

Sexual Harassment Training Case Studies

SINCLAIRVILLE FREE LIBRARY

Library staff, trustees and volunteers should read through each case study including the questions and answers provided by NYS to gain a better understanding of what constitutes sexual harassment.

Interactive Case Studies with Questions & created by NYS Department of Labor and NYS Department of Human Rights. Note: Content was slightly modified to better reflect the library industry. **

Case Study #1: Not Taking "No" for an Answer

Sheila and Tim work together at the Circulation Desk. Tim has just been through a divorce. He drops comments on a few occasions that he is lonely and needs to find a new girlfriend. Sheila and Tim have been friendly in the past and have had lunch together in local restaurants on many occasions. Tim asks Sheila to go on a date with him—dinner and a movie. Sheila likes Tim and agrees to go out with him. She enjoys her date with Tim but decides that a relationship is not a good idea. She thanks Tim for a nice time, but explains that she does not want to have a relationship with him. Tim waits two weeks and then starts pressuring Sheila for more dates. She refuses, but Tim does not stop. He keeps asking her to go out with him.

Question 1. When Tim first asked Sheila for a date, this was sexual harassment. **True or False?**

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

Question 2. Sheila can't complain of sexual harassment because she went on a date with Tim. **True or False?**

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 Tim did toward Sheila. She has to continue working with Tim, and he must respect her wishes and not engage in behavior that has now become inappropriate for the workplace.

Sheila complains to her Circulation Desk Supervisor, and the supervisor reports her complaint to the Library Director. Tim is questioned about his behavior and he apologizes. He is instructed by the director to stop. Tim stops for a while but then starts leaving little gifts for Sheila on her desk with accompanying love notes. The love notes are not overtly offensive, but Tim's behavior is starting to make Sheila nervous, as she is afraid he may stalk her.

Question 3. Tim's subsequent behavior with gifts and love notes is not sexual harassment because he has stopped asking Sheila for dates as instructed. He is just being nice to Sheila because he likes her. **True or False?**

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

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Case Study #2: The Assistant Director with a Poor Attitude

Sharon is a new Reference Librarian at a mid-sized public library. Her Assistant Director, 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 desk to chat. He tells Sharon he is glad she joined the staff because, unlike the others, she is "easy on the eyes." He then glances at her to "check out" her entire body. Sharon feels offended and demeaned that she and other women in her library are being viewed and evaluated based on looks by the Assistant Director.

Question 1. Because Paul did not tell Sharon that she is unattractive, he has not harassed her. **True or False?**

FALSE: Paul has made a comment about the physical appearance of his employees. 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.

Question 2. Paul should be instructed to stop making these types of comments, but this is not a serious matter. **True or False?**

FALSE: Paul's comments about the female employees are a serious matter and show a lack of respect for women in the workplace. Paul is required to model appropriate behavior and must not exhibit a lack of respect 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 disrespect for women, nor should the other employees have to work for such a supervisor. Sharon should file a complaint form with the Library Director and expect corrective action will be taken.

Case Study #3: Too Close for Comfort

Alex, a longtime volunteer, has noticed that his new supervisor, Tracy, leans extremely close to him when they are working together. She touches his hand or shoulder frequently as they discuss work. Alex tries to move away from her in these situations, but she doesn't seem to get the message.

Question 1. Alex should just ignore Tracy's behavior, as it is not sufficiently severe or pervasive. **True or False?**

FALSE: If Alex is uncomfortable with Tracy's behavior, he has options. If he feels comfortable doing so, he should tell Tracy to please stop because her closeness and touching make him uncomfortable. Another option is to report the situation directly to his Library Director. Although this may not be sufficiently severe or pervasive to create an unlawful harassment situation (unless it was repeated by Tracy after she was told to stop), there is no reason for Alex to feel uncomfortable in his workplace. There is no valid reason for Tracy to engage in this behavior.

Before Alex gets around to reporting, Tracy brushes up against his back in the computer lab before a meeting. He is now getting really annoyed but still puts off doing anything about it. Later Tracy traps him in her office after they finish discussing work by standing between Alex and the door of her small office. Alex doesn't know what to do, so he moves past her to get out. As he does so, Tracy slowly and purposefully runs her hand across his stomach and says, "That feels nice."

Question 2. Tracy's brushing up against Alex in the computer lab could just be inadvertent and does not give Alex any additional grounds to report Tracy's behavior. **True or False?**

FALSE: Tracy is now engaging in a pattern of escalating behavior. Given the pattern of her too close and touching behavior, it is unlikely that this was inadvertent. Even before being "trapped" in Tracy's office, Alex would have been justified in reporting the behaviors he had experienced that had made him uncomfortable.

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Case Study #3: Too Close for Comfort Continued

Question 3. Tracy touching Alex's stomach and making a comment is inappropriate but is probably not unlawful harassment because it only happened once. True or False?

FALSE: Any type of sexual touching is very serious and does not need to be repeated to constitute sexual harassment especially when the touch is accompanied by a specific comment that implies inappropriate behavior. Alex should immediately report it without waiting for it to be repeated. Tracy can expect to receive formal discipline up to possible dismissal.

Case Study #4: A Distasteful Director

The following scenario will explain many aspects of quid pro quo sexual harassment.

