

U.S. Department of
Homeland Security

**United States
Coast Guard**



Instructor Guide

Preventing and Addressing Workplace Harassment



Preventing and Addressing Workplace Harassment

Department of Homeland Security

JULY 2019

About This Course

Source

This course has been created based on the following key sources of information:

Source:	Provides:
DHS Mandate reflecting DHS official policy on Anti-Harassment in the Workplace	Performance Objectives (PO) are provided within each unit of the Instructor Guide (IG).
Curriculum Outline: TBD	Additional information for course administration: <ul style="list-style-type: none">• Max # - Command discretion• Location: TBD• Delivery (resident / exportable)• Equipment / Resource needs: Classroom, computer, monitor• Instructor contact hours: Facilitator should be familiar with course content before delivery.

Instructional Settings

This course will be delivered in various settings depending on the tools and equipment available at each organization. You may need to check and reserve appropriate resources in advance.

This course can be delivered as a resident course or as an exportable course as necessary.

Class Size

The maximum number of students for this course is to be determined by the hosting organization.

Location

This course is appropriate for delivery at any location contingent upon instructor availability and organizational resources.

About This Course, Continued

Course Length

This course requires approximately 90 minutes.

**Security
Classification**

There are no security restrictions associated with this course. The course instructor should be aware that the material in this course may reveal personal discretions that should remain confidential to the context of the course.

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COURSE OVERVIEW

Introduction

Overview This Instructor Guide is designed for you, the instructor(s). There are also student guides (SG), knowledge checks, answer keys, and power points (PPTs) available in support of this course.

Course Contents This course consists of the following units:

- Course Overview
- Unit 1. What is harassment?
- Unit 2. Tangible Employment Action
- Unit 3. Reporting Allegations of Harassment
- Case Studies

Performance Evaluations You will evaluate students on the performance of each task delivered throughout this course. How that performance test will be scheduled, administered, and evaluated is detailed within each lesson and/or in the Performance Test Checklist (PTC) booklet.

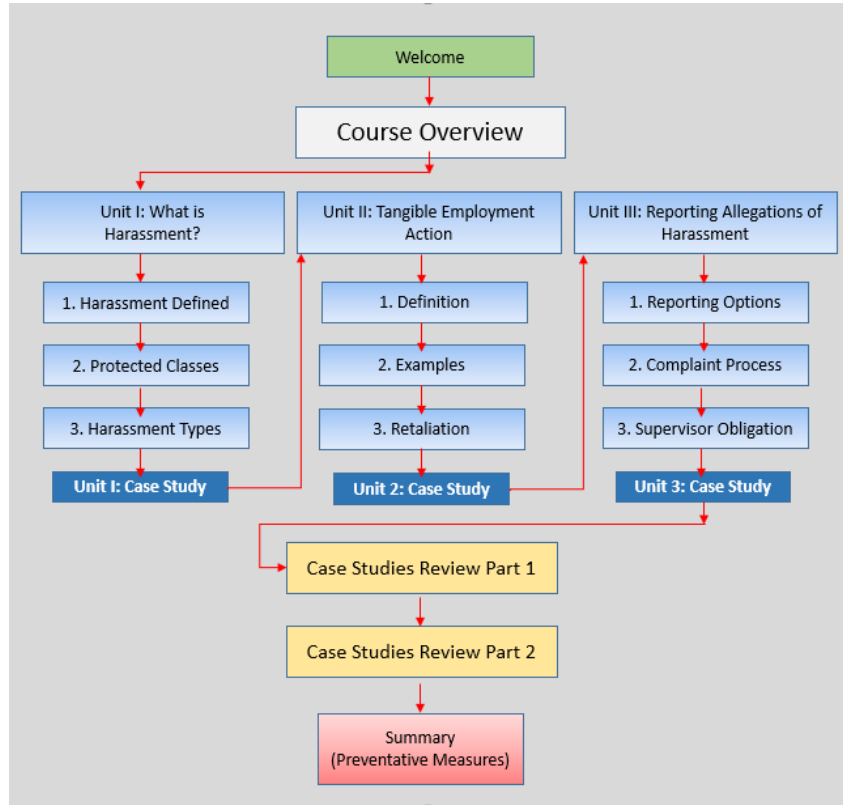
Safety There are no safety concerns with this course.

Situational Awareness You are responsible for maintaining situational awareness and shall remain alert to signs of student panic, fear, extreme fatigue, exhaustion, or lack of confidence that may impair safe completion of the training session. You shall immediately stop the training, identify the problem, and make a determination to continue or discontinue the training.

Course Map

Illustration

The image below illustrates a high-level grouping and sequencing for this course:



COURSE OVERVIEW

Introduction

Overview

This unit consists of the following lessons, which are further described below:

- Topic 1. Anti-Harassment Landscape
- Topic 2. Timeline of U.S. Laws
- Topic 3. Anti-Harassment at DHS
- Topic 4. Course Objectives

**Topic 1.
Anti-Harassment
Landscape**

This topic introduces the current landscape concerning harassment issues in the workplace and public spaces as well as social media. Details concerning this topic are provided in Unit 1.

**Topic 2.
Timeline of U.S.
Laws
(Harassment)**

This topic introduces the history of U.S. laws relating to harassment in the workplace and provides context as to how we have arrived to our current law. Details concerning this topic are provided in Unit 1.

