

# Sexual Harassment and Gender Bias

Belmont Public Schools

# Introduction and norms

- Be present
- Put electronics away
- Lean in and lean out
- Respect opinions
- Hold a perspective that is different from your own
- Not legal advice

# Learning objectives

- Participants will learn about
  - Laws related to discrimination and harassment
  - Harassment-sexual and other
  - Gender Bias
  - Recognize and identify inappropriate behaviors that might be considered general harassment and /or sexual harassment

Laws that  
relate to  
discrimination

Title IX

Title VII

Massachusetts  
General Laws 151 B

# Title IX of the Education Amendments Act of 1972

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

# Title VII of the Civil Rights Act of 1964

Federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. It generally applies to employers with 15 or more employees, including federal, state, and local governments.

# Massachusetts General Law 151B: Protected Categories

- AGE
- GENDER
- CRIMINAL RECORDS  
(APPLICATIONS ONLY)
- RACE OR COLOR
- NATIONAL ORIGIN OR  
ANCESTERY
- RELIGION
- SEXUAL ORIENTATION
- DISABILITY
- GENETICS
- MILITARY PERSONNEL
- GENDER  
IDENTITY/GENDER  
EXPRESSION
- **RETALIATION**

Employment actions based on these  
factors are unlawful

# FORMS OF DISCRIMINATION

- Disparate Treatment
- Disparate Impact
- Accommodation
  - Disability
  - Religion
- Harassment
  - Sexual
  - Non-Sexual



# Legal definition of Sexual Harassment

**Unwelcome** sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

# Behavior becomes illegal when

1. enduring the offensive conduct becomes a condition of continued employment, and/or
2. the conduct is severe or pervasive enough to create a work environment that a **reasonable** person would consider intimidating, hostile, or abusive.

Who is  
discriminating  
against  
whom?

Male to Male

Male to Female

Female to Female

Female to Male

# Two types of Sexual Harassment

Quid Pro  
Quo

Hostile  
Environment

# Sexual Harassment: Quid Pro Quo

- Submission to or rejection of sexual advances, requests for sexual favors, or other sexual conduct is explicitly or implicitly a term or condition of employment
- Submission to or rejection of conduct is a basis for employment decisions

# Sexual Harassment: Hostile Environment

Verbal or physical conduct that unreasonably interferes with an individual's work performance by creating an intimidating, hostile, or offensive work environment based on their membership in a protected category

