

# Sexual Harassment

This module offers basic information on sexual harassment and options in West Virginia for reporting and protection. *Unless the user of this information is an attorney, the information should not be used to provide legal advice.*

## Key Points

- Because sexual harassment often involves the misuse of authority for sexual favors by persons in positions of power, persons with certain types of disabilities may be at an increased risk for victimization.
- The two forms of sexual harassment are quid pro quo and hostile environment. In quid pro quo, employment or educational decisions are made on the condition that a person accepts unwelcome sexual behavior. A hostile environment is characterized by pervasive sex-related verbal or physical conduct that is unwelcome or offensive, and has the purpose or effect of unreasonably interfering with work or school performance.
- Sexual harassment is a civil rights violation of federal and state discrimination laws in qualifying settings. Federal laws apply to work sites—local, state and federal government offices, businesses with 15 or more employees, employment agencies and labor organizations—as well as to school and college settings. State law addresses work settings—governmental offices (state and political subdivisions of the state) and businesses with 12 or more employees for more than 20 calendar weeks in the year in which the act took place (excluding private clubs).
- To report sexual harassment, victims should follow the workplace/school complaint policy, reporting the behavior to the proper authority using the site’s written procedures.<sup>1</sup> If the harassment continues after a reasonable amount of time following a report, victims may have the right to file a formal complaint with the WV Human Rights Commission (for qualifying workplaces/schools); the State of WV Equal Employment Opportunity Office (for state employees); the U.S. Equal Employment Opportunity Commission (for qualifying workplaces); or the Office of Civil Rights, U.S. Department of Education (for schools/colleges receiving federal financial assistance).
- Victims of sexual harassment need support. Encourage them to talk about the harassment with someone they trust. Let them know that you believe them and that the harassment is not their fault. Help them consider their options and identify resources available to stop the harassment and address adverse effects of the harassment on their lives.
- Become familiar with your agency’s policies related to sexual harassment of employees and of clients by agency staff. Also, find out if there are agency protocols to assist clients who disclose/request help to deal with sexual harassment.

## **B4. Sexual Harassment**

### **Purpose**

Most professionals know that sexual harassment can occur in the workplace and are aware of their agency's policy for addressing it. However, providers who serve individuals with disabilities may not have considered that sexual harassment is actually a form of sexual violence and their clients may be experiencing it at school or work. While sexual harassment typically does not result in physical injuries to victims, the emotional trauma that victims may experience from it can leave them unable to adequately function in their daily lives. (See *Sexual Violence 101. Understanding and Addressing Emotional Trauma*.)

**Because sexual harassment often involves the misuse of authority for sexual favors by persons in positions of power, individuals with disabilities who depend on others for care and assistance may be at considerable risk for this type of victimization.** Like many sexual harassment victims, they may not know their options for reporting and protection. To that end, this module provides basic information on sexual harassment and options in West Virginia for reporting and protection. *NOTE: Unless the user of this module is an attorney, the information should not be used to provide legal advice.*

### **Objectives**

Those completing this module will be able to:

- Define sexual harassment;
- Identify forms of sexual harassment;
- Discuss victim reactions to sexual harassment and ways to support victims; and
- Identify resources and criteria for reporting sexual harassment.

### **Preparation**

Participants should review their agency's policies on sexual harassment as well as staff procedures on how to assist clients who disclose sexual harassment.

## **Part 1: CORE KNOWLEDGE**

### **What is sexual harassment?**

Sexual harassment includes unwelcome sexual advances, conduct of a sexual nature, and requests for sexual favors. It must explicitly or implicitly affect a person's employment, unreasonably interfere with work or school performance or create an intimidating, hostile or offensive work or school environment.<sup>2</sup>

Sexual harassment can be *verbal* (e.g., making sexually degrading jokes or sending unwanted sexually harassing e-mails and text messages); *physical* (e.g., standing in someone's way or too close in order to sexually intimidate them); or *non-verbal* (e.g., displaying sexually explicit pictures or making sexual gestures). It can include offering academic benefits or employment advancement in exchange for sexual favors or making threats after a negative response to sexual advances.<sup>3</sup>

Under West Virginia law (*WVC§5-11. Legislative Rule Title 77*), sexual harassment is not necessarily confined to unwanted sexual conduct. Hostile or physically aggressive behavior may also constitute sexual harassment, if it is based on gender.