**Topic 3.
Anti-Harassment
at DHS**

This topic introduces the DHS official policy on harassment in the workplace and provides guidance for legal and ethical actions. Details concerning this topic are provided in Unit 1.

**Topic 4.
Course
Objectives**

This topic briefly describes what will be covered in the remainder of the course and provides guidance as to how the course will be presented as well as the expectations of the learner. Details concerning this topic are provided in Unit 1.

Topic 1. Anti-Harassment Landscape

Introduction

Overview The Course Overview Unit (1) provides context for the remainder of the course by discussing the anti-harassment landscape in the workplace, timeline of U.S. laws prohibiting harassment, and official DHS anti-harassment policy.

Objective In this lesson you will cover the following:
There are no specific learning objectives for this unit (1).

References The following are references for this lesson when more detailed information is desired:

- DHS Anti-Harassment Policy
-

Instructional Settings The lesson will be delivered in the following settings:

- To be determined by the sponsoring command.

Introduction, Continued

Materials

You need the following materials to support delivery of this lesson:

- Instructor Guide (IG)
 - Student Guide (SG)
 - Power Point (PPT) presentation (if media resources permit)
-

Content Overview

Introduction The Course Overview Unit (1) provides context for the remainder of the course by discussing the anti-harassment landscape in the workplace, timeline of U.S. laws prohibiting harassment, and official DHS anti-harassment policy.

Opening Activity

Instructor Note: Begin by introducing the class and the major themes that will be covered during instruction.

- Federal Civil Rights Laws Prohibiting Harassment
- What is Harassment?
- Agency Liability for Harassing Conduct
- The EEO Complaint Process

Media Note: PPT Slides illustrating what the class will cover

Instructor Note: The following probing questions below may be used to promote student engagement.

1. True or False:

Q: If your intentions are good/harmless, your behavior cannot be considered harassment.

A: False – Offensive language can constitute harassment, regardless of intent.

Media Note: PPT Slides illustrating True/False statement 1

2. True or False:

Q: Asking a co-worker for a date is not sexual harassment.

A: True – A single request for a date, without more, usually does not rise to the level of harassment. However, continued requests or pressure for dates after the individual says “no” may be considered harassment.

Media Note: PPT Slides illustrating True/False statement 2

3. True or False:

Q: If an individual tells a management official that s/he has been harassed but asks the management official not to report the harassment, the management official should respect the wishes of the individual.

A: False – Once the harassment becomes known, management officials are obligated to report unlawful workplace harassment and to take prompt, appropriate, and corrective action. (Confidentiality should be maintained to the extent possible or on a “need to know” basis.)

Media Note: PPT Slides illustrating True/False statement 3

**Lecture
(Context)**

Instructor Note: Share the content below to provide context as to how we have arrived at our current circumstances with harassment.

Workplace harassment: a problem that has gotten a lot of attention lately. Turn on the news, and there is a good chance you will see a story on an individual or a group, or many, protesting mistreatment or harassment. Today, issues of harassment arise in our public spaces, in our workplaces, and through social media. Against these, people are voicing dissatisfaction with the systems and institutions that enable harassment in our society.

These concerns are not new. Protests in the 1960s led the United States to begin to enact the equality of all people into law.

A Timeline of U.S. Laws Prohibiting Harassment:

For example, the Equal Pay Act of 1963 ended wage disparity on the basis of sex. A year later, Title VII of the Civil Rights Act of 1964 was signed, prohibiting employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. This was followed by the Age Discrimination in Employment Act of 1967, which added similar protection from age discrimination for employees over 40 years of age. The Rehabilitation Act of 1973 protects individuals with disabilities from discrimination on the basis of disability in Federal programs, Federal financial assistance, and Federal employment. More recently in 2008, the Genetic Information Nondiscrimination Act was signed to protect individuals from discrimination in employment opportunities and insurance purchases on the basis of genetic information.

Media Note: PPT Slides illustrating timeline of U.S. Laws

Anti-Harassment at Department of Homeland Security (DHS):

DHS takes its responsibility to ensure a workplace free from harassment seriously. DHS has an important mission – With honor and integrity, we will safeguard the American people, our homeland, and our values – and in serving its mission, it is not acceptable for employees to be or to feel harassed.

This is so critical that, beyond the legal application of the acts you have just reviewed, DHS extends protection against even single instances of harassment. Pursuant to DHS's Anti-Harassment Policy, "Although a single instance or act may not rise to the level of harassment that may be actionable under the law, it still has no place at DHS."

Media Note: PPT Slides illustrating extracts from official DHS policy/directive

This Course:

This course will define harassment, as prohibited by DHS policy, and explain how DHS's definition of harassment is broader than the legal definition of harassment. You will also discover how and where to report harassment. Throughout the training, you will listen to and participate in scenarios where people experience and deal with harassment in the workplace and sometimes you will evaluate their actions. You will also complete a short assessment at the end of this training. You will need to achieve 80% on the assessment to pass the course.

Media Note: PPT Slides reviewing the major themes of the course

Media Note: Transition to the next topic: What is Harassment?

UNIT 1. WHAT IS HARASSMENT?

