
HARASSMENT IN THE WORKPLACE: HOW TO AVOID THE PITFALLS

Law and UW Policy Prohibit Harassment By

- Managers and supervisors
- Faculty and TA/RA's
- Co-workers
- Students
- Clients, vendors and members of the public

The Law Prohibits Harassment Based On

- Race or Color
- National origin
- Religion or Creed
- Age
- Sex or Gender
- Sexual Orientation
- Veteran Status
- Marital status
- Disability

Harassment

- Unwelcome conduct
- Based on an individual's protected class status
- That is severe and pervasive enough to alter the terms and conditions of employment

Unwelcome

- Conduct that a person:
 - Did not invite, and
 - Regards as offensive
- The person does not have to complain that conduct is offensive or uninvited
- Complainant can be anyone affected by the harassing conduct and does not have to be the person to whom the harassing conduct is directed

Severe And Pervasive Conduct

- Totality of circumstances considered
- “Reasonable person” standard used

Examples Of Unwelcome Conduct

- Verbal conduct, *e.g.*, jokes, slurs, asking someone out, commenting on sexual prowess
- Written conduct, *e.g.*, email, documents, photographs, posters, screen savers
- Physical conduct, *e.g.*, contact, blocking movement with or without contact
- Gestures, *e.g.*, simulating inappropriate acts, suggestive motions, unwelcome gifts

Conduct That Is Typically NOT Harassment or Policy Violation

- Faculty member willingly accepts staff member's invitation to go to dinner
- Faculty member dates student over whom she has no authority
- Supervisor is dismissive of all subordinate employees, regardless of protected class status

Severe And Pervasive Conduct

- Totality of circumstances considered
- “Reasonable person” standard used

Personal Liability

- Harasser and supervisor can be personally liable
- Victim can recover
 - Lost salary
 - Lost benefits
 - Emotional distress
 - Medical costs
 - Attorney's fees

Limiting Liability For Harassment By Supervisor

- Employer must establish, disseminate and enforce an anti-harassment policy
- Employer must take prompt, remedial action when it learns of a complaint – even if complainant asks you not to
- Prompt action occurs within 24 to 48 hours
- Remedial action cannot adversely affect the complainant