**FYI—What is the difference between sexual harassment and flirting?** The determining factor is the impact it has on the victim. Flirting is enjoyable to both people. If the behavior is sexual in nature, is unwelcome and made one person feel uncomfortable or unsafe, then it is sexual harassment.<sup>4</sup>

### **What are the two basic forms of sexual harassment?**

1. **Quid pro quo (this for that):** In this form of sexual harassment, employment or educational decisions are made on the condition that a person accepts unwelcome sexual behavior. This behavior only needs to happen one time to be sexual harassment.
2. **Hostile environment:** This form of sexual harassment is characterized by pervasive (persistent or all encompassing), sex-related verbal or physical conduct that is unwelcome or offensive, and has the purpose or effect of unreasonably interfering with work or school performance. In order for this conduct to be considered sexual harassment, the hostile environment must be extreme or “sustained and non-trivial.”<sup>5</sup>

### **Sexual harassment is never the victim’s fault.**

- Victims do not have to be of the opposite sex of their harassers.
- Victims can include those being harassed as well as anyone affected by the offensive conduct.
- Sexual harassment is, unfortunately, very common. For example, the American Association of University Women Education Foundation reported that nearly two-thirds of college students experience sexual harassment at some point during college (*Drawing the Line: Sexual Harassment on Campus, 2006*) and that 80 percent of students in grades 8-11 said they experienced sexual harassment in school (*Hostile Hallway, 2001*). In 2008, the U.S. Equal Employment Opportunity Commission (EEOC) received 13,867 charges of sexual harassment in work settings.
- See the American Association of University Women’s website, <http://www.aauw.org>, research section, to access the two above- mentioned publications.
- This information was drawn from FRIS, Sexual Harassment, <http://www.fris.org>, and EEOC, Sexual Harassment [http://www.eeoc.gov/types/sexual\\_harassment.html](http://www.eeoc.gov/types/sexual_harassment.html).

### **What are common reactions to being sexually harassed?**

Sexual harassment can impact victims in different ways. For example, it may cause victims to feel powerless, angry, anxious, depressed and less self-confident. Victims may blame themselves for the harassment. They may attempt to deny the harassment is occurring. It may cause them to feel isolated, especially if their family and friends don’t understand what is happening or try to minimize the harassing behavior. It may affect victims’ physical and mental well being (e.g., they may fear the harasser will harm them or they may develop health problems due to related stress).

At school, sexual harassment can lead to an inability to concentrate, lower grades, withdrawal from classes, changing majors, absenteeism and dropping out of school. In the workplace, sexual harassment can lead to decreased productivity, denial of advancement and/or benefits and loss of income or job.<sup>6</sup> (For more on victims' reactions to sexual violence, see *Sexual Violence 101. Indicators of Sexual Violence* and *Sexual Violence 101. Crisis Intervention*.)

### **What are ways to support victims of sexual harassment?**

Encourage victims to talk about the sexual harassment, even if they are uncertain about how to describe what is happening to them. Let them know that you believe them and that the sexual harassment is not their fault. Stress that it is important not to suffer the harassment in silence. Silence protects the harasser and will not end the harassment. Offer to help them consider their options and available resources, plan steps they can take to get help to stop the sexual harassment, create a safety plan, and develop coping skills for any adverse emotional effects of the harassment. If they have a disability, offer to assist them in identifying services that can accommodate their needs. (See *Disabilities 101. Accommodating Persons with Disabilities*.) Tell them you are there for them if and when they need to talk again. Keep what you discuss with them confidential, unless victims indicate you should do otherwise. (See *Sexual Violence 101. Crisis Intervention*.)

If employees or students witness fellow employees or students being sexually harassed, their willingness to provide documentation of what they observed could be useful if the victims decide to report. Similarly, victims may be more likely to report if other colleagues or students who have been sexually harassed by the same harasser come forward and disclose their experiences. Help victims understand that for these individuals, providing support involves personal risk (e.g., the harasser, school or employer may attack their credibility). Encourage victims to respect the decisions of others regarding their willingness to take those risks.

