

Anti-Harassment and

Sexual Harassment Prevention Training

Employee (Non-Supervisor) Version | July 2020



IL Workplace Transparency Act [IL-PPA 101-0221]
IL State Board of Education Training on Bullying



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Learning Objectives

Define sexual harassment

Identify examples of sexual harassment

Recall other kinds of harassment against the law in Illinois

Know what to do if you are experiencing harassment

List of remedies if you experienced sexual harassment

Recall what happens after sexual harassment is reported



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What Would You Do?

Jason is a paraprofessional at Determination High School. Susan is a teacher in the classroom he works in.

They have had many pleasant conversations about the students and the subjects they are teaching.



Photo by Charles Deluvio on Unsplash



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What Would You Do?

Recently Susan has been hinting that she just got divorced and would be interested in going on a date with Jason. She whispers that he “won’t regret going out with her.”

Jason feels uncomfortable about these interactions and is not sure what to do.



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What Would You Do?

- a. Quit and not return to the classroom
- b. Give up and go on a date anyway
- c. Confide in a friend and continue to avoid the requests
- d. Report the issue to a supervisor or administrator



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What Would You Do?

- ~~a. Quit and not return to the classroom~~
- ~~b. Give up and go on a date anyway~~
- ~~c. Confide in a friend and continue to avoid the requests~~
- d. Report the issue to a supervisor or administrator



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What is Sexual Harassment?

Unwelcome

Sexual advances

Requests for Sexual Favors

Conduct of a Sexual Nature

Employment, Employment decisions

Work Performance or Environment



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“Working Environment”

Not limited to physical location

Does not require employment

In schools = a form of bullying

Individuals at work

Students in educational setting



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What is Sexual Harassment?

Conduct must be “unwelcome”

used as a basis for employment decisions impacting an employee or learning outcomes for a student

has the purpose or effect of interfering with an employee's work performance or student's learning outcomes

creates an intimidating, hostile, or offensive working or learning environment



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Sexual Harassment is not acceptable.

Violation of Human Rights

Violation of Federal Law

TITLE VII OF THE CIVIL RIGHTS ACT OF
1964 (AS AMENDED IN 1991)

TITLE IX OF THE EDUCATION
AMENDMENTS OF 1972



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Types of Sexual Harassment

Quid Pro Quo

A person in a position of authority trades or tries to trade job benefits for sexual favors

Anyone that is in a position of authority where he or she can grant or withhold job benefits or impact learning outcomes



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A Quid Pro Quo in the Workplace



Photo by Joanna Nix-Walkup on Unsplash

Shareen has worked as a direct support professional at Wilson Street Group Home for the past year.

One weekend the program manager, Alex, offered to promote her to a lead position in exchange for certain sexual favors.



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Quid Pro Quo Sexual Harassment Examples

Work:

Extra dollar per hour

Promotion

In exchange for sex

School:

Recommendations or Grades

In exchange for sexual favors



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Quid Pro Quo in School

Wasifa, an outgoing student on the school dance team, is failing Geometry. She asks her teacher for help to understand the material so she can pass the final exam, telling him that if she doesn't pass, she won't be able to dance in the national competition.

Mr. Johnson advises her she just needs to study harder and pay better attention, adding that he can fit her in for tutoring after school.



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Quid Pro Quo in School, continued



When Wasifa arrives for tutoring and starts asking questions about her study guide, Mr. Johnson puts his hand on her thigh and leans in very close to her.

Wasifa pushes his hand off her leg and says, "What are you doing?!" which makes Mr. Johnson angry. He tells her to leave, saying, "I'll be here if you change your mind."



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Types of Sexual Harassment

Hostile Work Environment

unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature

purpose or effect of interfering with an employee's work performance or student's learning performance, or

creates intimidating, hostile, or offensive working or learning environment



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Hostile Work Environment



Jamal and Marc are coworkers in a Community Day Services site where they work together supporting individuals with disabilities. Marc is a friendly and boisterous person. He is always joking around and likes to touch people on the arm or shoulder when joking with them.

Jamal and Marc have both been working with several in the program today putting together puzzles and playing games. They are joined by Marquita, a new DSP doing On-the-Job shadowing.



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Hostile Work Environment cont.



As Marquita gets up from the table to get a new puzzle for them to work on, Marc smacks Marquita on her behind. He then leans over to Jason and says, “The new chick is hot, right?”