Introduction

Overview ***Instructor note:** Give a brief overview of what this unit includes. This unit consists of the following lessons, which are further described below:*

- Topic 1. Harassment defined
 - Topic 2. Protected classes
 - Topic 3. Harassment types
-

Learning Objectives

After completing this topic, you should be able to:

- Distinguish welcome and unwelcome verbal or physical conduct.
 - Identify the federally protected categories and conduct prohibited by DHS.
 - Recognize examples of hostile work conditions.
 - Determine if a situation violates DHS's Anti-Harassment Policy.
 - Identify the potential consequences for an employee guilty of harassment.
 - Given a scenario and assess if a team's behavior violates DHS's Anti-Harassment policy.
 - Determine the best approach to respond to a hostile working condition.
-

References

The following are references for this lesson when more detailed information is desired:

- DHS Anti-harassment Policy
-

Instructional Settings

The lesson will be delivered in the following settings:

- To be determined by the sponsoring command.
-

Unit Content

Harassment Defined

Instructor Note: Share the definition of Harassment and probe for examples from the students.

Definition: Harassment is any unwelcome verbal or physical conduct because of a race, sex, color, age, national origin, disability, religion, or genetic information that is so objectively offensive as to alter the conditions of an individual's employment. This standard is met when:

- The conduct results in a tangible employment action, or
- The conduct was sufficiently severe or pervasive to create a hostile work environment.

Media Note: PPT Slide introducing the definition of harassment

Protected Classes

Instructor Note: Share the definition of Protected Classes as well as DHS prohibitions.

Definition: A protected class is a characteristic or trait shared by a group of people that is protected by law, executive order, or policy.

Legally, an employee cannot be discriminated against based on:

- race
- color
- religion
- sex
- pregnancy
- national origin
- age
- disability
- protected genetic information
- sexual orientation
- gender identity

DHS policy also prohibits harassment based on:

- marital status
- parental status
- political affiliation

Media Note: PPT Slide sharing definition and list of protected classes

Harassment Types

Instructor Note: Share the types of harassment and provide an explanation of each.

Harassing behavior is categorized into two different types.

This standard is met when the conduct results in a:

- “tangible employment action” or
 - “hostile work environment”
- Tangible employment action is a change in the employment status or benefits of an individual (demotion, termination, failure to promote).
- Only individuals with supervisory or managerial authority can commit this type of harassment.
 - If a tangible employment action is shown to have resulted from harassment by a supervisor, the agency is automatically liable.

Instructor Note: More information will be provided on “tangible employment action” in the next unit.

- Hostile work environment is “unwelcome” conduct based on a protected basis, which unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.
- This types of harassment is warranted as “unwelcome” conduct in that the individual did not solicit or invite the conduct and regarded the conduct as undesirable.
 - According to DHS's Anti-Harassment Policy – even if the conduct occurred just one time -- because the conduct at issue was “unwelcome”, and it was based on one of the “protected characteristics”.
 - Agency is liable even if management did not know about the harassing conduct unless the agency can show it exercised reasonable care to promptly correct and prevent harassment; and the employee unreasonably failed to take advantage of any preventative or corrective opportunities offered by the agency or to avoid harm otherwise.
 - Agency knowledge is assumed if the individual complains about the harassment to a manager or supervisor, the conduct occurred in the presence of a supervisor, or the conduct is widespread.

Media Note: PPT Slide sharing types of harassment

Harassment Examples

Instructor Note: Share the examples of harassment and probe for other examples that reflect the definitions discussed.

- Sexual, racial, ethnic jokes, epithets, stereotyping, or slurs
- Subtle or blatant pressure
- Physical contact
- Suggestive or lewd remarks
- Mimicking a person's accent
- Inappropriate email, instant messages, texts or social media posts
- Offensive internet materials
- Inappropriate conduct at a work-sponsored or work-related event

Media Note: PPT Slide sharing examples of harassment

Unit Case Study

Instructor Note: Have the students read through the case study scenario and prepare them for the unit "knowledge check".

Now that you have a basis of all the criteria that go into determining harassment, consider this scenario.

Scenario

Almost every day for the past three months, when Freda, an Administrative Assistant, walks by her colleague Maria's cubicle, Maria makes a comment about her appearance. Maria says things like "Looking good," "Those jeans fit you just right in all the right places," or "Wow, I wish I had the curves you have."

Freda has told Maria several times that she is not comfortable receiving comments on her appearance, but Maria does not understand why Freda cannot just take a compliment. Maria has continued with the comments, and she has even begun referring to Freda as "supermodel" to try to get a rise out of Freda.

Freda's supervisor, Leonie, is within earshot and giggles every time she hears Maria's comments to Freda. After the last comment, Freda asks Leonie to ask Maria to stop. Leonie tells Freda the comments are harmless, but she will talk to Maria.

End of scenario...

Media Note: PPT Slide sharing scenario for case study

**Unit
Knowledge
Check**

Instructor Note: Have the students answer the following five questions pertaining to the unit case study scenario. Students may use their student guides (SG) to review the material when answering the questions. The unit scenario is applicable to all five questions.

Case Study Question 1 of 5:

Are Maria's comments welcome?

Select the correct answer.

Options:

1. Yes
2. No

Correct answer(s):

2. No

Answer explanation:

Freda clearly does not welcome these comments.

