



## About Sexual Harassment:

### What is Sexual Harassment?

Unwelcome conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; 2) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or 3) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes.

### Sexual harassment means bothering someone in sexual way?

o **True:** Sexual harassment is an unwanted act or behavior that is sexual in nature that negatively affects an individual's work or academic environment. If the conduct is not sexual in nature, it may be considered another form of harassment.

### Sexual harassment must persist over a long period of time to be considered actionable?

o **False:** A single incident can be considered sexual harassment.

### A consensual sexual relationship between two people cannot be deemed sexual harassment?

o **False:** The issue is not one of consent. The issue is whether the advances are welcome. One may consent and yet not welcome the advances. In

situations involving two people of unequal status, a subordinate may be unable to refuse sexual advances due to the fear of adverse employment or education action.

### Sexual harassment can be perpetrated by a subordinate against his or her supervisor?

o **True:** Even though instances of sexual harassment most often involve a power differential, it is not necessary for the harasser to have more power or authority than the victim. A subordinate employee can create a hostile environment for his or her supervisor.

### If you believe you have been sexually harassed, you need not personally confront the harasser to give him/her a chance to correct the behavior before reporting the conduct?

o **True:** There is no requirement that a person who has been harassed personally confront the harasser with objections to the conduct.

### You make a sexually charged joke at work. Your co-workers all seem to laugh and enjoy that humor. This does not constitute sexual harassment since it is not "unwelcome" conduct?

o **False:** The test has two components: Victim's subjective standard, and reasonable person's objective standard. The victim could allege he or she laughed to avoid an adverse reaction from the rest of the co-workers or supervisor. In addition, the reasonable person test would consider the severity and pervasiveness of the joke(s).