This is a hostile environment for both Marquita and Jason. Marquita should not be touched without her permission and neither Marquita nor Jason should have to hear sexual and unprofessional comments about anyone in the workplace.



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Hostile Learning Environment



Karen and Miguel are both teachers at XYZ Middle School. Miguel just started teaching the seventh-grade math class this fall. Karen has been teaching eighth-grade English for the past five years.



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Hostile Learning Environment, continued

Miguel enters the teachers' lounge where Karen and another teacher, Aaron, are having a detailed discussion about Karen's date with her new boyfriend over the weekend. The conversation is loud enough that Miguel can overhear it.



Photo by Brooke Cagle on Unsplash

Sexual harassment can include conduct other than sexual advances and requests for sexual favors.



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Forms of Sexual Harassment

Verbal Conduct

- Suggestive comments
- Humor and jokes about sex
- Sexual propositions or threats
- Verbal pressure for sexual favors
- Spreading sexual rumors



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Forms of Sexual Harassment

Non-Verbal Conduct

- Suggestive or insulting sounds
- Obscene gestures
- Sexually suggestive body movement
- Inappropriate touching of oneself in front of another

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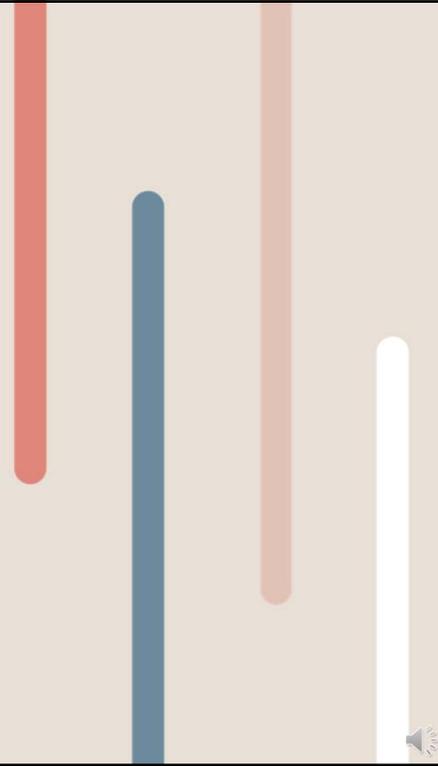
Forms of Sexual Harassment

Visual Conduct

Drawings

Pictures, Posters, Signs

Viewing pornographic material or websites



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Forms of Sexual Harassment

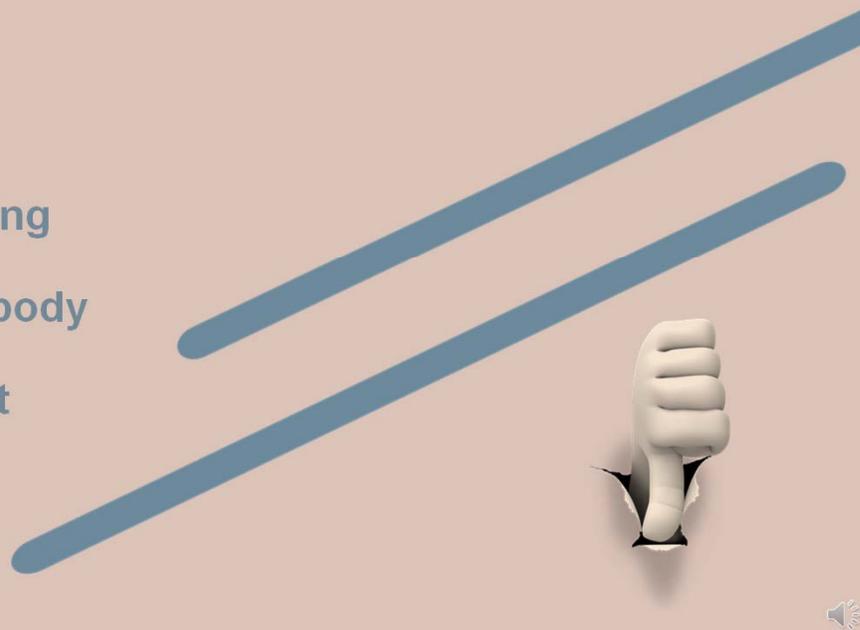
Physical Conduct

Unwelcome touching

Brushing body to body

Coerced sexual act

Sexual assault



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Purpose vs. Effect

I was just kidding

Geez, you're over-reacting, I brushed against you by accident

I didn't mean it like that at all- you're the one who's making it sexual

either its purpose or its effect

No matter what the harasser says about the purpose, what matters is the effect on the person being harassed.

