How to identify subtle sexual harassment
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1. Identify the participants
Identify the people directly in the interaction and others who may have seen and/or overhead the interaction

2. Determine what is the relationship of the participants

If the participants have a typical work relationship (i.e., conversations are primarily work related topics and interaction outside are usually work related), management personnel should closely monitor interactions when sexual and/or sex-based behaviors are occurring between those individuals

3. Objectively identify the behavior
Objectively identify the behavior of each of the participants in the interaction.

4. Determine if the behavior is unwelcome

A. Did anyone say that any of the behaviors was unwelcome?
B. Did anyone clearly indicate by his/her body language that any behavior in that interaction was unwelcome?
   If A and/or B are answered “yes”, go to step Five. If answered “no”, to C.
C. Determine if the participants in the interaction equally participate in the similar behavior with each other. If they do not, go to step five, if they do, go to “Caution”.
D. Determine if the participants in the interaction equally participate in the similar behavior with each other. If they do not, go to step five, if they do, go to “Caution”.

   Caution: Although employees may equally initiate and participate in sexual and/or sex-based behavior, that behavior:
   • May be inappropriate in the workplace.
   • Could be third party sexual or sex-based harassment of other employees who see and/or hear that behavior.
   • May have the potential of becoming sexual and/or sex-based harassment.

   Important! Avoid “yes ...but...” thinking when evaluating employee interactions, i.e., Yes person A engages in sexual behavior but that’s
   a. his/her culture or personality;
   b. how we have always acted or how everyone acts;
   c. harmless behavior does not mean anything.

5. Determine if the behavior is sexual or sex-based.

If the behavior is obviously sexual or sex-based, the recipient of that behavior was sexually harassed.

If the behavior is not obviously sexual determine if the recipient would have been subjected to the behavior if she/he were the opposite sex. If not the recipient was sexually harassed.