



# Courts in the Era of #WeToo

## MODULE 2

### Preventing & Responding to Sexual and Gender-Based Harassment in Judicial Environments

## Segment A: Eliminating the Drivers of Sexual and Gender-Based Harassment in Judicial Environments

*As a result of this segment, participants will be better able to:*

- Evaluate existing elements of judicial system operations and culture that facilitate incidents of sexual and gender-based harassment and either advance or undermine the respect, privacy, and safety needs of persons experiencing sexual and gender-based harassment.

## Individual Reflection

Are incidents of sexual and gender-based harassment inevitable?

If so, how? If not, are they preventable?

## Preventable Scenarios: Small Group Discussion

- What power dynamics drove the harassment described in the scenario?
- Was this incident preventable?
  - If so, how? If not, why?
- If no one was able to prevent this incident, could another person have intervened?
  - If so, how? If not, why?

## Prevention: Bystander Intervention as Prevention

- In some circumstances, bystander intervention is an immediate way to prevent sexual and gender-based harassment.
- Bystander intervention may not be appropriate if a direct confrontation would be unsafe for the victim and bystander.

## Bystander Intervention: Tips and Strategies

- **Disrupt the situation:** Distract the harasser or insert yourself into the interaction.
- **Don't act alone:** If possible, recruit others to help you disrupt the situation.
- **Confront the harasser:** If safe and within your comfort zone, consider telling the harasser that what they are doing is not ok.
  - Understand how power dynamics make it safer for some bystanders to confront harassers.
- **Assess the target's needs** and help them receive support.
  - Respect a target's request to cease or adjust your intervention.

