

## What is Sexual Harassment?

Ideally a place of business should be a place where management and staff can work in an environment free from intimidating, offensive, and hostile behaviors. Sexual harassment goes against such an environment. Therefore, each member should have a significant and on-going interest in eliminating sexual harassment.

Sexual harassment is a complex and controversial problem in the workplace. Sexual harassment may be overt or subtle. The acts constituting it may range from visual signals or gestures to verbal abuse, to physical contact.

The definition of sexual harassment may differ slightly. The types of behavior constituting sexual harassment may vary in degree of severity. Its definition always has one key element --- the behavior is uninvited, unwanted, and unwelcome.

Sexual harassment results in lost productivity, time consumption, and legal implications. Both the offender and the offender's supervisor can be held liable for acts of sexual harassment.

### Sexual Harassment Defined

- Sexual harassment is offensive sexual behavior by persons in authority towards those who can be benefited or injured in an official capacity. Therefore, it is primarily an issue of abuse of power, not sex.
- Sexual harassment is a breach of a trusting relationship that should be a sex-neutral and relaxed situation. It is unprofessional conduct and undermines the integrity of the employment relationship.

### Sexual Pollution: The Potential for Sexual Harassment

Examples of sexual pollution are:

- \*continuous "pet" name calling, such as "baby", "sweetie", or "honey";
- \*referring to an individual as a "hunk", "fox", or "broad";
- \*referring to men in general as "dogs", "swine", or to women as "bitches", or "wenches";
- \*remarks of a sexual nature, open displays of written and pictorial erotica.

\*sexually oriented practices or behaviors that:

- (1) an employee finds objectionable or offensive,
- (2) undermines an employee's job performance,
- (3) causes discomfort, embarrassment, and humiliation

\*explicit graphic displays, cartoons of naked bodies or pictures of simulated sexual acts;

\*continuous gift giving with the intention of getting sexual favors in return;

\*suggestive or insulting sounds such as whistling, wolf-calls, or kissing sounds;

\*sexually provocative compliments about a person's clothes or the way their clothes fit;

\*comments of sexual nature about weight, body shape, size, or figure;

\*comments or questions about the sensuality of a person, or his/her spouse or significant other;

\*pseudo-medical advice such as "you might be feeling bad because you didn't get enough" or "a little tender loving care (TLC) will cure your ailments";

\*telephone calls of a sexual nature, by an employee to an employee's residence. It could be sexual harassment whether or not the calls pertain to business matters;

\*"staged whispers" or mimicking of a sexual nature about the way a person walks, talks, sits, etc.;

\*implied or overt threats if sexual attention is not given, such as blatant threats of giving a poor efficiency report or work evaluation if sexual favors are not forthcoming;

\*distribution of written or graphic materials that are derogatory or are of a sexual nature;

\*repeated unsolicited propositions for dates and/or sexual intercourse;

- Sexual harassment is coercive behavior, whether implied or actual. It is unwanted attention and intimacy in a nonreciprocal relationship.

- Sexual harassment is an illegal form of sex discrimination. It is a violation of Title VII of the Civil Rights Act of 1964, as amended, the federal law prohibiting employment discriminations.

- Sexual harassment is a violation of professional ethics.

Supervisors are expected to discourage these offensive behaviors. Employers and employees are expected to observe professional conduct at all times.

### **Sexual Harassment Is:**

- (1) Unwanted sexual advances;
- (2) Unwelcome requests for sexual favors; and
- (3) Other behavior of a sexual nature where:
  - A. Submission to such conduct is made either explicitly or implicitly, as a term or condition of an individual's employment.
  - B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
  - C. Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive working environment.

### **Consenting Relationships Distinguished From Sexual Harassment**

Federal and state laws prohibiting sexual harassment, Title VII Sexual Harassment Guidelines, address the issue of unwelcome sexual conduct; such conduct must be clearly distinguished from purely personal, social and consenting relationships.

The intent of a Sexual Harassment Policy is to prevent sexual harassment and not to prohibit personal and social relationships among supervisors and co-workers. However, consenting, or those, which appear consenting, sexual relationships between supervisory and subordinate personnel, and any other relationship with a definite power differential are of concern. All should be informed of the substantial risks in an "apparently" consenting relationship where a power differential exists. Charges of sexual harassment, favoritism, bias or sex discrimination may be raised, even if both parties had initially consented to the relationship.

### **Sexual Harassment Types and Examples:**

Sexual harassment ranges from visual signals, gestures, or messages to verbal abuse and/or physical contact. Sexual harassment may be either subtle or blatant demands for sexual favors. All acts that constitute sexual harassment, however, can be distinguished from voluntary sexual relationships by the presence of coercion, threats, or continuous unwanted attention. Sexual harassment includes, but is not limited to, menacing behavior, sexual extortion, solicitation of sexual favors, and unwanted sexual interactions with persons with whom a close supervisory relationship exists.