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Forms of Sexual Harassment

Electronic Conduct

Sexting

Cyber stalking or threats

On-line postings such as Facebook or Twitter



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Forms of Sexual Harassment

Electronic Conduct Examples



Margo



Amir

Photo by jaikishan.patel on Unsplash

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Forms of Sexual Harassment

Non-Sexual Conduct



Gender

Race

Religion

National origin

Disability

Sexual orientation

Photo Credit: Chona Kasinger Disabled and Here <https://affecttheverb.com/disabledandhere/>

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Knowledge Check

Bob and Joan work in the same agency. Bob is Joan's supervisor. They have gotten to know each other pretty well and have a good working relationship. Bob has access to Joan's cell phone number from HR records since he is her supervisor. They also occasionally communicate by text regarding work.

One night while at home, Joan receives some text messages from Bob. When she opens them, she finds sexually-explicit photos and realizes with a shock the photos are of Bob. Joan is not interested in this way and finds the pictures offensive. Her stomach drops when she realizes she will have to see Bob at work tomorrow morning.



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Knowledge Check

What form of sexual harassment has Bob used?

- a. Visual
- b. Verbal
- c. Physical
- d. Electronic



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Knowledge Check

What form of sexual harassment has Bob used?

- a. Visual
- b. Verbal
- c. Physical
- d. Electronic



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Knowledge Check

Ramesh and Martin are coworkers in the same group home. Ramesh and Martin have gotten to know each other well since they work the same weekend shifts but have not made any plans outside of work hours.

This week, Martin notices that Ramesh is brushing up against him when they work in the same area and is intentionally putting his hand on Martin's. After a recent shift that was stressful, Martin was sitting at the computer entered data. Ramesh came up behind him and started massaging Martin's shoulders. Martin was uncomfortable and asked him to stop.



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Knowledge Check



What form of sexual harassment has Ramesh used?

- a. Visual
- b. Verbal
- c. Physical
- d. Electronic



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Knowledge Check



What form of sexual harassment has Ramesh used?

- ~~a. Visual~~
- ~~b. Verbal~~
- c. Physical
- ~~d. Electronic~~



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Knowledge Check

Crystal has Down syndrome. She has been a part of the Everytown Community Theater Troupe for a few years and absolutely loves being on stage, especially for musicals. Recently, during a post-rehearsal trip for ice cream and coffee, Crystal whispered to her best friend- not quietly- that Lucian, the assistant Director, “told me he would get me a bigger part in the next play and give me private acting lessons, but I have to keep it a secret. Can I say I am going shopping with you when I meet him?”

You overhear this, and happen to know that Lucian has nothing to do with choosing parts for the plays. His asking Crystal to keep secrets and lie about her plans doesn't sit right with you, either.

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Knowledge Check

What type of sexual harassment is this?

- a. Quid pro quo
- b. Hostile Work Environment



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Knowledge Check

What type of sexual harassment is this?

- a. Quid Pro Quo
- b. ~~Hostile Work Environment~~



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Victims of Sexual Harassment

Anyone can be a victim.

Other factors considered: age, nature of the conduct



Adults with IDD, children with disabilities

May not be able to communicate, or

May not have learned yet



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Victims of Sexual Harassment

Victim “goes along with” it, or

Doesn’t make a complaint

Do not assume the conduct was welcome or victim allowed it

Participation in conduct before does not automatically make all future contact welcome.



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Circumstances of Sexual Harassment

In the Workplace

Coworker’s texts asking repeatedly for dates

Supervisor’s or manager’s Quid Pro Quo

Third parties’ verbal conduct (interns, vendors, customers): catcalling and whistling at women

At School

Teacher assigns presentation topic “Can Kids be Gay?” to a bi-sexual student; all other students can choose their topic

Administrator tells jokes that demean women during quarterly All-Staff Meeting

Paraprofessionals flirt with each other and talk about last night’s date during student’s tutoring

Dietary Aide tells a student, “You can have extra lunches next week if you meet me this weekend.”



