



## Unprofessional Behavior and Sexual Harassment

Conduct/Behavior	Perceptions by Subject/Others	Professional Behavior?	Sexual Harassment?
Sexual comments and jokes exchanged – both parties welcome and participate	Can be sexual harassment if others overhear and it's not welcome – creates hostile environment	No	Can be
Coworkers frequently touch or hug each other – welcome	Can be sexual harassment if others see and it - creates a hostile work environment	No	Can be
Female employee flirts by touching a male subordinate on the sleeve and complimenting his clothing	Male employee perceives that he must welcome the touching because it's his boss	No	Yes
Male employee compliments female on her looks everyday – he's flirting	Female indicated by words or actions that the behavior is welcome	No	Can be
A vendor always greets the receptionist with sexual innuendo and leering	Receptionist has indicated that the behavior is unwelcome	No	Yes
A salesperson teaching a class to new sales personnel includes a suggestive slide in the presentation	This is not an image that any company wishes to convey - is sexual harassment if perceived as such by a reasonable man or woman	No	Yes
Male boss regularly asks questions of his female associates and turns the answers into sexual innuendos	Can be a hostile work environment and quid pro quo sexual harassment depending on how the associates perceive it	No	Yes
Consultant installed a new PC program, and when the screen is turned on, a sex game appears	Hostile work environment	No	Yes
Male delivery person is good looking – females continually tease and joke with him	Perception is the key plus the nature of the teasing and jokes – is the content sexual? Good-natured teasing and joking is ok; sexual jokes and teasing are unprofessional (delivery person can sue his employer).	Can be	Can be
There is only one female employee in a traditionally male only area – the men have left sex toys and pornographic materials in her locker and toolbox	It's doubtful this conduct is welcome, but as the sole female employee, a complaint might result in retaliation – failure to complain does not mean it is welcome	No	Yes
Male and female coworkers often joke in the workplace and discuss sexual fantasies and experiences within hearing of other employees, customers, clients and visitors	Perception is the key for the coworkers – others may be exposed to the unwelcome behavior, and then it becomes a hostile environment	No	Yes
Construction crew working on a new building for your company subjects all female employees to cat calls and whistling everyday	While the men think they are having fun joking and teasing, the conduct is probably unwelcome by most of the females	No	Yes
Someone told a very off-color joke to a coworker who did not object	They didn't know another employee overheard the joke and did not welcome it - a complaint was filed and the company settled for a large sum (this was a very expensive joke)	No	Yes

**You cannot, by policy, ban flirting in the workplace. However, all employees should know that what one person considers harmless flirting may be sexual harassment to the recipient of the action.**

**Although a single or isolated instance of unwelcome sexual conduct or remark may not create a hostile working environment, an unusually severe incident may. The more oppressive the harassment, the less need there is to show repetitive acts. Physical touching and assault are examples of conduct that could create a hostile work environment, even though such acts occurred only once.**