

### What is Quid Pro Quo Sexual Harassment?

**DIVIDE** class into small groups.



#### **Group Activity: Quid Pro Quo Definition (Optional)**

- **DISTRIBUTE** a flip chart to each group.
- **TELL** them to divide the page into four quadrants.
- In the upper left quadrant, **TELL** them to define Quid Pro Quo sexual harassment.
- **EXPLAIN** that you will revisit their definitions after the video.



**PLAY** video Module 1: *What is Quid Pro Quo Sexual Harassment?*

### Video Discussion

**ASK**

- Do you think Katie's reluctance to report Ken is realistic? Why or why not?
- What about Tasha? Do you think she has a responsibility to get involved? Why or why not?
- Who remembers what quid pro quo means? *This for that.*
- Why was it important for Katie to go to HR instead of talking directly to Ken? *Because Ken is in a position to impact Katie's job.*

**NOTE:** This is an important point. **DISCUSS** the risks of talking directly with the harasser when it's someone in authority. Make sure that the class understands that when faced with quid pro quo sexual harassment, speaking up is important, but they should speak to another manager or HR—not directly to the manager who is doing the harassing.

## Scenario #4

**Tony and Felipe are stocking shelves. They stop talking when a customer approaches and resume when the customer is out of earshot.**

Tony: *I believe you. I do. If you say you're still happy, who am I to argue? ... I guess I'm just a skeptic when it comes to relationships. I can't imagine how you're not bored. I mean sex with the same person over and over and over...*

Felipe: *You're talking about me and my partner ...*

Tony: *Exactly. What's your secret? What do you do to keep it fresh ... you know ... so you don't get the urge to sleep around...to wander? Do you have sexual fantasies? Do you ever...*

Felipe: *Tony, the details of our sex life are none of your business. This conversation is over.*

Tony: *All right. Chill... I didn't mean anything by it.*

1. What are the inappropriate behaviors? Asking intimate questions about Felipe's personal life.
2. Potential harassment? If so, what kind? No.
3. Why or why not? It seems as though this is the first time Tony has talked with Felipe in this way.

### EXPLAIN

- Tony's comments and questions are inappropriate for work.
- He stopped when Felipe spoke up. However, if Tony regularly polls people about their sex lives or initiates other inappropriate, unwelcome behaviors that are sexual in nature and create a pattern, the potential for creating a hostile work environment increases.

## Scenario #5

**Billy, Keith, and Allen are in the break room. Randall and Anthony are at the next table.**

Billy: *Did you hear about that transgender movie that's up for a few awards? Can you believe it?*

Allen: *It's supposed to be a pretty good film.*

Billy: *Allen, it's a movie about some messed up dude trying to find himself. Or herself. Whatever...How can that be a good film?*

Allen: *All I'm saying is that none of us have seen it, so ...*

Billy: *Exactly. Who in their right mind would pay money to see two guys—if you can call them that—making out?*

Keith: *You know... gays, lesbian chicks, trans, pans...those people...whatever they call themselves...they're probably first in line...*

Allen: *Come on Keith. That's...*

Keith: *Hey, I bet Anthony's already seen it. Randall too. Clearly they both, what's the word...identify....uh...differently... Let's ask them what they thought of the movie...*

Allen: *No. Let's leave Anthony and Randall alone and talk about something else. Break room or not, we're at work.*

Billy: *Who died and left you in charge?*

Keith: *Right...Allen, if I didn't know better, I'd say you're one of them.*

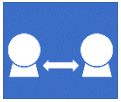
Allen: *Not funny Keith... this is NOT an okay conversation—especially for work. I think we should show Anthony and Randall some respect. We work together.*

1. What are the inappropriate behaviors? **Talk that is sexual in nature and degrading with regard to gender identity and gender expression.**
2. Potential harassment? If so, what kind? **Maybe. Hostile work environment.**
3. Why or why not? **Billy and Keith are expressing some pretty strong opinions about gender identity, gender expression, and sexual orientation. If it offends Allen, or anyone else at work and becomes pervasive and severe, it could become a hostile work environment.**

### EXPLAIN

- Both Billy's and Keith's comments are inappropriate for work. If their inappropriate behaviors continue and escalate, a potential for a hostile work environment exists.