Case Study Question 2 of 5:

Has Freda made her feelings about Maria's comments known?

Select all that apply.

Options:

1. Yes, she has made it clear to her Supervisor that Maria's comments are unwelcome.
2. Yes, she has made it clear to Maria that her comments are unwelcome.
3. No, she has not made it clear that Maria's comments are unwelcome.
4. No, she needs to tell Maria directly that her comments are unwelcome.

Correct answer(s):

1. Yes, she has made it clear to her Supervisor that Maria's comments are unwelcome.

2. Yes, she has made it clear to Maria that her comments are unwelcome.

Case Study Question 3 of 5:

Do you believe that Maria's comments toward Freda are based on a protected characteristic?

Select the correct answer.

Options:

1. Yes, based on race.
2. Yes, based on sex.
3. No, there is no connection to a protected basis.

Correct answer(s):

2. Yes, based on sex.

Case Study Question 4 of 5:

Do Maria's comments constitute harassment according to the legal definition of hostile work environment harassment?

Select the correct answer.

Options:

1. Yes, all comments about a person's appearance are harassment.
2. Yes. Maria's continued unwelcome comments are frequent.
3. No, Freda's comments are not severe enough.
4. No, Freda's comments are not frequent enough.

Correct answer(s):

2. Yes. Maria's continued unwelcome comments are frequent.

Answer explanation:

Maria's comments amount to hostile work environment harassment. Although her comments may have been considered mere compliments initially, her continued, frequent comments about Freda's body and appearance after Freda asked her to stop are clearly unwelcome.

Case Study Question 5 of 5:

Per DHS's Anti-Harassment Policy, do you think Maria is being harassed?

Select the correct answer.

Options:

1. Yes
2. No

Correct answer(s):

1. Yes

Answer explanation:

Keep in mind that DHS prohibits even single instances of unwelcome conduct based on a protected characteristic.

**Unit
Summary**

Instructor Note: Provide a summary to the students in order to promote synthesis between the concepts discussed in this unit and as a transition to the next unit.

As you have seen, DHS defines harassment as unwelcome verbal, non-verbal, or physical conduct because of a protected basis. This is broader than the legal definition of hostile work environment harassment, which also requires that the conduct be so severe or frequent as to alter the conditions of an individual's employment.

You have looked at the conditions that constitute harassment under DHS's policy and those that constitute a hostile work environment under the law. Be advised, employees who commit harassment in violation of DHS's Anti-Harassment Policy could be subject to disciplinary action up to and including removal.

Instructor Note: Transition to the next unit of instruction.

UNIT 2. TANGIBLE EMPLOYMENT ACTION

Introduction

Overview	<p>Instructor note: Give a brief overview of what this unit includes. This unit consists of the following lessons, which are further described below:</p> <ul style="list-style-type: none">• Topic 1. DHS Definition• Topic 2. Workplace Examples• Topic 3. Retaliation
Learning Objectives	<p>After completing this topic, you should be able to:</p> <ul style="list-style-type: none">• Recognize examples of tangible employment actions.
References	<p>The following are references for this lesson when more detailed information is desired:</p> <ul style="list-style-type: none">• DHS Anti-harassment Policy
Instructional Settings	<p>The lesson will be delivered in the following settings:</p> <ul style="list-style-type: none">• To be determined by the sponsoring command.

Unit Content

DHS Definition

Instructor Note: Share the DHS definition of “Tangible employment action” harassment and probe for examples from the students.

Tangible employment action harassment occurs when a supervisor or manager conditions an employment action - such as granting desirable assignments, promotion, demotion, and hiring/termination - on submission to unwelcome conduct based on a protected characteristic. This type of harassment is prohibited by law and by DHS policy.

- Only individuals with supervisory or managerial authority can commit this type of harassment.
- If a tangible employment action is shown to have resulted from harassment by a supervisor, the agency is automatically liable.

Media Note: PPT Slide introducing the DHS definition of Tangible Employment Action

Examples of Tangible Employment Actions

Instructor Note: Share the examples of “tangible employment action” harassment and probe for more examples from the students.

Examples of “tangible employment actions” include, but not limited to:

- Promotion or failure to promote
- Assignment selection or adverse assignment
- Subject to discipline
- Changes in job responsibilities which could impact advancement potential
- Decrease in compensation or benefits
- Hiring opportunity

Note: Insignificant changes to an employee’s work environment or assignment generally do not automatically imply tangible employment action.

Media Note: PPT Slide sharing examples of Tangible Employment Action

Retaliation

Instructor Note: Share the description and particulars of retaliation and probe for potential examples from the students.

Retaliation occurs when an employer takes a materially adverse action because an individual has engaged in, or may engage in, activity in furtherance of the EEO laws the commission enforces.

- The EEO anti-retaliation provisions ensure that individuals are free to raise complaints of potential EEO violations or engage in other EEO activity without employers taking materially adverse actions in response.
- The scope of anti-retaliation protections does not mean that employees can immunize themselves from consequences for poor performance or improper behavior by raising an internal EEO allegation or filing a discrimination claim with an enforcement agency.
- Employers remain free to discipline or terminate employees for legitimate, non-discriminatory, and non-retaliatory reasons, notwithstanding any prior protected activity.