There are no mandatory reporting requirements for sexual harassment in West Virginia. However, certain professionals<sup>7</sup> are required to report to the West Virginia Department of Health and Human Resources (DHHR) sexual harassment that involves sexual abuse or sexual assault of children or of adults “who by reason of physical, mental or other infirmity are unable to independently carry on the daily activities of life necessary to sustaining life and reasonable health.”<sup>8</sup> Call your local DHHR or the state 24-hour reporting hotline at 800-352-6513 for more information. (See *Sexual Violence 101. Mandatory Reporting*.)

### **For victims of sexual harassment, what laws apply?**

**Sexual harassment is considered a civil rights violation of federal and state discrimination laws in qualifying settings.**<sup>9</sup> Different laws apply to different settings and not all settings are covered.

***Title VII of the Civil Rights Act of 1964.*** This act categorizes sexual harassment as a form of sex discrimination. It applies only in the following settings:

- Government offices (local, state and federal);
- Businesses with 15 or more employees;
- Employment agencies; and

- Labor organizations.

**WVC§5-11. Legislative Rule Title 77.** This state law offers protection from sexual harassment only in the following work settings:

- Government offices (state and any political subdivision of the state); and
- Businesses with 12 or more employees for more than 20 calendar weeks in the year in which the act took place (excluding private clubs).

**Title IX of the Education Amendment of 1972.** This amendment prohibits sexual harassment only in the following settings:

- Schools; and
- Colleges.

### **What can victims do if they are sexually harassed?**

Victims can include not only those persons being harassed, but also anyone affected by the offensive conduct. It is important to stress that victims are not responsible for the harassing behaviors. They can document and report the behaviors but cannot be held responsible for stopping them. In response to sexual harassment, victims should:<sup>10</sup>

- **Inform their harassers directly that the conduct is unwelcome and must stop.** Often the harassment is done to assert power and induce fear. However, it is not always safe for victims to confront their harassers, for reasons of physical safety, concerns for losing their jobs or for retaliation in a school setting. Victims do not have to inform their harassers that their behavior is unwelcome in order to file a complaint of sexual harassment, if doing so may jeopardize their physical safety, emotional well-being or work/school success.
- **Document the harassing behavior.** Write down specifically what was done or said and if there were other witnesses. In addition to documenting incidences of sexual harassment, also keep notes about negative actions that result from the harassment (e.g., a demotion) and about work/school performance (e.g., evaluations that attest to the quality of their work).<sup>11</sup> Keep a copy of any written communications sent to/from the harasser. Tell someone in authority about the harassment.
- **Become familiar with the school/workplace sexual harassment policies and grievance/complaint procedures,** as well as state and federal resources for filing a complaint.
- **Formally report the harassment to authorities at the workplace/school and, if necessary and applicable, file a complaint with a state or federal entity** (see below).

### **What are the steps to report sexual harassment?**

1. **Victims should follow the workplace/school complaint policy,** reporting the behavior to the proper authority using the site's written procedures. Policies may require that a report be made within a specific time period after the sexual harassment occurred.

Keep in mind that while all schools are required to have sexual harassment policies, not all

employers qualify or can be held accountable under discrimination laws. For those qualifying sites, *both harassers and those in authority* can be held liable when they have knowledge of the harassment and do not take action to stop it.

- 2. If the sexual harassment continues after a reasonable amount of time following a report to school/workplace authorities**, victims may have the right to file a formal complaint with one of the state or federal entities listed below. School/workplace policies may or may not indicate what constitutes “a reasonable amount of time.”

### **Where can a complaint be filed?**

Where a complaint is filed depends on where the sexual harassment occurred:

- **West Virginia Human Rights Commission** (for qualifying workplaces and schools): 304-558-2616 or 888-676-5546, <http://www.wvf.state.wv.us/wvhrc/>.
- **State of West Virginia Equal Employment Opportunity Office** (for state employees): 304-558-0400, <http://www.eeo.wv.gov>.
- **U.S. Equal Employment Opportunity Commission (EEOC)** (for qualifying workplaces): 800-669-4000 or 800-669-6820 (TTY), <http://www.eeoc.gov/>.
- **U.S. Department of Education, Office of Civil Rights** (for schools and colleges that receive federal financial assistance): 800-421-3481, <http://www2.ed.gov/about/offices/list/ocr/index.html>.