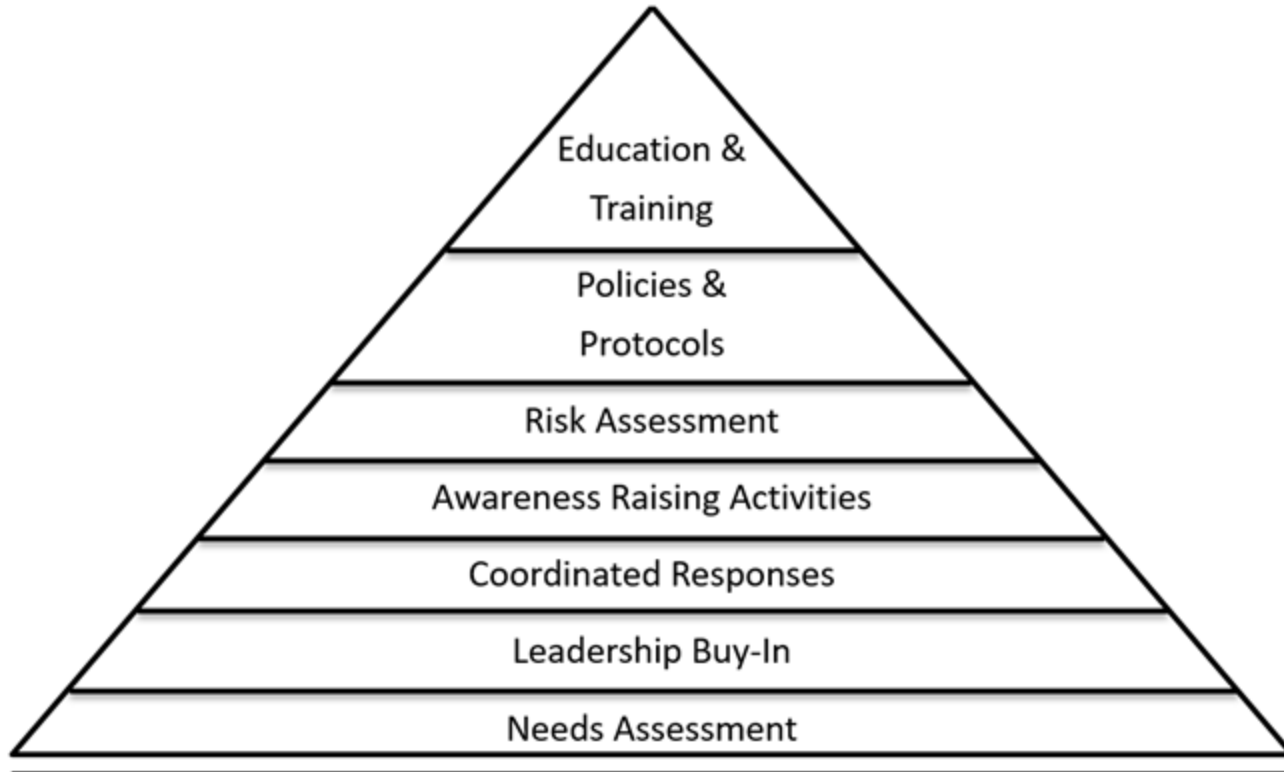
# Prevention Frameworks

- Training
- Collaboration
- Service Provision
- System Approaches

Figure 1. EVERFI's Framework for a Comprehensive Prevention Strategy

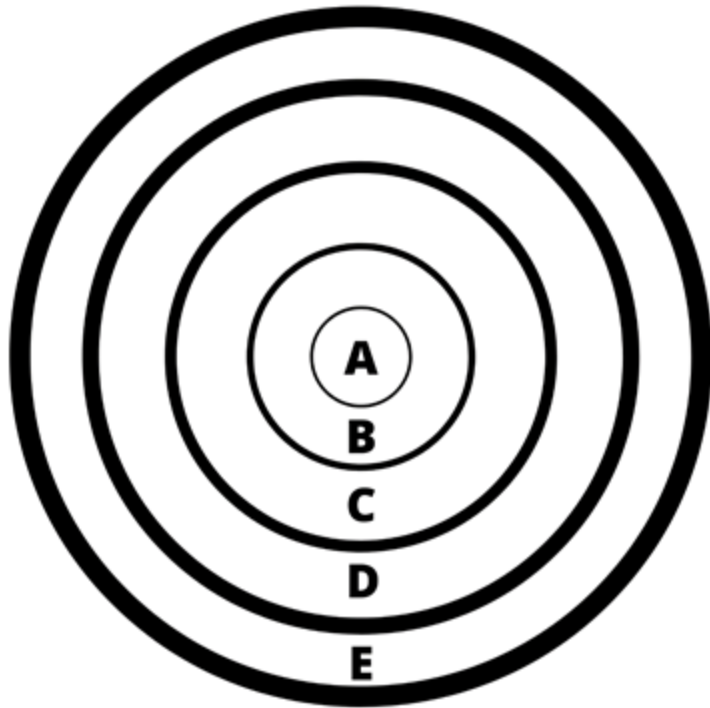


# Prevention Frameworks





## Integrating Prevention into Systems: Small Group Discussion



- A. Presiding Judge and Court Administrator
- B. Court/Courthouse Players
- C. Court-Related Services
- D. Community Systems
- E. Community-at-Large

## Back to Preventable Scenarios: Small Group Discussion

- **For each victim:**
  - What are their immediate needs after their experience with harassment?
  - Who should be involved in responding to their needs?
- **For each alleged harasser:**
  - What are the best ways to hold them accountable?
  - Are there any ways to hold them accountable short of termination or involving law enforcement that may be acceptable to the victim and other workplace stakeholders?

## Segment B: Centering Needs & Promoting Accountability

*As a result of this segment, participants will be better able to:*

- Develop preventive and responsive strategies that center the needs of persons experiencing sexual and gender-based harassment, and promote accountability and restoration of persons who use harassment.

## Individual Reflection

### Definition of Trauma

Substance Abuse and Mental Health Services Administration (SAMHSA)

An event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

**Would sexual and gender-based harassment be considered a traumatic experience under this definition?**

## Sexual and Gender-Based Harassment as Trauma

- People who have experienced sexual harassment are most commonly diagnosed with depression, anxiety, and post-traumatic stress disorder (PTSD).
  - Sexual harassment can trigger new symptoms of depression and anxiety, or it can exacerbate a previous condition.
  - Sexual harassment early in one's career can have long-term depressive symptoms and, therefore, long-term impacts on career prospects and earning potential.
  - An incident doesn't have to rise to the level of trauma to be taken seriously.