Media Note: PPT Slide sharing examples the concept of retaliation

**Unit
Case Study**

Instructor Note: Have the students read through the case study scenario and prepare them for the unit “knowledge check”.

Now that you have a better understanding of how to recognize tangible employment action, consider this scenario.

Scenario

Teia has worked as a Program Manager for several years. She is an experienced, talented professional who is looking to expand her area of expertise. Lee recently became Teia’s supervisor. When they met, he expressed how impressed he was with her performance record, and suggested that in the near future, he would try to arrange a developmental detail for her, which is keeping with her goals.

Not long after, Lee asked Teia into his office. He explained that a developmental detail came up in Human Resources that would be a good bridge for Teia into a supervisory role. He let Teia know that she could have it, if she was willing to go on a date with him. Teia was shocked that her boss was trading a date for a detail opportunity. Teia politely turned down Lee’s offer for a date and asked when the detail started. Lee responded I’ll let you know.

After Teia did not hear back from Lee after a couple of days, she decided to ask Lee when her detail would start. Lee informed her that he could not let her go on the detail after all because of the increased workload in their division. Teia knows there has been no

increase in the workload for her division and decides to contact her Component Anti-Harassment Program.

End of scenario...

Media Note: PPT Slide sharing scenario for case study

**Unit
Knowledge
Check**

Instructor Note: Have the students answer the following question pertaining to the unit case study scenario. Students may use their student guides (SG) to review the material when answering the question.

Case Study Question 1 of 1:

Which of the following are examples of tangible employment action harassment?

Select all that apply.

Options:

1. Rita tells Samira she can either put up with the jokes regarding various ethnic groups she uses as ice breakers to open staff meetings, or she would be happy to transfer her to another division. Samira pretends to find the jokes funny so as not to be transferred.
2. Jeff promises Grayson a raise if Grayson will give him a massage.
3. Despite being in his department the longest, Jamal has not been able to promote Arlene because her work effort just does not warrant it.
4. Amit sees that Jeremy should be promoted to a site Supervisor, but Jeremy cannot access all sites in his wheelchair, so Amit does not give him the chance.
5. Sonya made the difficult decision to fire Janice due to consistent underperformance and routine delays in executing tasks.

Correct answer(s):

- 1. Rita tells Samira she can either put up with the jokes regarding various ethnic groups she uses as ice breakers to open staff meetings, or she would be happy to transfer her to another division. Samira pretends to find the jokes funny so as not to be transferred.**
- 2. Jeff promises Grayson a raise if Grayson will give him a massage.**

Answer explanation:

The correct examples show Managers or Supervisors abusing their authoritative positions to harass employees, and using employment action as a condition on enduring harassment.

Option 4: This scenario may amount to disparate treatment, but it is not tangible employment action harassment because Amit does not condition the promotion on submission to harassing conduct.

Unit Summary

Instructor Note: *Provide a summary to the students in order to promote synthesis between the concepts discussed in this unit and as a transition to the next unit.*

As you may recall, Teia contacted her Component's Anti-Harassment Program about Lee's offer. They were thankful to be made aware of Lee's behavior and indicated they would conduct an inquiry into her allegations. They also indicated that, at no point, could Lee take any adverse action against her based on her complaint.

Instructor Note: *Transition to the next unit of instruction.*

UNIT 3. REPORTING ALLEGATIONS OF HARASSMENT

Introduction

Overview

Instructor note: Give a brief overview of what this unit includes. This unit consists of the following lessons, which are further described below:

- Topic 1. Reporting Options
 - Topic 2. Complaint Process
 - Topic 3. Supervisor Obligation
-

Learning Objectives

After completing this topic, you should be able to:

- Identify options for reporting harassment.
 - Determine if a response to a harassment claim is prompt and effective, given an example.
-

References

The following are references for this lesson when more detailed information is desired:

- DHS Anti-harassment Policy
-

Instructional Settings

The lesson will be delivered in the following settings:

- To be determined by the sponsoring command.
-

Unit Content

Reporting Options

Instructor Note: Explain the two options for reporting harassment and the particulars for each.

DHS employees have at least **two options** available to report incidents of alleged harassment. They can report to a Supervisor (or higher-level manager) or to their Component Anti-Harassment Program. Separately, employees may also file an EEO complaint alleging harassment because of a protected basis. Employees must file with their Component's civil rights or EEO office within 45 calendar days of the most recent alleged incident. Individual Components may also have additional reporting procedures. Check with your Component's EEO or civil rights office for reporting procedures specific to your Component.

Reporting to Supervisor: If harassment is reported to a supervisor or other management official, that official must ensure that a prompt inquiry into the matter is conducted. If it is determined that harassment occurred, the agency must also take prompt, effective corrective action to address the harassment and to prevent it from recurring. If circumstances warrant, the agency should implement interim measures to ensure that the harassing conduct stops while the inquiry is ongoing. When making any of these determinations, supervisors or management officials should seek guidance from higher-level management officials, their servicing Employee Relations (or equivalent) office, and/or their servicing legal office.