### **How do victims file a complaint?**

A report of sexual harassment should first be made following the school/workplace reporting policy, as noted above. Subsequently, a complaint should initially be filed with only one entity so an investigative process can begin. A formal complaint is initiated by filing a complaint form provided by one of the entities listed previously. An attorney is not needed to file a complaint.

**FYI**—Victims of sexual harassment may be unclear whether they can file a complaint or with which entity to file a complaint. The West Virginia Human Rights Commission can assist them in determining if and where a complaint should be filed. For more information on how to file a complaint that falls under a federal jurisdiction, victims can contact the Equal Employment Opportunity (EEO) office at the federal agency where the act occurred.

In some situations, reporting options may be limited. If a business has less than 15 employees and is not a government office, employment agency or labor organization, federal law related to sexual harassment does not apply, but state law may apply. If a business has less than 12 employees and is not a state government office, neither federal nor state law applies. Even if federal and state laws do not apply, a business may have its own sexual harassment policy and related grievance procedures that could be followed. If the sexual harassment includes acts considered unlawful in West Virginia, such as stalking or harassment, it can be reported to law enforcement.

### **When can a complaint be filed?**

Complaints filed with the EEOC must be within 300 days from the date of the sexual harassment.<sup>12</sup> Qualifying complaints filed with the West Virginia Human Rights Commission

must be within 365 days.<sup>13</sup> Complaints filed with the U.S. Department of Education, Office of Civil Rights, must be within 180 days.<sup>14</sup>

### **What happens after the complaint is filed?**

The complaint processes for both sexual harassment in the workplace and in schools are similar for when a complaint is filed. First, the employer or school responds to the complaint.

An investigation is conducted where relevant information is gathered in a “discovery” process. The intent of the investigation is to determine if there is reasonable cause to believe sexual harassment occurred. If there is reasonable cause, mediation may be made available to reach a settlement. If a settlement is not reached, the case can go to a civil trial. After the case is presented, the judge makes a ruling. If the judge rules in favor of the victim, various remedies can be ordered.<sup>15</sup> One common remedy is monetary compensation.

**NOTE**—While an attorney is not needed to file a complaint of sexual harassment, some victims choose to consult with an attorney to help them through the legal process and/or to file a private civil lawsuit. If victims express an interest in the use of a private attorney, help them identify available resources. The state and federal agencies that handle these complaints, as well as local courts, legal aid agencies and victim advocacy programs, may maintain lists of attorneys who could be of assistance. Another source might be the lawyer referral services operated by state and local bar associations.<sup>16, 17</sup>

### **Is sexual harassment described in the following scenarios?**

If yes, identify which type and what recourses are available.

1. *Emily is a 19-year-old college freshman who is deaf. She is struggling with her introductory algebra course. The professor tells her that if she will babysit his kids this weekend, he'll give her a passing grade.*

No, this scenario is not sexual harassment. Nothing of a sexual nature was involved.

2. *Emily's English professor tells her that if she will go out on a date with him Friday night, he can make sure that she knows the essay questions for the final.*

Yes, this scenario describes quid pro quo sexual harassment. If Emily does a favor that is sexual in nature (going on a date), her professor will give her the test questions. Emily is protected under Title IX of the Education Amendment of 1972 because the incident took place in an educational setting that is required to have a sexual harassment policy. She should report the behavior according to school policy. If she is not satisfied with the school's response, she could then file a complaint with the U.S. Department of Education.

Is Emily's deafness a factor in the sexual harassment? It could be, if the professor thinks her disability makes her an easy target for his sexual advances. If Emily also had a cognitive disability, she might be confused or flattered by the professor's request rather than offended. The professor might try to take advantage of Emily's disability to obtain sexual favors from her.

