

Sexual Harassment Case Studies

- Let's take a look at a few scenarios that help explain the kind of behaviors that can constitute sexual harassment.
- These examples describe inappropriate behavior in the workplace that will be dealt with by corrective action, including disciplinary action.
- Remember, it is up to all employees to report inappropriate behavior in the workplace.

Not Taking “No” for an Answer

Li Yan's coworker Ralph has just been through a divorce. He drops comments on a few occasions that he is lonely and needs to find a new girlfriend.

Li Yan and Ralph have been friendly in the past and have had lunch together in local restaurants on many occasions. Ralph asks Li Yan to go on a date with him—dinner and a movie. Li Yan likes Ralph and agrees to go out with him. She enjoys her date with Ralph but decides that a relationship is not a good idea. She thanks Ralph for a nice time, but explains that she does not want to have a relationship with him.

Ralph waits two weeks and then starts pressuring Li Yan for more dates. She refuses, but Ralph does not stop. He keeps asking her to go out with him.



When Ralph first asked Li Yan for a date, this was sexual harassment.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or

Your answer:

You did not answer this question

Try again

before continuing

Submit

Clear

When Ralph first asked Li Yan for a date, this was sexual harassment.

- **FALSE:** Ralph's initial comments about looking for a girlfriend and asking Li Yan, a coworker, for a date are not sexual harassment. Even if Li Yan had turned Ralph down for the first date, Ralph had done nothing wrong by asking for a date and by making occasional comments that are not sexually explicit about his personal life.

Li Yan cannot complain of sexual harassment because she went on a date with Ralph.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or

Your answer:

You did not answer this question

Try again

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Clear

Li Yan cannot complain of sexual harassment because she went on a date with Ralph.

- **FALSE:** Being friendly, going on a date, or even having a prior relationship with a coworker does not mean that a coworker has a right to behave as Ralph did toward Li Yan. She has to continue working with Ralph, and he must respect her wishes and not engage in behavior that has now become inappropriate for the workplace.

Not Taking “No” for an Answer: Part 2

Li Yan complains to her supervisor, and the supervisor (as required) reports her complaint to the person designated by her employer to receive complaints.

Ralph is questioned about his behavior and he apologizes. He is instructed by the designated person to stop. Ralph stops for a while but then starts leaving little gifts for Li Yan on her desk with accompanying love notes.

The love notes are not overtly offensive, but Ralph's behavior is starting to make Li Yan nervous, as she is afraid he may start stalking her.



Ralph's subsequent behavior with gifts and love notes is not sexual harassment because he has stopped asking Li Yan for dates as instructed. He is just being nice to Li Yan because he likes her.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or

Your answer:

You did not answer this question

You must answer the question
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Clear

Ralph's subsequent behavior with gifts and love notes is not sexual harassment because he has stopped asking Li Yan for dates as instructed. He is just being nice to Li Yan because he likes her.

FALSE: Li Yan should report Ralph's behavior. She was entitled to have effective assistance in getting Ralph to stop his inappropriate workplace behavior. Because Ralph has returned to pestering Li Yan after being told to stop, he could be subject to serious disciplinary action for his behavior.

The Boss with a Bad Attitude

Sharon transfers to a new location with her employer. Her new supervisor, Paul, is friendly and helps her get familiar with her new job duties. After a few days, when no one else is around, Paul comes over to Sharon's work area to chat.

Paul talks about what he did last night, which was to go to a strip club. Sharon is shocked that Paul would bring up such a topic in the workplace and says nothing in response. Paul continues talking and says that all the women in the office are so unattractive that he needs to get out and “see some hot chicks” once in a while. He tells Sharon he is glad she joined the staff because, unlike the others, she is “easy on the eyes.”

Sharon feels very offended and demeaned that she and the other women in her workplace are being evaluated on their looks by their supervisor.



Because Paul did not tell Sharon that she is unattractive, he has not harassed her.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or
press the spacebar to return to the question

Your answer:

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You must answer the question
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Clear

Because Paul did not tell Sharon that she is unattractive, he has not harassed her.

FALSE: Paul has made sexually explicit statements to Sharon, which are derogatory and demeaning to Sharon and her female coworkers. It does not matter that Paul supposedly paid Sharon a “compliment.” The discussion is still highly offensive to Sharon, as it would be to most reasonable persons in her situation.

By bringing up his visit to the strip club, Paul is engaging in inappropriate workplace behavior.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or

Your answer:

You did not answer this question

You must answer the question
before continuing

Submit

Clear

By bringing up his visit to the strip club, Paul is engaging in inappropriate workplace behavior.

TRUE: Simply bringing up the visit to the strip club is inappropriate in the workplace, especially by a supervisor, and it would be appropriate for Sharon to report this conduct. A one-time comment about going to a strip club is behavior that Paul would be told to stop, even though it probably would not rise to the level of unlawful harassment, unless it was repeated on multiple occasions.