Reporting to Anti-Harassment Program: If harassment is reported to an anti-harassment program, the program will conduct a fact-finding into the allegations. This fact-finding is an inquiry into the allegations and is conducted by a neutral fact-finder. The fact-finding report will be provided to a decision-maker (a management official or other appropriate official), who will determine what, if any, corrective action is warranted.

Media Note: PPT Slide introducing the DHS reporting options

Complaint Process

Instructor Note: Discuss the complaint process with particular attention to process timelines.

Employees may also initiate the EEO complaint process with respect to an allegation of workplace harassment. Employees must initiate the complaint process within 45 calendar days of the most recent alleged harassing incident.

EEO complaints can be filed by current employees, former employees, applicants, and, in some instances, contractors. Your Component's servicing EEO or civil rights office can provide you with additional information on the process.

Keep in mind that the EEO complaint process is entirely separate from an inquiry that would be conducted by management or the anti-harassment program. Employees may initiate the EEO complaint process and concurrently have their management or their anti-harassment program look into the matter.

The bottom line is: Take the complaint seriously. Look in to it. Do something!

Media Note: PPT Slide showing the visual of the complaint process with timelines

Supervisor Obligation

Instructor Note: Explain that the supervisor has the responsibility to take appropriate corrective action and the criteria for prompt and effective actions.

If the inquiry into an allegation of harassment reveals that harassment occurred, the agency has an obligation to implement effective corrective action. Effective corrective action should be designed to stop the harassment, correct its effects on the employee, and ensure that the harassment does not recur. The nature and extent of the corrective action needed will depend on the severity of the harassment at issue. For especially severe cases, removal of the harasser may be appropriate.

What is considered a “Prompt and Effective” response to a claim?

Management’s response to allegations of harassment is reviewed in terms of the following, at a minimum:

- How long did management take to respond to the allegations?
- What actions did management take to review the circumstances surrounding the allegations?
- What happened after management intervened? Did the alleged conduct stop?

When preparing for effective corrective action, decision-makers should seek guidance from higher-level management officials, their servicing Employee Relations (or equivalent) office, and/or their servicing legal office. In addition to damaging the work climate, failure to implement effective corrective action when it is warranted will subject the agency to legal liability.

The bottom line is: Take the complaint seriously; look in to it: do something!

Media Note: PPT Slide showing the criteria for prompt and effective actions.

**Unit
Case Study**

Instructor Note: Have the students read through the case study scenario and prepare them for the unit “knowledge check”.

Now that you have a better understanding of the process and obligations associated with reporting allegations of harassment, consider this scenario.

Scenario

Tre recently transferred into a new department. The transfer went well, and he found his new co-workers welcoming. Furthermore, they understand Tre is hearing impaired and make a point of looking directly at him while speaking because they know he reads lips well. They generally accommodate alternate, visual means of communication for Tre. His co-workers involve him in group events outside of work, like their Friday lunch outings.

However, one co-worker has not been welcoming: Jamie could even be referred to as hostile. He talks to Tre behind his back and then makes a big deal out of having to get his attention first. Jamie frequently covers his mouth when speaking at meetings he and Tre attend together and deliberately looks away when talking to Tre directly.

Tre also gets the feeling that Jamie makes jokes with a few others about his hearing impairment, but Tre cannot prove it, so he just tries to ignore it when it happens. Tre is, for better or worse, accustomed to Jamie's behavior. He has experienced this sort of thing in other stages of his life. While he dismisses Jamie's daily obnoxious behavior, one day he is tagged in a Facebook photo showing his face photo shopped onto a person standing in the middle of a busy highway, about to get struck by a car.

End of scenario...

Media Note: PPT Slide sharing scenario for case study

**Unit
Knowledge
Check**

Instructor Note: Have the students answer the following question pertaining to the unit case study scenario. Students may use their student guides (SG) to review the material when answering the question.

Case Study Question 1 of 3:

After seeing it, Tre immediately reports it to his Supervisor, Janine. He explains the whole situation and his concerns about Jamie's treatment of him. That same day, Janine speaks to Jamie and asks him to remove the Facebook post.

How would you assess Janine's response to Tre's harassment allegation?

Select the correct answer.

Options:

1. It was prompt and effective.
2. While she acted quickly, her actions were not substantial enough to address the gravity of harassment.
3. While she acted quickly, the result will be harmful to Tre.
4. Her quick action will send a message to her entire team that harassment will not be tolerated.

Correct answer(s):

2. While she acted quickly, her actions were not substantial enough to address the gravity of harassment.

Answer explanation:

Effective corrective action should be designed to stop the harassment, correct its effects on the employee, and ensure that the harassment does not recur. The nature and extent of the corrective action needed will depend on the severity of the harassment at issue. For especially severe cases, removal of the harasser may be appropriate. Although Janine instructed Jamie to remove the Facebook post, she has not taken action to ensure that Jamie will refrain from harassing Tre in the future.

Case Study Question 2 of 3:

What other actions could Janine take to better handle Tre's harassment claim?

Select all that apply.

Options:

1. Transfer Tre to his former department so that Jamie cannot harass him.
2. Talk to Jamie about his inappropriate behavior and advise him to stop.
3. Suggest that Jamie apologize to Tre.
4. Impose disciplinary action on Jamie.
5. Consult with her servicing employee relations office for guidance as to what disciplinary action she should take with respect to Jamie.

