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VCayr: Managing Sexual Harassment

Professor Yasser Rahrovani wrote this case solely to provide material for class discussion. The author does not intend to illustrate either effective or ineffective handling of a managerial situation. The author may have disguised certain names and other identifying information to protect confidentiality.

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The following discussion outlines cases of sexual harassment and assault. These topics may be intellectually and emotionally difficult for some readers, especially those who have experienced an assault. In a safe setting, we intend to empathetically engage in this discussion, with an aim to better our understanding of how these agonizing situations can be prevented in organizations. If you are a survivor and this discussion has added to your anxiety, please seek support from available resources such as counselling services, including those at your institution.

On an evening in January 2019, Adam Johnson, a board director of VCayr (read as “we care”), was having dinner with his family. After dinner, he put on his running shoes, slipped his cell phone into his pocket, and made his way out of the house for his post-dinner walking routine. A few steps into his walk, he received a call from Jing Wu, a member and project manager at VCayr. He answered. In a distressed tone, Wu asked Johnson if he could help her with a pressing matter. Johnson agreed to meet Wu at 6:00 p.m. the next day, at a local coffee shop. After hanging up, Johnson thought about how he had not seen Wu as much recently. In their meeting the following day, Wu informed Johnson that a VCayr board director had been sexually harassing her. There would be a board meeting in a couple of days following Johnson and Wu’s meeting, and Johnson was contemplating several options.

THE ORGANIZATION

VCayr was a not-for-profit social service organization that connected members through its community activities. VCayr also assisted individuals with house hunting, job applications, opening bank accounts, applying for credit cards, and professional online and phone counselling. It also regularly hosted social events, where members and their families would get together, and held seminars with professionals.

The organization was registered with the provincial government in a Canadian province and had a bylaw. According to its bylaw, all board of directors were elected biannually by VCayr’s 500 members, who paid a monthly membership fee. VCayr’s structure was relatively flat (see Exhibit 1). The board president acted as the face of VCayr and oversaw various roles, but had relatively the same degree of power as any other board director. In the first board meeting, the official roles (i.e., president as well as secretary, finance, operation, program, and communication directors) were divided by elected candidates, based on consensus. Each director worked with teams of volunteers (e.g., the social media team, logistics team, newsletter team), that contributed to several projects (e.g., workshop series, social events, cultural events). The board relied on members to join different subgroups as volunteers to help run projects. Similar to many other not-for-profit organizations, VCayr had very casual internal processes and lacked any human resources (HR) department or HR policies, which also meant that it had no formal sexual harassment (SH) or whistle-blower policies. The board was the body through which the company’s bylaws were interpreted and implemented.

Located in a large city, the organization worked closely with an array of social groups and charity organizations that provided similar or complementary services. VCayr funding relied on membership fees, event tickets, and individual donations. VCayr served its 500 members with an annual budget of approximately CA$50,000. VCayr’s board of directors consisted entirely of unpaid volunteers, with some directors holding instrumental roles in other community-based or charitable organizations in the province. In accordance with VCayr’s bylaws, members could stand for election after having been active members of VCayr for two years.

THE CONVERSATION

Johnson arrived at the coffee shop a few minutes before 6:00 p.m. and found Wu sitting at a table, with a laptop and a cup of coffee in front of her. He ordered his usual latte and joined her.

Wu looked up briefly. Johnson could see that her eyes were red from crying. She avoided his gaze and thanked him for meeting her. She picked up her coffee, took a sip, and then proceeded to tell Johnson about how Paul Candy, director of operations, had sexually harassed her a number of times in the past.

Wu had been a VCayr member for two years. After joining VCayr, she assumed an active role, becoming a project manager for several VCayr projects, which led to her befriend many VCayr members. Wu chose to discuss the SH incident with Johnson because he was a board director and a good family friend.

Candy was a well-respected and long-time member of VCayr. Although Candy was active behind the scenes of different projects’ logistics, he was most known as the face of VCayr. Candy was a charismatic speaker and often represented VCayr at public events. Candy’s reputation stretched beyond VCayr, as he was very active in other similar charitable organizations in the city. Videos of his workshops and lectures were available on the websites of other similar organizations in the city—specifically, on the website of a charity organization whose chief executive officer was a close friend of Candy’s and who had consistently invited Candy as a speaker for charity events. Johnson had been working with Candy for four years. He knew him as a family man who cared about others and dedicated a lot of his personal time to helping members of his community. In addition to his positive public image, Candy had good relationships with the other board directors, including Johnson.

Wu’s Account of the Events

In 2018, Candy invited Wu to his work office to advise her on a VCayr project that she was working on. He had made the invitation over a live, casual chat on their personal Google Hangouts, which Wu had on record. While discussing the project details in Candy’s office, Candy made some sexual remarks about Wu’s body and continued his remarks to the point where she felt very uncomfortable. Wu left the office feeling sexually harassed. Wu related how, in the months that followed, Candy continued to communicate with her over text or WhatsApp messages, sometimes inappropriately, with sexual jokes or sexually animated GIF images. Candy asked to meet with her again, but Wu stopped responding.