3. *Jennifer is the only female in an office with a staff of fourteen. Sometimes at lunch her co-worker, Joe, makes sexist jokes which Jennifer finds degrading, offensive and embarrassing.*

This scenario possibly describes sexual harassment. Joe's behavior could be creating a hostile environment. There are several factors in determining whether or not his behavior is sexual harassment. The behavior must be pervasive—meaning that it must be “sustained and non-trivial” or extreme in nature. It also has to unreasonably interfere with her work performance. Not all behavior that is sexist, rude and annoying meets the standard of sexual harassment. However, when it does meet that standard, Jennifer or any of the employees has the right to complain. Jennifer could confront the harasser and/or talk with her supervisor.

4. *Joe forwards e-mails on the staff listserv with degrading jokes about women. Jennifer, who is the only female on staff, has told him to stop, but he just laughs at her, saying she can't take a joke. He has sent one or two of these e-mails every day for at least the past 6 months. She can't tell from the subject line which messages are jokes and which she needs to open. It is disrupting her work.*

Yes, this scenario describes sexual harassment. Joe is clearly creating a hostile environment, knowing that this behavior is offensive and he's doing it repeatedly. It is interfering with Jennifer's work. She should follow her agency's policies for reporting sexual harassment. Her additional recourses are dependent upon the number of employees in her agency and the type of agency. If her work site qualifies under Title VII of the Civil Rights Act, she could file a complaint with the U.S. Equal Employment Opportunity Commission if she is not satisfied with her employer's response to her report. If her employer does not qualify under Title VII, she could file a complaint with the West Virginia Human Rights Commission.

### **Test Your Knowledge**

*Refer to the pages in this module as indicated to find the answer to each question.*

1. What is sexual harassment? *See pages B4.2–B4.3.*
2. What are the two forms of sexual harassment and how are they different? *See page B4.3.*
3. What are common reactions to sexual harassment? How can you support victims of sexual harassment? *See pages B4.3–B4.4.*
4. What laws apply to sexual harassment? In what settings do these laws apply? *See pages B4.4–B4.5.*
5. What are the first steps that victims can take if they are being sexually harassed? *See page B4.5.*
6. How do victims initially report sexual harassment? What if the harassment does not stop after they have reported? *See pages B4.5–B4.6.*
7. With which agencies can victims file a formal sexual harassment complaint? What happens after a complaint is filed? *See pages B4.6–B4.7.*



## Part 2: DISCUSSION

### Projected Time

2.75 hours

### Purpose and Outcomes

This discussion is designed to help participants apply the information presented in *Part 1: Core Knowledge* of this module to their collaborative work with victims of sexual harassment. The discussion could be incorporated into forums such as agency staff meetings, orientations and continuing education programs, as well as multi-agency meetings or trainings. Anticipated discussion outcomes include increased understanding of barriers and challenges experienced by victims of sexual harassment, greater knowledge about sexual harassment and the resources available to assist victims; and greater comfort and competency in interacting with and assisting victims who are dealing with this form of sexual violence.

Refer to the learning objectives at the beginning of this module for specific outcomes.

### Preparation

- Ensure that the meeting is held at an accessible location. Ask participants prior to the meeting if they need any accommodations—if so, work with them to secure accommodations.
- Select a facilitator for the discussion. The facilitator should have knowledge about sexual harassment and related federal and state laws.
- Participants and the facilitator should review *Part 1: Core Knowledge* of this module before the discussion.
- Request that participants bring copies of their agencies' written policies on sexual harassment, as well as staff procedures on how to assist clients who disclose sexual harassment.
- Bring the following supplies and materials to the meeting: flipcharts and colored markers, blank attendance sheet, sufficient copies of participant materials, office supplies (tape, pens, paper, etc.) and a clock/watch to monitor time. Optional items include name badges or table tents.

### Suggested Activities and Questions

#### 1. Invite participants to identify/review discussion ground rules to promote open communication. Utilize the following principles: (10 minutes)

- An environment of mutual respect and trust is optimal. Everyone should feel comfortable expressing their opinions and feelings about the various topics. There are no right or wrong answers, only different perspectives.
- Avoid personalized comments that are negative as they can lead to defensiveness and confrontation among participants and ultimately may shut down dialogue.