Correct answer(s):

2. Talk to Jamie about his inappropriate behavior and advise him to stop.

3. Suggest that Jamie apologize to Tre.

4. Impose disciplinary action on Jamie.**5. Consult with her servicing employee relations office for guidance as to what disciplinary action she should take with respect to Jamie.**

Answer explanation:

Option 1: Remember, effective corrective action should never disadvantage the harassed employee. Tre told Janine that he loved his work in the new department, so moving him back to his old department would be a penalty, and would not constitute effective corrective action.

Option 2: It is important that Janine actually address the scope of harassing behavior and Jamie's apparent bias. Jamie has to understand that his behavior needs to change.

Option 3: Having Jamie apologize to Tre would be an important step in Jamie's acknowledgement of his behavior.

Option 4: Disciplinary action may be necessary, especially if Jamie denies the allegations or defends his behavior as appropriate.

Option 5: Janine has a number of consultants available, including higher-level management officials, Employee Relations, or her servicing legal office.

Case Study Question 3 of 3:

Suppose Janine had dismissed Tre's allegation, or tried to make a joke out of it.

What are the possible consequences of ignoring harassing behavior?

Select all that apply.

Options:

1. The morale and productivity of the team could be affected.
2. It could lead to more inappropriate conduct in the workplace.
3. The Agency could be held liable for Tre's harassment claims.
4. It is likely that Jamie would feel free to continue to harass Tre, as well as other employees.

Correct answer(s):

- 1. The morale and productivity of the team could be affected.**
- 2. It could lead to more inappropriate conduct in the workplace.**
- 3. The Agency could be held liable for Tre's harassment claims.**

4. It is likely that Jamie would feel free to continue to harass Tre, as well as other employees.

Answer explanation:

Ignoring harassment claims allows harassing behavior to persist, grow, and negatively impact the team. It could also leave the Agency liable.

**Unit
Summary**

Instructor Note: *Provide a summary to the students in order to promote synthesis between the concepts discussed in this unit and as a transition to the course final evaluation.*

No one wants harassment at DHS, and DHS will not tolerate it. If harassment does happen, employees have two primary options for reporting it: they can report to a Supervisor or their Component Anti-Harassment Program. In addition, employees can file a complaint with the EEO Office. When employees report harassment to management or to their Component Anti-Harassment Program, employees should expect prompt and effective corrective actions that have the objective of stopping the harassing behavior.

A note concerning Retaliation:

- Retaliation is when a Supervisor or Manager takes adverse action against an individual for either filing a complaint, helping someone file a complaint, for being a witness in an investigation, or for otherwise expressing reasonable opposition to prohibited workplace harassment.
- Retaliation is prohibited by law and by DHS Anti-Harassment Policy. The consequences of retaliation are the same as committing harassment itself: disciplinary action up to and including termination.

Instructor Note: *Transition to the final evaluation.*

FINAL EVALUATION

Case Studies

**Course
Evaluation
Case Study
Part 1**

Instructor Note: Have the students read through the case study scenarios and prepare them for the final “knowledge checks”.

Scenario 1

Devin is a Program Manager. During his probationary period, he develops a friendship with his co-worker, Frances, who also is a Program Manager. They often talk to each other about what is going on in their personal lives and begin to follow each other on social media. When Devin breaks up with his girlfriend, Frances offers him a lot of encouragement. Frances starts spending more time at Devin's cubicle and asks Devin out for lunch. Devin goes to lunch with Frances a few times but then declines the next three lunch offers.

Frances asks Devin out to dinner. Devin declines and tells Frances, “I don't date people I work with.” Frances responds, “Well, there is an exception to every rule.” Frances continues to visit Devin's desk daily and continues to ask him out to dinner. Devin always politely declines. Frances starts leaving notes on Devin's desk and sending him emails complimenting his appearance. One evening Frances calls Devin at home and asks if he wants to meet her for a drink. Devin tells Frances, “No.”

The next morning, Devin complains to his Supervisor, Kevin. Kevin laughs and asks Devin, “What's the problem? Frances is good looking.”

End of scenario...

Media Note: PPT Slide sharing scenario for case study

**Final
Knowledge
Check Part 1**

Instructor Note: Have the students answer the following question pertaining to the final case study scenarios. Students may use their student guides (SG) to review the material when answering the question.

Case Study Question 1 of 4:

First of all, is Devin being harassed?

Select the correct answer.

Options:

1. Yes
2. No

Correct answer(s):**1. Yes**

Answer explanation:

Even though Devin initially agreed to have lunch with Frances a few times, he declined her further invitations and made clear that he was not interested in dating her.

Case Study Question 2 of 4:

If Devin is being harassed, it must be the result of a protected basis.

Which protected basis appears to be at issue?

Select the correct answer.

Options:

1. Race
2. Disability
3. Age
4. Sex
5. Genetic information
6. National origin

Correct answer(s):**4. Sex**

Answer explanation:

With requests for dinner and dates, Frances is indicating her sexual interest in Devin.

Case Study Question 3 of 4:

Devin went out to lunch with Frances a few times.

Would this disqualify a claim of harassment?

Select the correct answer.

Options:

1. Yes. Their lunches together suggest Devin was also sexually interested in Frances.
2. No. Devin made clear that he was no longer interested in going to lunch with Frances.

