

Exercise G

Sam, a senior supervisor for the Department calls Maggie into his office. He tells her that if she'd like to avoid a bad review, she must perform a sexual act with him. He grabs her and pushes her to the ground. Maggie manages to escape Sam's grasp and flees.

Jose sees Maggie running out of Sam's office in distress and thinks her blouse may have been partially off. Katie sees Maggie in the restroom crying and fixing a tear in her blouse. Maggie tells Katie about the attack. Sam abruptly promotes Maggie.

Katie and Jose tell the Equal Employment Opportunity (EEO) Officer what they saw and heard. Sam denies anything happened. Maggie files a complaint with the California Department of Fair Employment and Housing alleging quid pro quo sexual harassment.

Exercise G – Practice Test

Choose the Best Answer:

- A. Sam is a senior executive and no one witnessed the alleged unwelcome conduct so no one will believe Maggie.
- B. Because Maggie was promoted, she suffered no damages, so there can be no claim for quid pro quo harassment.
- C. A reasonable investigator would conclude, based on circumstantial evidence and credibility assessments, that quid pro quo sexual harassment did occur.

Exercise G – Answer

- C. A reasonable investigator would conclude, based on circumstantial evidence and credibility assessments, that quid pro quo sexual harassment did occur.

Exercise H

ABC Co. provides all employees a handbook that details ABC's "zero tolerance" sexual harassment policy and instructs employees to call ABC's HR Department immediately if they experience or witness any sexual harassment.

Quinn, an ABC supervisor, walks by Pat's desk and whispers to Pat that he should "forget" to wear undergarments the next day. Pat, shocked, pretends not to have heard. From then on, Quinn whispers similar comments to Pat every opportunity they are alone in the office. Pat does nothing, thinking it is only a matter of time before Quinn, who is an incompetent supervisor, is replaced. After six months, Quinn is terminated for poor performance, at which point Pat recounts all of Quinn's past actions to a senior executive and asks the manager to make sure the next supervisor is "less disgusting."

Exercise H – Test Question

Choose the best answer:

- A. Pat cannot sue anyone for sexual harassment because six months have gone by and Pat waited until Quinn was fired before anything was shared with management.
- B. Pat can sue both Quinn and ABC, but ABC can try to reduce the amount it must pay by arguing that the harassment would have stopped if Pat called HR after Quinn's first comment.
- C. Pat can only bring a claim against Quinn. ABC is not liable because Pat chose not to follow the instructions in the employee handbook.

Submit your answer below.