NOTE: It's important to acknowledge that Allen was an upstander. He spoke up and told Billy and Keith to leave Anthony and Randall alone and to change their conversation.



## Partner Activity: Quid Pro Quo...Is It or Isn't It?

This activity is designed to help learners identify whether the scenario is potential quid pro quo or not. **TELL** learners to work with their partner from the Pre-Test. **DISTRIBUTE** worksheets (reproducible worksheets are located in the Resources section of this Guide).

### EXPLAIN

- They should read each scenario and determine whether it is quid pro quo, and if so, why.
- They should be prepared to share their answers.

## Debrief

**REVIEW** responses.

1. Your boss has been hitting on you for the last few weeks. You've laughed it off as flirtatious banter. Last night he suggested that you'd get the busier shifts and better tables if you stay after everyone else leaves and help him close the restaurant. This time, it's clearly not just flirtatious banter. *This is an example of quid pro quo. It's a request for sex and/or sexual favors in exchange for a job benefit (busier shifts mean more tips).*
2. Your manager offers a discreet sex-only relationship, saying that nobody needs to know, and that it will be worth your while if you agree. *This is an example of quid pro quo. It's a request for a sexual relationship in exchange for a job impact (it will be worth your while).*
3. At an off-site, evening sales meeting, a co-worker comes onto you and suggests that if the two of you hook up later that night, he'll give you the inside details on a new client. *This is not quid pro quo. Although it's a request for sex and/or sexual favors in exchange for a job benefit (inside details on a new client), there is no imbalance of power. The co-worker is not in a position to make employment decisions based on submission or rejection of the request. However, it is still inappropriate conduct, and it might be work sabotage if those details are necessary for you to do your job.*

Note: Unlawful sexual harassment can occur on company premises or off, if it is a work event.

4. After you turn down your manager's request for a date, your deadline on a team project is moved up to an impossible timeframe. *This is an example of quid pro quo. It's a request for the start of a sexual relationship and rejection of the request resulted in negative job consequences.*
5. A supervisor in another department is clearly interested in you. She has stopped by your work space multiple times, left you notes, and brought you coffee. Although she hasn't asked you out, you know it's coming. *This is a tricky one. At a minimum it's inappropriate because of the imbalance of power: you are not peers. However, there's not enough information to determine whether she has any influence over your job. If she does have the authority to influence your job, then her romantic attention would be more than just inappropriate. Her attention could be quid pro quo, an implied "this for that" proposition, even though she hasn't asked you out.*

## Intent Versus Impact Defined

ASK for a show of hands.

ASK

- Who has heard of the term “intent versus impact”? Who can explain what it means? *It doesn't matter if you didn't mean to offend; it's the impact on the other person that matters.*

## Reasonable Person Standard Defined

ASK for a show of hands.

ASK

- Who has heard of the term “Reasonable Person Standard”? Who can explain what it means? *It's a standard that the courts use to determine whether sexual harassment occurred.*

EXPLAIN

- The EEOC and courts use a Reasonable Person standard to determine whether a hostile work environment exists.
- Essentially, the court asks, “Would a reasonable person find this conduct severe or pervasive enough to create a hostile environment?”



## Group Activity: What Does Hostile Work Environment Sexual Harassment Look Like?

EXPLAIN

- The inappropriate behaviors that could lead to hostile work environment sexual harassment can be verbal, non-verbal, physical, visual, or written.
- The next activity is designed to illustrate what a hostile work environment looks like.

DISTRIBUTE markers to each group. POST four flip charts around the room with the following headings:

- Inappropriate Verbal Behaviors
- Inappropriate Non-verbal Behaviors
- Inappropriate Physical Behaviors
- Inappropriate Visual or Written Conduct