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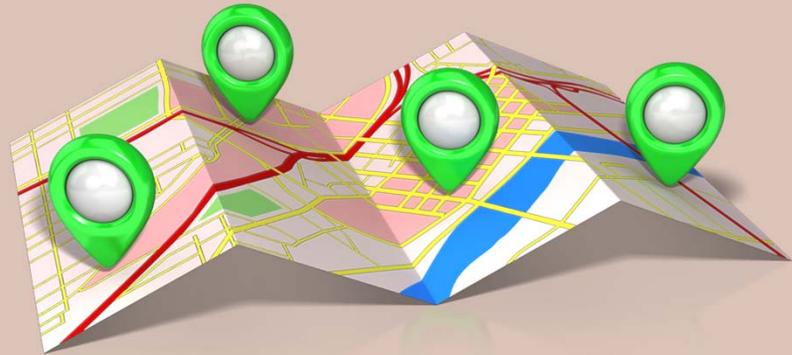
Where Can Sexual Harassment Take Place?

Anywhere work or learning is taking place.

Facilities

Modes of transportation

Off-site locations



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Responsibilities, Policies and Procedures

- ✓ educate employees and students about sexual harassment
- ✓ policies and procedures for what employees and students should do when this occurs
- ✓ regular training

Title IX mandates:

written policy against sexual discrimination

procedures for investigating complaints & grievance

Title IX Coordinator

specialized training



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Mandated Reporting

Who is required to report sexual harassment?

Anyone who witnesses the harassment

Who should sexual harassment be reported to?

Managers, supervisors

Teacher, principal, administrator, security office

Title IX Coordinator in schools

Corporate Compliance Officer



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Employer Liability

Perpetrated by Management whether they knew or not

Perpetrated by Employee or Non-Employee if they knew and failed to take corrective action

Employer Responsibilities

Prevent

Investigate

Correct



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Employer Responsibilities: Prevention

Sexual harassment policy

Training

How to report

Monitoring

Lead by example

Conduct a climate check



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Employer Responsibilities: Investigation

Immediately respond

Protect complainant from retaliation

Conduct interviews

Identify the alleged perpetrator(s)

Document

Take corrective action



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Investigation: Take Corrective Action

**Disciplinary
Action**

**Counseling
Training**

**Reduce Future
Incidents**

**Informal
Resolution**

**Teaching
Students**



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Investigation: Support the Victim

**Regular
Intervals**

**Free from
Harassment?**

**Ongoing
Remedial Steps**

Supervision

**Emotional/
Psychological
Support**



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Photo by [freestocks](#) on [Unsplash](#)

Investigation: Confidentiality Requirements

Make every attempt to maintain confidentiality.

Some factors that may impact the request include:

- Seriousness of allegation
- Age of the victim
- Complaints of harassing others
- Employer or school responsibility



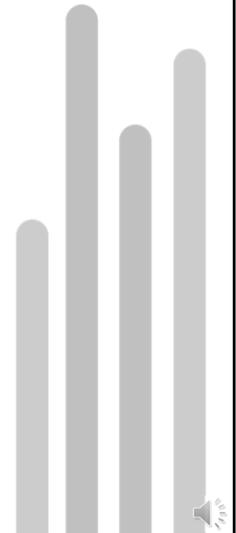
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Title IX

Investigation: Protection from Retaliation

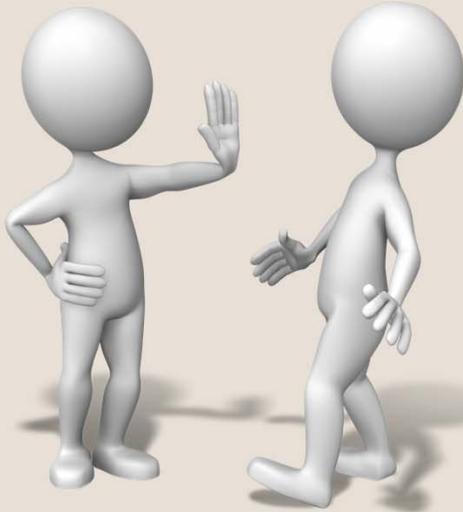
Protects students from retaliation:

- Steps must be taken to prevent retaliation
- Follow-up inquiries with victim
- Counseling with harasser
- Retaliation results in strong disciplinary responses



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What are Your Rights?