## Sexual and Gender-Based Harassment as Trauma

**Diagnostic and Statistical Manual of Mental Disorders (DSM-5):  
“Threats to physical integrity” are trauma-inducing.**

Ways in which sexual harassment poses a threat to physical integrity:

1. by threatening the victim's financial well-being;
2. by threatening the victim's physical boundaries;
3. by threatening the victim's control over situations that they should legitimately be able to control.

## Sexual and Gender-Based Harassment as Trauma

- Victims' experiences are **unwanted, wrong, harmful, and to be avoided**, which contributes to the trauma.
- Fears of **imminent, continuing, or escalating harassment** also contributes to the trauma.
- **Problematic investigations, stress related to gossip, retaliation, and financial loss** can multiply the impact.
- Physical symptoms arising from depression, anxiety, and trauma can include muscle aches, headaches, sleep problems, gastric problems, high blood pressure, problems with blood sugar, and weight loss/gain.

## Sexual and Gender-Based Harassment as Trauma

Nannina Angioni, a labor and law employment attorney, describes sexual harassment as a **“slithering snake that ripples its way through a work environment causing disastrous results.”**

- “Fearful employees with a pit in their stomach commuting to work, having anxiety, panic attacks, inexplicable fits of crying and physical manifestations of stress: hair falling out, hives, weight gain or loss, sleeplessness and lethargy.”
- Feelings of shame or guilt.
- Doubts of one’s own ability, wondering if they were only hired because of their sexual value.
- Alienation from entire sectors of work.



## Video



## Freezing & Fawning

- The person in the video “froze” after a groping incident.
- Some victims of trauma “fawn,” or accommodate the trauma.
- Fawning / accommodating responses may include:
  - Befriending or working to become closer to co-workers who have caused harm;
  - Appearing to “go along” with harassment to avoid further targeting;’
  - Volunteering for extra projects without regard for one’s health or capacity;
  - Ignoring one’s own needs and beliefs for the benefit of others or the employer;
  - Feeling uncomfortable or threatened when asked for an opinion.

## Statistics (National Sexual Violence Resource Center)

- 1 in 3 girls; 1 in 5 boys have been sexually assaulted.
- 38% of all women and 14% of men have reported experiencing sexual harassment at work.
- 1 in 7 women and 1 in 17 men have sought a new job assignment, changed jobs, or quit a job because of sexual harassment and assault.
- 60% of women say they have experienced unwanted sexual attention, sexual coercion, sexually crude conduct, or sexist comments in the workplace.
- In some industries, more than 9 in 10 women say they have been sexually harassed.
- Over 85% of people who experience sexual harassment never file a formal legal charge, and approximately 70% of employees never even complain internally.

## Trauma-Informed Principles (SAMSHA)

- Safety
- Trustworthiness and transparency
- Peer support
- Collaboration and mutuality
- Empowerment, voice, and choice
- Cultural, historical, and gender issues

## Small Group Discussion: Trauma-Informed Principles

**For each principle, develop one sentence that expresses a value related to the principle:**

- Safety
- Trustworthiness and transparency
- Peer support
- Collaboration and mutuality
- Empowerment, voice, and choice
- Cultural, historical, and gender issues

## Large Group Discussion

What are ways to hold people who have harassed accountable?

## Accountability

Depending on the severity of the incident(s):

- Disciplinary
  - Verbal or written warnings
  - Counseling
  - Ongoing supervision/coaching
  - Dismissal
- Reconciliation
  - Direct apology, with consent of victim
- Timely, proportional, consistent, and non-preferential responses

## Best practices in communicating with people who have harassed

- Making it clear that harassment and violence are unacceptable.
- Clarifying that it might be necessary to speak to other entities if there are grounds to break confidentiality.
- Awareness that the person who has harassed might be unhappy about their behavior at some level.
- Awareness that sexual and gender-based harassment is about a range of controlling behaviors, not the pursuit of sex.
- Assisting the person who has harassed in understanding the likely harms, consequences, and costs to both the victim and themselves.



## Individual Reflection

Reflect again on the victims and alleged harassers discussed during the Preventable Scenarios activity

**Now that you have completed this module, what is one promising approach you may consider using in order to better respond to the needs of a victim, and hold a person who has harassed accountable?**