- Be clear about what information discussed during this meeting is confidential and what the expectations are for confidentiality in the context of this partnership.
2. **Ask a representative from each agency to summarize the written policies on sexual harassment at their workplace.** Do the policies include only sexual harassment of employees, or does it also have a process for addressing sexual harassment of clients by agency staff? (15 minutes)
  3. **Facilitate a group discussion.** (15 minutes)
    - a. How often does your agency have clients who disclose sexual harassment (frequently, occasionally, rarely or never)? Does your staff receive training on working with victims of sexual harassment?
    - b. If your agency rarely or never receives these disclosures, consider why (noting sexual harassment is a fairly common occurrence). Consider the barriers for your clients in reporting sexual harassment (e.g., they don't label what they are experiencing as sexual harassment, they don't know help is available or where to go to get assistance, they don't view your agency as one that can provide guidance on this topic, or they fear the ramifications of disclosing).
    - c. What would help your staff/co-workers be better positioned to help clients label what they are experiencing as sexual harassment and what support can you provide if clients do disclose?
    - d. What local resources might be helpful to a person who discloses to you they are being sexually harassed?
  4. **Ask participants to review the following scenarios and consider the questions that follow.** (These are the same scenarios in *Part 1: Core Knowledge*.)<sup>18</sup> (45 minutes)

### Scenario 1

*Emily's English professor tells her that if she will go out on a date with him Friday night, he can make sure that she knows the essay questions for the final. Emily is a 19-year-old freshman who is deaf. She is struggling to maintain a passing grade in this course.*

### Scenario 2

*Jennifer is the only female in the office. Sometimes at lunch her co-worker, Joe, makes sexist jokes which Jennifer finds degrading, offensive and embarrassing.*

### Scenario 3

*Joe forwards e-mails on the staff listserv with degrading jokes about women. Jennifer, who is the only female on staff, has told him to stop, but he just laughs at her, saying she can't take a joke. He sends one or two of these e-mails every day. She can't tell from the subject line which messages are jokes and which ones she needs to open. It is disrupting her work.*

- a. For each scenario above, which type of sexual harassment is described and what recourses are available? (Answers are available in *Part I: Core Knowledge*).

- b. Describe how you think Emily and Jennifer might react to the sexual harassment they are experiencing. How could it impact their daily lives?
  - c. What support could your agency provide for the victims?
  - d. Do you think these types of scenarios occur often? If so, what are possible contributing factors in our culture?
  - e. Do you think these types of scenarios occur often to persons with disabilities? If so, what do you think could make this population targeted by harassers?
  - f. In Jennifer's situation where remarks are made at lunch, what could bystanders (e.g., others who may also be in the lunchroom) do to provide support to Jennifer? What could they be doing that intentionally or unintentionally provides support to Joe?
  - g. What are ways your agencies might raise the awareness of your client population about what sexual harassment is and what to do if they experience this form of harassment?
  - h. Is there any additional information that you think would be useful to know in each case, in order to assess the situation and provide support?
5. In the above scenarios, the victims felt uncomfortable about the behavior. For some victims with disabilities, the behavior may cause a variety of feelings and confusion. **Consider the following scenario and questions:** (30 minutes)

*Lydia is a 32-year-old woman with a moderate developmental disability. She works as the receptionist at the local library. Her supervisor, Fred, repeatedly tells Lydia that she is a beautiful woman. Sometimes she purposely misses the bus so she can ask Fred for a ride home. Fred is married and knows that Lydia has a crush on him. When she asks him for a ride, he tells her that if she shows him her breasts, he'll drive her home. Lydia is flattered by the attention and feels that showing her breasts is a quick and easy way to get a ride home with Fred.*

- a. Is Lydia being sexually harassed?
- b. Is there a difference if Lydia's employer has eight (8) employees versus 25?
- c. Is there a difference if Lydia had a mild developmental disability? A severe one?
- d. What if Fred asked Lydia to show him her breasts in exchange for an extra half-hour break for lunch? Would his behavior be considered sexual harassment?
- e. In each of the scenarios presented, what are Lydia's alternatives?
- f. Is Lydia vulnerable to increased offending behaviors by Fred? Why or why not?

Discuss how the type and severity of a developmental disability could impact a victim's ability to accurately interpret the intent of the behavior.

