



HANDOUT

Module 1 - Segment A

Small Group Discussion: Tailored Definition

Your small group has been appointed to a committee to create or revise your judicial environment's anti-sexual and gender-based harassment policy.

Please develop a short definition of sexual and gender-based harassment and provide examples of the conduct that your definition prohibits.

Sample Definition:

Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from a victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy.

Certain actions may also create a hostile work environment. Hostile work environment harassment occurs when a victim is subjected to severe or pervasive comments or conduct based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status, or any other category protect by state and/or federal civil rights laws; resulting in a work environment that a reasonable person would consider hostile. A hostile work environment may also be created by innuendoes, touching, electronic communications, or other conduct.

HANDOUT

Module 1 - Segment B

Video & Small Group Discussion [30 mins]

Attorney-Involved Allegation

- Is winking at someone – and later confirming that they saw the wink – appropriate conduct in a judicial environment? Why or why not?
- Is telling someone that their parents did not ‘spank’ them enough as a child appropriate conduct in a judicial environment? Why or why not?
 - Consider circumstances when a pattern of conduct may be required - and may not be required - for such comments to be actionable.
- If it is inappropriate, is such conduct sufficiently “of a sexual nature” per the EEOC definition of sexual harassment? If not, what should a definition of sexual harassment include in order to cover such conduct?
- If the attorney was unaware of other incidents involving this judge, what is the likelihood that they would respond to or report the incident? What factors would likely influence their decision?

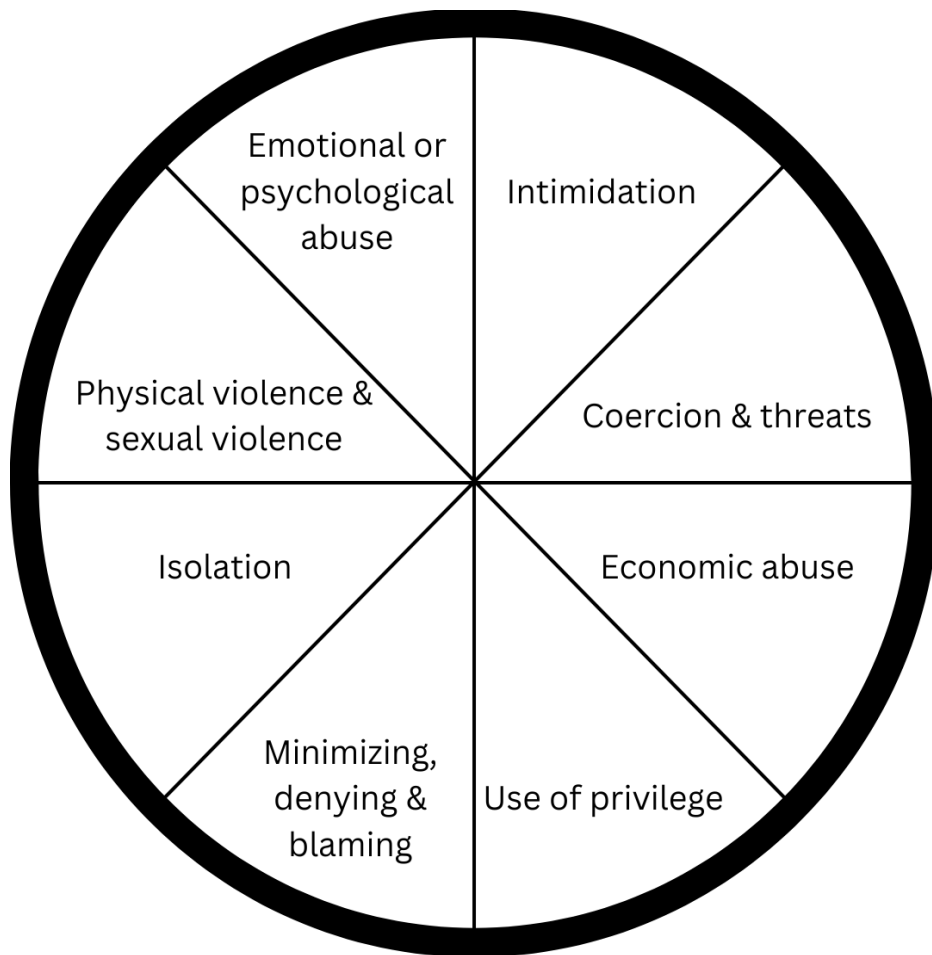
Court Reporter-Involved Allegation

- Calling an employee or a contractor “hot” is objectively sexual harassment. But what did the judge seek to communicate by allegedly calling the court reporter into his chambers in order to make this comment?
- If the court reporter was unaware of other incidents involving this judge, what is the likelihood that they would respond to or report the incident? What factors would likely influence their decision?
- What if they were pulled aside and called “hot” by another court reporter? Would it impact the court reporter differently? How so?

Juvenile-Involved Allegation

- A judge calling someone appearing before them, especially a juvenile, “really cute” or suggesting they become a “cheerleader” is objectively sexual harassment. Does it matter if the judge attested that it was a “compliment” relevant to the case, i.e., as encouragement to pursue cheerleading?
- If the juvenile were unaware of other incidents involving this judge, what is the likelihood that they would respond to or report the incident? What factors would likely influence their decision?
- What if court security approached the juvenile and said the same words? Would it impact the juvenile differently? How so?

HANDOUT
Module 1 - Segment B
Workplace Power & Control Wheel



Use the Workplace Power & Control wheel to consider how each power & control tactic impacts:

- A victim of sexual and gender-based harassment
- A perpetrator of sexual and gender-based harassment
- The coworkers of victims and perpetrators, and their workplaces in general
- The capacity of victims, perpetrators, and coworkers to maintain their employment status
- Families and communities