3. No. By DHS's single-incident policy, all negative behavior qualifies as harassment, even if one party encourages the harassing behavior.

Correct answer(s):

2. No. Devin made clear that he was no longer interested in going to lunch with Frances.

Answer explanation:

While active participation can defeat a claim of harassment, Devin made it clear he was no longer interested in going to lunch with Frances.

Case Study Question 4 of 4:

Kevin, Devin's Supervisor, does not act as though the issue is serious.

What are the risks posed by this inaction?

Select all that apply.

Options:

1. He risks leaving DHS liable for Devin's harassment claim.
2. He risks creating an impression that sexual harassment is acceptable within his department.
3. He risks leaving Frances to believe that she can continue her harassing behavior.

Correct answer(s):

- 1. He risks leaving DHS liable for Devin's harassment claim.**
- 2. He risks creating an impression that sexual harassment is acceptable within his**

Answer explanation:

Actually, each risk shown is possible if Kevin refuses to take prompt and effective corrective action.

Instructor Note: Transition to the next case study.

**Course
Evaluation
Case Study
Part 2**

Instructor Note: Have the students read through the case study scenarios and prepare them for the final "knowledge checks".

Scenario 2

Devin is unsatisfied with Kevin's response and presses him to at least talk to Frances. Kevin relents and within a couple days speaks to Frances.

After that time, Frances becomes cool and distant towards Devin. When Devin and Frances have to work together on a project, Frances is short with Devin and later complains that Devin does not keep up his end of the project.

She tells her Supervisor that it is clear Devin does not know what he is doing. At the same time, Devin starts to overhear co-workers referring to him as “soft” and a “troublemaker.”

Devin complains to Kevin that Frances and his co-workers are treating him differently since he came to him about Frances.

Final Knowledge Check Part 2

Instructor Note: Have the students answer the following question pertaining to the final case study scenario part 2. Students may use their student guides (SG) to review the material when answering the question.

Case Study Question 1 of 2:

With respect to Devin's interactions with Frances, which statement is true?

Select the correct answer.

Options:

1. Frances has ceased to harass Devin.
2. Frances has started retaliating against Devin for complaining to Kevin.
3. Kevin, when pushed, took prompt and effective corrective action.

Correct answer(s):

2. Frances has started retaliating against Devin for complaining to Kevin.

Answer explanation:

Frances is no longer sexually harassing Devin, but she has started to retaliate against Devin since his complaint, which is a form of harassment.

Case Study Question 2 of 2:

It is possible Kevin will ultimately respond to Devin's additional complaint effectively.

If he does not, what other actions could Devin take?

Select all that apply.

Options:

1. Devin could file a complaint with the EEO Office.
2. Devin could file a complaint with the EEOC.

3. Devin could file a complaint with his Component's Anti-Harassment Program.
4. Devin could report the incident to a higher-level management official.

Correct answer(s):

- 1. Devin could file a complaint with the EEO Office.**
- 3. Devin could file a complaint with his Component's Anti-Harassment Program.**
- 4. Devin could report the incident to a higher-level management official.**

Answer explanation:

Devin could raise a complaint to his AHU or the EEO Office, either of which will launch an investigation.

**Unit
Summary**

Instructor Note: Provide a summary to the students in order to promote synthesis upon the concepts discussed in this unit.

Devin started out in a friendly relationship with Frances. When Devin indicated that he was not interested in Frances, she took an unwelcome interest in him and created a hostile work environment of a sexual nature. When Devin complained to his Supervisor, nothing was done which poses multiple risks to the Agency. When Devin did take action, Frances retaliated, which is another form of harassment.

Instructor Note: Transition to the course summary.

COURSE SUMMARY

Unit Content

Course Summary

Instructor Note: Provide a summary to the students and address any remaining concerns about the content discussed.

As you have seen, harassment is any unwelcome verbal, nonverbal, or physical conduct because of a protected basis, which is so objectively offensive as to alter the conditions of an individual's employment. These work conditions can be altered through tangible employment action or the creation of a hostile work environment. Key elements of that definition include the fact that harassment occurs because of a protected basis and that the conduct is unwelcome. If harassment occurs, employees should report it either to a Supervisor (or other management official), your Component's Anti-Harassment Program, or through another reporting option offered by your Component. Separately, you may also file a complaint with your Component's EEO Office. When employees report harassment to management or to their Component Anti-Harassment Program, they should expect prompt and effective corrective action without being penalized themselves. Penalizing employees who raise harassment complaints, or retaliating against them in any way, is also against DHS's Anti-Harassment Policy.

As DHS employees, we are all responsible for doing what we can to prevent workplace harassment. This includes knowing and abiding by the Agency's Anti-Harassment Policy, being mindful of the appropriateness of conversations, jokes, etc., in the workplace, and treating everyone with respect. In spite of our best efforts, instances of workplace harassment may still occur. When Supervisors and Managers become aware of an allegation of harassment, they are obligated to take effective corrective action to ensure that those instances of harassment stop and do not recur.

Remember, harassing conduct does not have to rise to the legal definition of harassment to be a violation of the DHS Anti-Harassment Policy. Even a single instance or act may be sufficient to violate our Anti-Harassment Policy and will be taken seriously.

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