**6. Facilitate a group discussion.**<sup>19</sup> (30 minutes)

- a. Sexual harassment is a continuum of behaviors that can range from sexual discrimination to sexual assault and sexual abuse. Sometimes assumptions about other people contribute to

the harassing behavior. Discuss the following assumptions. For each assumption, consider if the gender, age and ability/disability of the persons involved could potentially impact behavior.

- All people welcome and feel flattered by attention of a sexual nature.
  - Women sometimes say “no” to dates or sexual advances as a way of “playing hard to get.”
  - Almost everyone likes a good dirty joke once in a while.
- b. Sexual harassment is a continuum of behaviors. How do you determine when a joke becomes a taunt; a look becomes a leer; a touch becomes a grope; and a tease becomes harassment?
- c. When someone tries to minimize harassing behavior by comments such as “she just can’t take a joke” or “I was really paying her a compliment,” they are shifting the blame onto the victim. Discuss how publicizing the guidelines that follow to your client population and the community in general could impact behavior.
7. **Closing.** Ask each participant to write down how the information gained from this module discussion will:
- Change the way they interact with individual clients;
  - Change the way they partner with other agencies to assist clients: and
  - Promote change in their agency’s policies, practices or training programs.

Then facilitate a large group discussion on this topic. (*10 minutes*)

### **Guidelines To Determine If Your Behavior Or Comments Are Harassing**

- Would I want my actions or comments printed in the newspaper or shown on TV?
- Is there equal power between me and the person with whom I’m interacting?
- Would I behave the same way if my employer or significant others (e.g., wife, husband, partner, children, mother, etc.) were standing next to me?
- Would I behave this way if their significant others were with them?
- Would I want someone else to act this way toward a person with whom I’m in a relationship?
- Is there equal initiation and participation between me and the person with whom I’m interacting?

## West Virginia S.A.F.E. Training and Collaboration Toolkit—Serving Sexual Violence Victims with Disabilities

Project partners welcome the non-commercial use of this module to increase knowledge about serving sexual violence victims with disabilities in any community, and adaptation for use in other states and communities as needed, without the need for permission. We do request that any material used from this toolkit be credited to the West Virginia Sexual Assault Free Environment (WV S.A.F.E.) project, a partnership of the West Virginia Foundation for Rape Information and Services, the Northern West Virginia Center for Independent Living and the West Virginia Department of Health and Human Resources (2010). Questions about the project should be directed to the West Virginia Foundation for Rape Information and Services at [www.fris.org](http://www.fris.org).

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<sup>1</sup>Partnering agencies refer to the persons they serve as “clients,” “consumers” and “victims.” For convenience, “victims” and “clients” are primarily used in this module. Also note that the terms “sexual violence” and “sexual assault” are generally used in this module to encompass sexual assault, sexual abuse and other forms of sexual violence.

<sup>2</sup>U.S. Equal Employment Opportunity Commission (EEOC), Sexual harassment, [http://archive.eeoc.gov/types/sexual\\_harassment.html](http://archive.eeoc.gov/types/sexual_harassment.html). Note that online documents referenced in this module were available at the links provided at the time the module was written. It is suggested you check the sites for any updates or changes. If you experience difficulty accessing the documents via the links, another option for locating documents is doing a web search using titles.

<sup>3</sup>West Virginia Foundation for Rape Information and Services (FRIS), *Sexual harassment*, <http://www.fris.org/>.

<sup>4</sup>FRIS, *Sexual harassment brochure*, <http://www.fris.org/>.

<sup>5</sup>FRIS, Sexual harassment.

<sup>6</sup>Section drawn from FRIS, *Sexual harassment*, and Sexual Harassment Support, *Effect of sexual harassment/what is sexual harassment and why is it so difficult to confront*, <http://www.sexualharassmentsupport.org/>.

<sup>7</sup>Health care and social services personnel, emergency medical service personnel, religious and school personnel, child care/foster care workers, law enforcement officials and personnel of nursing home or other residential facilities.

<sup>8</sup>Rape Abuse and Incest National Network (RAINN), *Mandatory reporting database* (updated December 2008), <http://www.rainn.org/public-policy/legal-resources/mandatory-reporting-database>. Link takes you to two WV charts: one for children and one for persons categorized as disabled/elderly.