Paul should be instructed to stop making these types of comments, but this is not a serious matter.

- A) True
- B) False

Correct - Click anywhere or press
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Incorrect - Click anywhere or

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Clear

Paul should be instructed to stop making these types of comments, but this is not a serious matter.

FALSE: Paul's comments about the female employees are a serious matter and show his contempt for women in the workplace. Paul is required to model appropriate behavior, and must not exhibit contempt for employees on the basis of sex or any protected characteristic. Sharon should not have to continue to work for someone she knows harbors such contempt for women, nor should the other employees have to work for such a supervisor. Management should be aware of this, even if the other employees are not, and Paul should be disciplined and, most likely, removed from his current position.

An Issue about Appearances

Leonard works as a clerk typist for a large employer. He likes to wear jewelry, and his attire frequently includes earrings and necklaces. His boss, Margaret, thinks it's "weird" that, as a man, Leonard wears jewelry and wants to be a clerical worker. She frequently makes sarcastic comments to him about his appearance and refers to him "jokingly" as her office boy.

Leonard, who hopes to develop his career in the area of customer relations, applies for an open promotional position that would involve working in a "front desk" area, where he would interact with the public. Margaret tells Leonard that if he wants that job, he had better look "more normal" or else wait for a promotion to mailroom supervisor.



Leonard's boss is correct to tell him wearing jewelry is inappropriate for customer service positions.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or
press the spacebar to return to the question

Your answer:

You did not answer this question

You must answer the question
before continuing

Submit

Clear

Leonard's boss is correct to tell him wearing jewelry is inappropriate for customer service positions.

FALSE: Leonard's jewelry is only an issue because Margaret considers it unusual for a man to wear such jewelry. Therefore, her comments to Leonard constitute sex stereotyping.

An Issue about Appearances: Part 2

Margaret also is “suspicious” that Leonard is gay, which she says she “doesn't mind,” but she thinks Leonard is “secretive.”

She starts asking him questions about his private life, such as “Are you married?” “Do you have a partner?” “Do you have kids?”

Leonard tries to respond politely “No” to all her questions but is becoming annoyed. Margaret starts gossiping with Leonard's coworkers about his supposed sexual orientation.



Leonard is the recipient of harassment on the basis of sex and sexual orientation.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or

Your answer:

You did not answer this question

You must answer the question
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Clear

Leonard is the recipient of harassment on the basis of sex and sexual orientation.

TRUE: Leonard is harassed on the basis of sex because he is being harassed for failure to adhere to Margaret's sex stereotypes. Leonard is also harassed on the basis of his perceived sexual orientation. It does not matter whether or not Leonard is a gay man in order for him to have a claim for sexual orientation harassment.

Leonard might also be considered a victim of harassment on the basis of gender identity, which is a form of sex and/or disability discrimination prohibited by the Human Rights Law. Leonard should report Margaret's conduct, which is clearly a violation of the sexual harassment policy, to a person designated by his employer to receive complaints (i.e. his employer's "designee").

An Issue about Appearances: Part 3

Leonard decides that he is not going to get a fair chance at the promotion under these circumstances, and he complains to the employer's designee about Margaret's behavior.

The designee does an investigation and tells Margaret that Leonard's jewelry is not in violation of any workplace rule, that she is to consider him for the position without regard for his gender, and that she must stop making harassing comments, asking Leonard intrusive questions, and gossiping about his personal life.

Margaret stops her comments, questions, and gossiping, but she then recommends a woman be promoted to the open position. The woman promoted has much less experience than Leonard and lacks his two year degree in customer relations from a community college.

Leonard has likely been the victim of discrimination on the basis of sex, sexual orientation and/or retaliation.

- A) True
- B) False

Correct - Click anywhere or press
Control Y to return to the question

Incorrect - Click anywhere or

Your answer:

You did not answer this question

You must answer the question
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Clear

Leonard has likely been the victim of discrimination on the basis of sex, sexual orientation and/or retaliation.

TRUE: We don't know Margaret's reason for not recommending Leonard for the promotion, but it is not looking good for Margaret. It appears that she is either biased against Leonard for the same reasons she harassed him, or she is retaliating because he complained, or both.

Leonard should speak further with the employer's designee, and the circumstances of the promotion should be investigated. If it is found that Margaret had abused her supervisory authority by failing to fairly consider Leonard for the promotion, she should be subject to disciplinary action.

This scenario shows that sometimes more severe action is needed in response to harassment complaints, in order to prevent discrimination in the future.

- Conduct yourself in a professional manner at all times.
- Know your right to work in an environment free from sexual harassment.
- Speak up!
- Treat people the way they want to be treated.