# Sexual Harassment: Hostile Environment

Sexual jokes,  
slurs, epithets or  
name calling

Written or verbal  
sexual  
references

Offensive  
pictures or  
objects

Comments on  
one's body

Leering,  
whistling,  
brushing against  
the body

Gestures

Inquiries into or  
discussions of  
sexual activities

Ridicule,  
mockery

Insults or put-  
downs

# Sexual Harassment: Hostile Environment

## Who is the Victim?

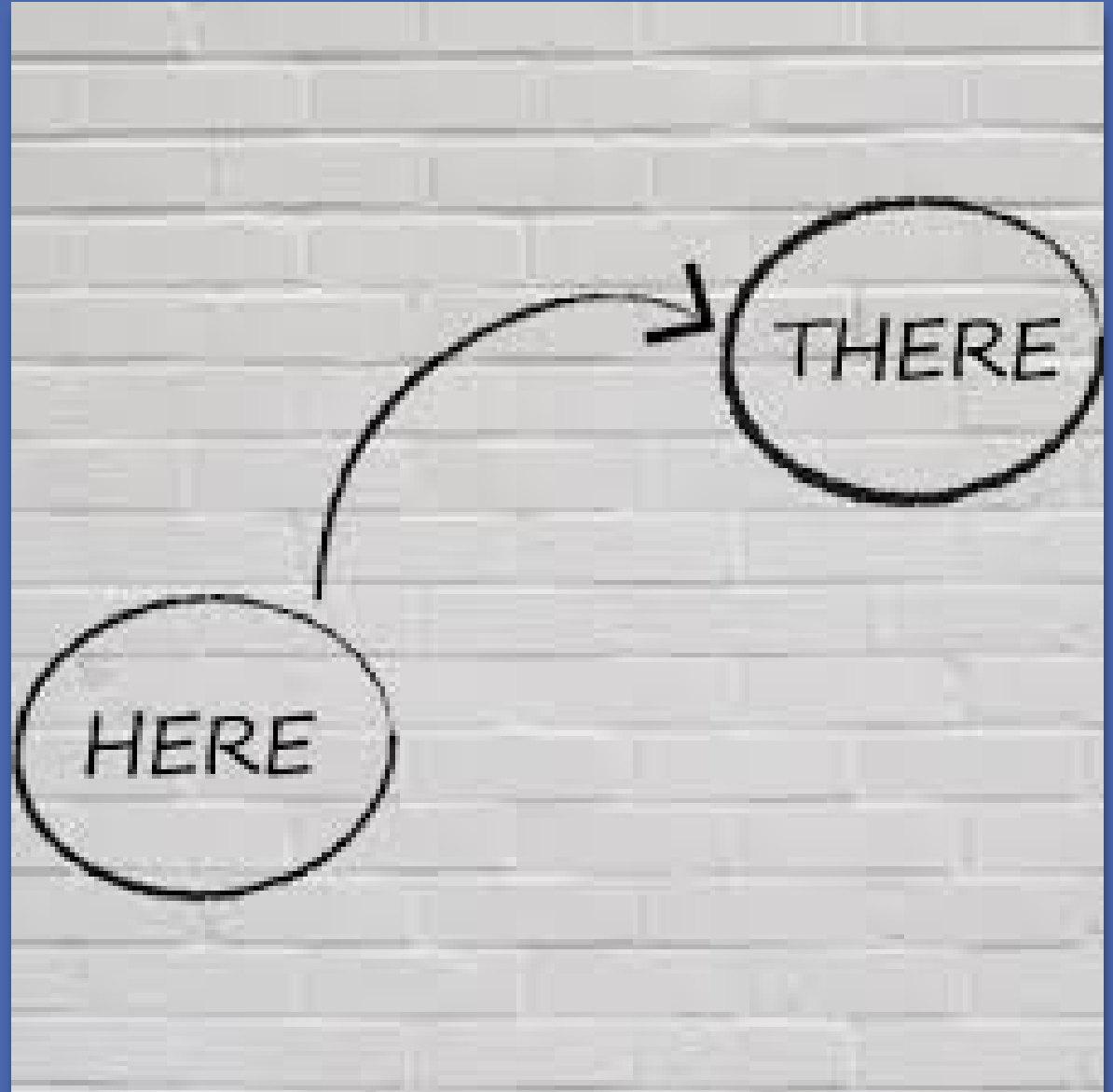
- The person being harassed and/or
- Anyone affected by the offensive conduct

## Who is the Harasser?

- Victim's Supervisor
- Any Supervisor
- An agent of the employer
- A co-worker
- A non-employee



Sexual  
Harassment/Gender  
Discrimination vs  
Gender Bias



# Gender Bias vs Gender Discrimination

## Gender Bias

- Is a mental state
- A preference or prejudice toward one gender over the other
- Can be conscious or unconscious

## Gender Discrimination

- Is an action
- What someone does with what they think—a manifestation of one's bias

# Gender bias shows up in

Professional obstacles

Unequal pay

Interview Questions

- Maternity bias
- Confirmation bias-predetermined opinion
- Affinity bias

Diminished responsibilities

Restrooms and Accommodations

Positions, Promotions, and Roles

Pregnancy Discrimination

Conversations

Glass ceilings

Sexual Harassment

# Who is covered?

Employees are protected from all forms of discrimination by anyone who enters the "workplace"

# What do I do?



- When in doubt report
- See something say something
- Feel something say something
- Be an Upstander not a Bystander

# Why don't we report?

Fear

Fear we're not right: failure to trust our gut

Fear

Fear of retaliation

Fear

Fear that we will not be taken seriously

Fear

Fear that nothing will change

# Employee Responsibility

1

Monitor your own  
behavior

2

Communicate with  
your supervisor

3

Cooperate with  
any investigation

# Supervisor Responsibilities

## Monitor

Monitor your own behavior

## Monitor

Monitor the environment and counsel anyone who behaves inappropriately

## Report

Report potential policy violations

## Prevent

Prevent retaliation



# Employer Liability

If a supervisor is involved in the discriminatory actions, the employer may be liable even if:



The employee does not complain



Remedial action is taken

# INDIVIDUAL LIABILITY

An individual may be liable for:

His or her own discriminatory behavior

Failing to act when they know or should have known about discrimination