At the time, she said, she felt guilty for allowing the communication to carry on for several months, in light of the first encounter. Eventually, she stopped attending all community-related events in the city, including those at VCayr. Wu claimed that she kept silent because she was afraid people would not believe her, especially given Candy’s position and reputation in VCayr and other similar organizations.

Wu told Johnson that a few days before their meeting in the coffee shop, Candy had sent her an email where, once more, he requested that the two of them meet. Wu turned her laptop toward Johnson and showed him the email: the overall text was flirtatious, yet the request to meet was subtle. This last message had been one message too many for Wu. She wanted this to stop but was unsure of how she could do so. She was hoping Johnson could help.

Johnson was taken aback, confused, and surprised, but immediately felt the gravity of Wu’s story. He recognized that this situation was complex. There was verifiable evidence, but there were also subjective accounts that Candy would be sure to dispute and would likely disagree with Wu’s interpretation of their interactions. However, she had the right to be treated professionally at VCayr. She wanted Candy’s flirtatious behaviour to stop, and he should be willing to comply.

Wu was no longer a VCayr member, but Johnson recognized that he was being asked to be her ally in the matter and help correct Candy’s professional behaviour. Johnson knew that that the situation, which had adversely affected Wu, could become detrimental for the entire VCayr organization, where Candy continued to serve as a board director. A critical intervention was needed, and Johnson had to decide what role he would play.

Wu offered to forward Johnson the communication exchanges between her and Candy; Johnson accepted. This was the first time Wu had shared the chain of events with anyone, despite it having been over a year since the initial incident. She explicitly stated that she did not want her name mentioned if the story were to surface within the organization or publicly. While her initial request to Johnson was for him to help her manage Candy’s messaging, she also insisted that VCayr find a way to manage this situation company-wide because there could be other victims: “You need to know and be careful of this man! If he has done this to me, he can do the same or worse to others.” While still avoiding Johnson’s gaze, Wu thanked him for listening and left the coffee shop.

Johnson’s Decision

That night, Johnson opened his laptop and sat down to review the long chain of communication that Wu had forwarded him. He scrolled through the various messages—a dozen or so emails, text messages, and screenshots of messages sent to Wu on her social media accounts. After reviewing the messages, Johnson concluded that the communication between Candy and Wu, including his most recent email, was indeed inappropriate. Johnson could not confirm the exact actions in Candy’s office with regard to verbal or non-verbal sexual harassment. Based on his own moral compass, however, the record of communication he received from Wu drew a clear case of sexual harassment.

In all his years working at VCayr or similar organizations, Johnson had never been confronted with such an issue. He felt underequipped to deal with Wu’s allegations. He was also unsure if his personal moral compass was consistent with provincial and federal sexual harassment laws, so he decided to do some research (see Exhibit 2).

Johnson realized that VCayr, as a not-for-profit organization with volunteers, fell under provincial human rights codes (e.g., the *Ontario Human Rights Code*[[1]](#footnote-2) or Quebec’s *Charter of Human Rights and Freedoms*[[2]](#footnote-3)) but not under federal labour law or the *Employment Standards Act*[[3]](#footnote-4), which expects employers to provide a workplace that is free of sexual harassment and assault.[[4]](#footnote-5) Human rights codes were generally interpreted to treat volunteers and unpaid workers as employees.

Johnson was still reeling from Wu’s revelations. He could not stop thinking about what she had relayed. A VCayr board meeting was planned for the following day. The main agenda item was a social event to welcome new members. As a board director, Candy would most likely be asked to engage closely with community members—both male and female. Johnson wondered if he should raise Wu’s revelations at that meeting. What actions should Johnson take to address Wu’s allegations? If he raised the topic during the board meeting, what might Candy’s or other directors’ reactions be to hearing such an allegation? Would the board be able to make a change for Wu? How could Johnson prevent such events from ever occurring again?

Exhibit 1: VCayr organizational chart

**Board**

**Secretary**

**Finance Director**

Project 2

Project 3

**Program Director**

**Communication Director**

* Social Media Team
* IT Team
* Newsletter Team

**Operation Director**

Project 1

**President**

Note: IT = information technology.

Source: Created by the authors.

Exhibit 2: Definitional background

Sexual harassment (SH) is a type of discrimination by sex and refers to harmful and unwanted behaviours either of a sexual nature or directed at a person on the basis of their sexuality or gender identity. Harm is defined as significant emotional distress or physical injury or impairment. According to the *Canadian Human Rights Act*, “every person has the right to be free from unwelcome advances or solicitation in employment.” While men are predominately responsible for SH against women in the workplace, the literature also points to other manifestations, including SH by men to men, by women to men, or by women to other women.

A variety of behaviours can be classified as SH, such as requests for socialization or dates, personal insults and ridicule, leering, offensive comments, non-verbal gestures, sexual propositions, and sexual and physical assault. An example of SH could be a disgruntled employee who spreads rumours about his female director, stating that she is having an affair with the company president and that she is only successful because she “slept her way to the top.”