Samantha is hoping for a promotion to Circulation Supervisor that she knows will become vacant soon. She knows that her Library Director, David, will be involved in deciding who will be promoted. She tells David that she will be applying for the position, and that she is very interested in receiving the promotion. David says, "We'll see. There will be a lot of others interested in the position."

A week later, Samantha and David travel together to a library conference, including an overnight hotel stay. Over dinner, David tells Samantha that he hopes he will be able to promote her, because he has always really enjoyed working with her. He tells her that some other candidates "look better on paper" but that she is the one he wants. He tells her that he can "pull some strings" to get her into the job and Samantha thanks David. Later David suggests that they go to his hotel room for "drinks and relaxation." Samantha declines his "offer."

Question 1. David's behavior could be harassment of Samantha. True or False?

TRUE: David's behavior as Samantha's Library Director is inappropriate, and Samantha should feel free to report the behavior to her Direct Supervisor or Library Board President if it made her uncomfortable. It is irrelevant that this behavior occurs away from the workplace. Their relationship is that of director and staff, and all their interactions will impact the workplace environment.

David's behavior, at this point, may or may not constitute quid pro quo harassment; David has made no threat that if Samantha refuses his advance he will handle her promotion any differently. However, his offer to "pull some strings" followed by a request that they go to his hotel room for drinks and relaxation might be considered potentially coercive. Certainly, if David persists in his advances—even if he never makes or carries out any threat or promise about job benefits—then this could create a hostile environment for Samantha, for which the library could be strictly liable because David is a management employee.

After they return from the trip, Samantha asks David if he knows when the Circulation Desk Supervisor job will be posted so that she can apply. He says that he is not sure, but there is still time for her to "make it worth his while" to pull strings for her. He then asks, "How about going out to dinner this Friday and then coming over to my place?"

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Case Study #4: A Distasteful Director Continued

Question 2. David engaged in quid pro quo harassment. True or False?

TRUE: It is now evident that David has offered to help Samantha with her promotion in exchange for an adult relationship or interaction.

Samantha, who really wants the position, decides to go out with David. Almost every Friday they go out at David's insistence and engage in adult interaction. Samantha does not want to be in a relationship with David and is only going out with him because she believes that otherwise he will block her promotion.

Question 3. Samantha cannot complain of harassment because she voluntarily engaged in an adult relationship with David. True or False?

FALSE: Because the adult interaction is unwelcome to Samantha, she is a victim of sexual harassment. Equally, if she had refused David's advances, she would still be a victim of sexual harassment. The offer to Samantha to trade job benefits for an adult relationship involving adult interaction by someone with authority over her in the workplace is quid pro quo sexual harassment, and the library is exposed to liability because of its director's actions.

Samantha is promoted to Circulation Desk Supervisor.

Question 4. Samantha cannot complain of harassment because she got the job, so there is no discrimination against her. True or False?

FALSE: Samantha can be the recipient of sexual harassment whether or not she receives the benefit that was used as an inducement.

Samantha breaks off the adult relationship with David. He then gives her a bad evaluation, and she is removed from her new position at the end of the probationary period and returns to her old job.

Question 5. It is now "too late" for Samantha to complain. Losing a place of favor due to the break-up of the voluntary relationship does not create a claim for sexual harassment. True or False?

FALSE: It is true that the breakup of a relationship, if truly consensual and welcomed at the time, usually does not create a claim for sexual harassment. However, the "relationship" in this case was never welcomed by Samantha. David's behavior has at all times been inappropriate and a serious violation of the library's employment policy. As the person who abused the power and authority of a management position, David has engaged in sexual harassment.

Case Study #5: An Issue about Appearances

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Leonard works as a Library Page for a large academic library mostly shelving and shifting books. He likes to wear jewelry, and his attire frequently includes earrings and necklaces. His Circulation Desk Supervisor, Margaret, thinks it is weird that, as a man, Leonard wears jewelry and wants to be a "book pusher". She often makes sarcastic comments to him about his appearance and refers to him jokingly as her book boy.

Leonard, who hopes to obtain a library science degree after graduating college so he can work as Reference Librarian, applies for an open Library Clerk position that involves checking out materials to patrons. Margaret tells Leonard that if he wants that job, he had better "look more normal" or else wait for a promotion to Cataloging where nobody will see him.

Question 1. Leonard's Circulation Desk Supervisor is correct to tell him wearing jewelry is inappropriate for front desk positions. **True or False?**

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.

Case Study #5: An Issue about Appearances continued

Margaret also is suspicious that Leonard is gay, which she claims 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.

Question 2. Leonard is the recipient of harassment on the basis of gender and sexual orientation. **True or False?**

TRUE: Leonard is harassed on the basis of gender 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 decides that he is not going to get a fair chance at the promotion under these circumstances and he reports to his Library Director about Margaret's behavior. The Director 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 bias, 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 from a community college and bachelor degree course work.

Question 3. Leonard has likely been the victim of discrimination on the basis of sex, sexual orientation and/or retaliation. **True or False?**

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 reported her behavior, or both.

Leonard should speak further with the Library Director, 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 action is needed in response to reports of harassment complaints, in order to prevent discrimination in the future.