- Right to tell the person to stop
- Right to report the sexual harassment



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Reporting Sexual Harassment

Photo by LinkedIn Sales Navigator on Unsplash



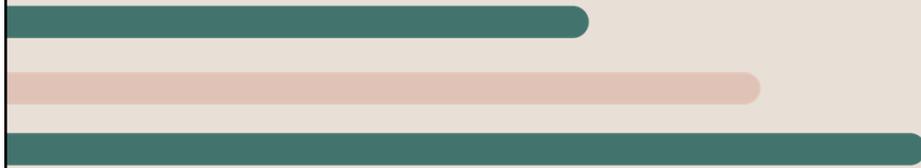
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Options to Report Sexual Harassment

1. Call the State of Illinois Sexual Harassment & Discrimination Helpline

877 - 236 – 7703

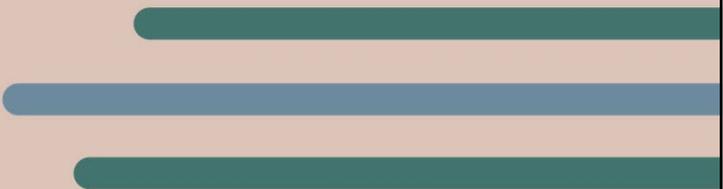
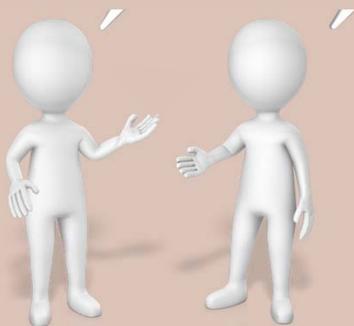
www.Illinois.gov/SexualHarassment



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Options to Report Sexual Harassment

2. Report the Incident to Your Employer or School Representatives



Manager | Supervisor | Teacher | Administrator

Human Resources staff | Designated Sexual Harassment Reporting Officer

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Options to Report Sexual Harassment

3. File a Charge with the Illinois Department of Human Rights)

1-800-662-3942 | www.Illinois.gov/DHR



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Remedies Available under the Illinois Human Rights Act

File a lawsuit in civil court or a Complaint with the IL HRC

Remedies can include:

back pay | lost benefits | clearing of a personnel file

damages | hiring | promotion | reinstatement

front pay where reinstatement is not possible

attorney's fees and costs



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Options to Report Sexual Harassment

4. File a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)

To file a charge, call or visit online: 1-800-669-4000 | www.EEOC.GOV

File a lawsuit in federal court | EEOC facilitates “conciliation”

Remedies can include:

back pay | lost benefits | clearing of a personnel file

damages | hiring | promotion | reinstatement

front pay where reinstatement is not possible

punitive damages | attorney’s fees and costs



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Knowledge Check

Janae’ is a QIDP who works for an agency. She has been there about 5 years now and is thinking about what she wants to do with her career and future in the field. She’s been speaking to her supervisor Greg about it, and she feels he hasn’t taken it seriously. The topic came up again today, and Greg said, “Janae’, you don’t need another degree. Just date a VP.”

Janae’ wants to report this discussion to someone, but Greg is her supervisor and the VP of HR is also a man.



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Knowledge Check

What are Janae's options for reporting this?
Choose all that apply.

- a. File a Charge with the EEOC
- b. Call the State of Illinois Sexual Harassment & Discrimination Helpline
- c. File a Complaint with the IDHR
- d. Report it to a female VP at her agency



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Knowledge Check

What are Janae's options for reporting this?
Choose all that apply.

- a. File a Charge with the EEOC
- b. Call the State of Illinois Sexual Harassment & Discrimination Helpline
- c. File a Complaint with the IDHR
- d. Report it to a female VP at her agency



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What about Retaliation?



An employer or school cannot take retaliation against anyone that:

Reports allegations of sexual harassment, or

Provides information or testifies in connection with an investigation, hearing, or other inquiry, or

Participates in a proceeding to enforce policies of the employer or school



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Conclusion



Definition of sexual harassment

Types and forms of sexual harassment

Who the victims and perpetrators of sexual harassment are



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Conclusion

Where sexual harassment may take place

Employer and school responsibilities

Your rights

How to report



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Resources

Checklist for a Comprehensive Approach
to Addressing Harassment

<http://www2.ed.gov/about/offices/list/ocr/checklist.html>



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Please take the Quiz.

You must pass the Quiz with a score of at least 80% in order to receive credit for completing this training. You can rewatch the video as many times as you need to and retake the Quiz as many times as you need to, until you achieve a passing score.

Thank you.