SH is an umbrella term that has been classified in three conducts—namely, patronizing, taunting, and predatory conduct. Patronizing conduct includes “sexist but nonsexual comments, gestures, or condescension. Sexual taunting includes sexual gestures, physical displays, and overly personal comments and queries that create a sexually hostile environment. Predatory SH is most directly threatening, encompassing sexual solicitation, promises or threats, touching, and forced sexual contact.”

Technology-facilitated or digital sexual harassment (DSH) refers to SH experienced via the Internet, mobile devices, or other digital platforms. DSH includes a range of behaviours such as offensive language, sexual aggression and/or coercion, image-based sexual abuse, online SH, cyberstalking, online gender-based harassment (including hate speech), and the use of a carriage service to arrange, or attempt to arrange, a victim’s sexual assault (e.g., revenge pornography, sextortion, etc).

* Cyberstalking is the repeated unwanted communication, contact, sexual advances, and threats of violence or physical harm that cause a victim to feel fearful for their safety.
* Cyber-obsessional pursuit is the unwanted pursuit or intimacy through the repeated invasion of a person’s sense of physical or symbolic privacy, conducted via digital or online means.
* Image-based sexual abuse is a criminal behaviour that refers to taking, distributing, and/or threatening to distribute nude or sexual recordings or images of a person without their consent.

Understanding consent is essential in recognizing sexual assault. Consent should be “enthusiastic” and “ongoing.” The ongoing aspect of consent cannot be implied based on past events. According to the Canadian Women’s Foundation, consent is given with a clear “yes,” affirmative words, and positive body language. Individuals can also change their mind and withdraw consent at any time. According to the Canadian Department of Justice, when a situation involves an abuse of trust, power, or authority, consent cannot be given.

Source: “Sexual Harassment in Employment (Fact Sheet),” Ontario Human Rights Commission, accessed October 1, 2020, www.ohrc.on.ca/en/sexual-harassment-employment-fact-sheet; Anastasia Powell, Adrian J. Scott, and Nicola Henry, “Digital Harassment and Abuse: Experiences of Sexuality and Gender Minority Adults,” *European Journal of Criminology* 17, no. 2 (2018): 199–223; Paula McDonald and Sara Charlesworth, “Workplace Sexual Harassment at the Margins,” *Work, Employment and Society* 30, no. 1 (2016): 118–134; Lindsey Joyce Chamberlain et al., “Sexual Harassment in Organizational Context,” *Work and Occupations* 35, no. 3 (2008): 262–295; Jenna Cripps and Lana Stermac, “Cyber-Sexual Violence and Negative Emotional States among Women in a Canadian University,” *International Journal of Cyber Criminology* 12, no. 1 (June 2018): 171–186; Nicola Henry and Anastasia Powell, “Embodied Harms: Gender, Shame, and Technology-Facilitated Sexual Violence,” *Violence against Women* 21, no. 6 (2015): 758–779; Bradford W. Reyns, Billy Henson, and Bonnie S. Fisher, “Stalking in the Twilight Zone: Extent of Cyberstalking Victimization and Offending among College Students,” *Deviant Behavior* 33, no. 1 (2012): 1–25; Brian H. Spitzberg and Gregory Hoobler, “Cyberstalking and the Technologies of Interpersonal Terrorism,” *New Media & Society* 4, no. 1 (2002): 71–92; Anastasia Powell and Nicola Henry, “Technology-Facilitated Sexual Violence Victimization: Results from an Online Survey of Australian Adults,” *Journal of Interpersonal Violence* 34, no. 17 (2019): 3637–3665; “What Is Consent?,” Sexual Assault Support Services, accessed October 1, 2020, https://carleton.ca/ sexual-violence-support/what-is-sexual-assault/what-is-consent; “The Facts about Sexual Assault and Harassment,” Canadian Women’s Foundation, accessed October 1, 2020, https://canadianwomen.org/the-facts/sexual-assault-harassment.

1. “The Ontario Human Rights Code,” Ontario Human Rights Commission, accessed October 1, 2020, www.ohrc.on.ca/en/ontario-human-rights-code. [↑](#footnote-ref-2)
2. “Charter of Human Rights and Freedoms,” Légis Québec, modified September 1, 2020, accessed October 1, 2020, http://legisquebec.gouv.qc.ca/en/showdoc/cs/c-12. [↑](#footnote-ref-3)
3. “Your Guide to the Employment Standards Act,” Ontario.ca, modified September 9, 2020, accessed October 1, 2020, https://www.ontario.ca/document/your-guide-employment-standards-act-0. [↑](#footnote-ref-4)
4. “Sexual Harassment,” Government of Canada, modified July 13, 2020, accessed October 1, 2020,.

   https://www.canada.ca/content/dam/canada/employment-social-development/migration/documents/assets/portfolio/docs/en/reports/labour\_standards/sexual\_harassment/harassment.pdf. [↑](#footnote-ref-5)