Sexual harassment can involve any member including employees and management. In addition, an incident of sexual harassment may occur between a member of the community or a visitor, patron, client,

or a contractor working for the property or Franklin Asset Management Company, Inc. The “reasonable person” standard determines whether a particular behavior constitutes sexual harassment prohibited by the policy. The following section gives examples of verbal and non-verbal behaviors of a sexual nature that may violate our policy on sexual harassment.

### **Physical Behavior**

Unwanted physical contact can range from offensive conduct to criminal behavior. One employee may feel that physical contact is sexual harassment, while another may dismiss it as an annoyance.

The examples of behaviors listed below involve actual physical contact with the recipient. (Some of these behaviors are explicitly sexual in nature; some may be accidental.) In any event, this unwanted physical contact should stop immediately when requested by the receiver or one seeking to mediate a resolution. Any actual, or perceived, criminal conduct should be reported.

- \*stroking, or brushing up against the body;
- \*cornering or mauling;
- \*invading another’s “personal space”;
- \*attempted or actual kissing or fondling;
- \*physical assaults;
- \*coerced sexual intercourse;
- \*attempted rape or rape;

### **Gestures and other Non-verbal Behavior**

Gestures are movements of the body, head, arms, hands and fingers, face and eyes that are expressive of an idea, opinion, or emotion. Non-verbal behaviors are actions intended for an effect or as a demonstration. Gestures and non-verbal behaviors generally do not involve physical contact. Some gestures are intended only to get the attention of the recipient, while others are intended to provoke a reaction from the receiver. Listed below are examples of unacceptable gestures and non-verbal behaviors that may be in violation:

- \*sexual looks such as leering and ogling with suggestive overtones;
- \*licking lips or teeth;

- \*holding or eating food provocatively;
- \*lewd gestures, such as hand or sign language to denote sexual activity;
- \*persistent and unwelcome flirting;

### **Verbal Behavior**

Listed below are examples of unacceptable verbal behaviors that may be in violation. The behaviors listed below do not necessarily have to be specifically directed at an individual to constitute sexual harassment.

- \*continuous idle chatter of a sexual nature and graphic sexual descriptions;
- \*sexual slurs, sexual innuendoes, and other comments about a person's clothing, body, and/or sexual activities;
- \*offensive and persistent "risque" jokes, or "jesting" and "kidding" about sex or gender-specific traits;
- \*sexual teasing.

## Sexual Harassment Policy

Franklin Asset Management Company, Inc's and all properties in which it has been contracted to manage, take the position that --- sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. All employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. Anyone engaging in harassing conduct will be subject to discipline, ranging from a warning to termination.

**What is sexual harassment?** Sexual harassment is defined as any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct which is offensive or objectionable to the recipient, including, but not limited to: epithets, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings.

**When is conduct unwelcome or harassing?** Unwelcome sexual advances (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- ✓ submission to such conduct is either an explicit or implicit term or condition of employment (e.g., promotion, training, timekeeping or overtime assignments)
- ✓ submission to or rejection of the conduct is used as a basis for making employment decisions (hiring, promotion, termination)
- ✓ the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment

**What is *not* sexual harassment?** Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.

**What should you do if you are sexually harassed?** If you feel that you have been the recipient of sexually harassing behavior, report it immediately to the Regional Property Manager of the property for which you are employed or other supervisor. It is preferable to make a complaint in writing, but you can accompany or follow up your written complaint with a verbal complaint. If your supervisor is the source of the harassing conduct, report the behavior to that person's supervisor or to the managing agent of the property for which you are employed. (*Your identity will be protected and you will not be retaliated against for making a complaint.*)

### Complaint Procedure

If you experience, witness or are made aware of any sexual harassment in the workplace, report it immediately to your supervisor. You must also report harassment to a member of Franklin Asset Management Company, Inc. All allegations of sexual harassment will be quickly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of that investigation.

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**Retaliation Prohibited**

Franklin Asset Management Company, Inc. and all properties in which it has been contracted to manage will permit no employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.

**Written Policy**

When you begin working for Franklin Asset Management Company, Inc. or any property in which it has been contracted to manage you will receive a copy of this sexual harassment policy. If at any time you would like another copy of the policy, please contact the Human Relations Office. Should this policy be amended or modified, you will receive an individual copy of the amended or modified policy.

**Penalties**

Sexual harassment will not be tolerated at Franklin Asset Management Company, Inc. or at any property in which it has been contracted to manage. If an investigation of any allegation of sexual harassment shows that harassing behavior has taken place, the harasser will be subject to disciplinary action, up to and including dismissal.

I have read the sexual harassment tutorial and sexual harassment policy and understand its procedure, penalties and content and agree to comply with all.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date