on the TV news?

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## *Title IX*

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Title IX of the Educational Amendments –

A federal Statute prohibiting discrimination on the basis of sex in any educational program receiving federal funds.

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## *Federal Law*

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Title IX provides additional protections for students and employees with respect to discrimination and/or harassment. Discrimination and/or harassment shall be considered conduct which undermines overall morale and prevents the development of a truly productive learning and working environment.

Title IX also states that if a school knows or reasonably knows about student sexual harassment, then the school is required to take immediate action to eliminate the harassment, prevent recurrences and address the effects.

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## *Title IX*

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Violations of Title IX may result in the severest form of disciplinary action.

Sexual discrimination, as defined by Title IX, includes sexual harassment and sexual violence.

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## *Title IX*

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To report a Title IX violation, please contact the Title IX Coordinator:

Richard Marshall, Vice President for  
Finance & Administration at extension  
4244 or (603) 899-4244 or  
marshallr@franklinpiercedu

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