Navigating the Gray Shades of Sexual Harassment

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Sarah quickly removes the sexual image taped to her car window. This is the fourth time this week…

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See data on the top 10 categories of sexual harassment

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Navigating the Gray Shades of Sexual Harassment

Janice looks down at her keyboard and cringes. John is telling another joke. Everyone in the office always laughs and thinks John’s jokes are funny, but they make Janice feel very uncomfortable.

Pastor Marcus inhales sharply as Sally’s hand trails across his thigh in the middle of church board meeting. The first time her hand touched him under the table, he thought it had been an accident. Now he isn’t so sure.

Sarah quickly removes the sexual image taped to her car window. This is the fourth time this week. Who was doing this? What if one of the student’s parents saw it? She expected her first year of teaching to be unique, but she didn’t expect this.

Sexual harassment can create some complicated situations. Sex-related harassment made up about 30 percent of workplace discrimination charges filed with the Equal Employment Opportunity Commission (EEOC) in 2014. According to the EEOC, U.S. employers spent $35 million dollars settling sexual harassment cases filed with the EEOC outside of court that same year.

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What is Sexual Harassment?

Both men and women can harass and be harassed, and the victim and the harasser can be the same sex. Males filed about 18 percent of charges alleging sexual harassment made to the EEOC in 2014. The harasser can also be a client or a service professional who regularly visits the workplace.

Sexual harassment can include:

- A direct or implied pressure or request for sexual favors or activity
- Unwelcome sexual flirtation or propositions
- Unnecessary or inappropriate touching of a sexual or abusive nature
- Sexually suggestive pictures, drawings, cartoons or objects worn on the person or displayed in offices, places of business, or on vehicles
- Threats or demands for sexual favors

According to the EEOC, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment, or when it results in an adverse employment decision (such as the victim being fired or demoted).

Sexual harassment is like being bullied, said Bob Burrow, Vice President and Chief Legal Officer of Adventist Risk Management, Inc.
“If some guy shoves you in the hall once in the whole school year, you aren’t being bullied. If some guy shoves you every day, then you are being bullied. It’s the same thing with the hostile work environment. It has to be to the level where it interferes with your ability to do your job,” said Burrow. “The odd crass or offensive remark won’t create a hostile environment, there has to be pervasiveness to it. Meaning, it has to be an everyday kind of deal.”

Navigating Gray Situations for Employees

Most places of employment have harassment policies that instruct employees who believe they have been harassed to:

1. Make it clear that such conduct is offensive and should be stopped immediately.
2. Report the incident immediately to the department manager, the HR manager or the president.
3. Follow the initial report with a written statement describing the incident and identifying potential witnesses.

Church workers and church schoolteachers who are unable to report the incident at the local church level can report the incident to their supervisor at the conference level. If employers do not follow up on the incident report, individuals can also file a report with the EEOC.

Navigating Gray Situations as Employers

Once an incident has been reported, the employer should:

1. Request and receive a written report of the incident.
2. Read it.
3. Interview the individual to assess the extent of the harassment and learn the names of witnesses.
4. Interview witnesses to clarify the situation and further assess the level of harassment.
5. Bring the report to the accused to further clarify the situation.
6. Take action depending on the level of threat.

Employers can help prevent sexual harassment litigation by providing more education on how to handle harassment incidents. This should include informing church employees what to do when they observe or are subject to harassment, and clarifying who to report an incident to at the conference level.

“[Church employees] need to understand that the conferences are committed to having work environments where this type of behavior does not occur,” said Burrow.

Where Do I Draw the Line?

“To know if you are harassing someone, perform a self-check,” suggests Andrea Ashman, Manager of Human Resources for Adventist Risk Management, Inc.
Ask yourself:

1. Am I getting too familiar with this person?
2. Am I touching this person?
3. Are my jokes too much?
4. Do I find myself desiring to spend time with this person?

If you find yourself wanting the person’s personal phone number, then you may be crossing the line and should make a conscious effort to return the relationship to a more professional level.

If you feel that you may have harassed someone unintentionally, and the individual did not report the incident, Ashman suggested calling him or her to correct any misconceptions.

“Call the person on the phone and say, ‘Mary Jane, I said something to you the other day and I just wondered if you were offended. Because if you were, that was not my intention,’” said Ashman. “If you have the feeling that you have over-stepped your bounds, apologize and then make a conscious effort to watch yourself.”

Seventh-day Adventists value all human beings as children of God and are responsible to create safe environments free from harassment. Through education on how to prevent and properly handle incidents, both church employers and employees can be prepared to navigate the gray shades of sexual harassment.

by: ANNA BARTLETT

WRITER & EDUCATION SPECIALIST

Adventist Risk Management, Inc.

References:
Adventist Risk Management Employee Handbook, Reissued January 2014
http://www.eeoc.gov/eeoc/newsroom/release/2-4-15.cfm
http://www.eeoc.gov/eeoc/publications/fs-sex.cfm
http://www.eeoc.gov/laws/types/sexual_harassment.cfm
These percentages add up to more than 100 because some charges allege multiple bases, such as discrimination on the bases of race and color, or sex and retaliation.

This table shows charge data for sexual harassment allegations (harassment allegations are only included if they are also alleged in a charge).

This table only shows charges filed with the EEOC.

### TOP 10 CATEGORIES OF WORKPLACE DISCRIMINATION CHARGES FILED WITH THE EEOC IN 2014.

<table>
<thead>
<tr>
<th>Category</th>
<th>% of Charges Filed</th>
</tr>
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<tbody>
<tr>
<td>Retaliation under all statutes</td>
<td>42.8%</td>
</tr>
<tr>
<td>Race (including racial harassment)</td>
<td>35%</td>
</tr>
<tr>
<td>Sex (including pregnancy and sexual harassment)</td>
<td>29.3%</td>
</tr>
<tr>
<td>Disability</td>
<td>28.6%</td>
</tr>
<tr>
<td>Age</td>
<td>23.2%</td>
</tr>
<tr>
<td>National Origin</td>
<td>10.8%</td>
</tr>
<tr>
<td>Religion</td>
<td>4%</td>
</tr>
<tr>
<td>Color</td>
<td>3.1%</td>
</tr>
<tr>
<td>Equal Pay Act</td>
<td>1.1%</td>
</tr>
<tr>
<td>Genetic Information Non-Discrimination Act</td>
<td>0.4%</td>
</tr>
</tbody>
</table>

### CHARGES ALLEGING SEXUAL HARASSMENT FY 2010 - FY 2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2010</td>
<td>7,944</td>
</tr>
<tr>
<td>FY 2011</td>
<td>7,809</td>
</tr>
<tr>
<td>FY 2012</td>
<td>7,571</td>
</tr>
<tr>
<td>FY 2013</td>
<td>7,256</td>
</tr>
<tr>
<td>FY 2014</td>
<td>6,862</td>
</tr>
</tbody>
</table>

### References
- http://www.eeoc.gov/eeoc/newsroom/release/2-4-15.cfm