



Preventing Sexual Harassment Glossary of Terms

Agent - one who acts for, or in the place of, another, by authority from him or her; one entrusted with the business of another; a substitute; a deputy. Managers and supervisors are agents of the employer.

Circuit courts - the name informally used to refer to the existing U.S. court of appeals, which are organized into thirteen circuits covering different geographical areas of the country. The term derives from an age before mechanized transit, when judges and lawyers rode “the circuit” of their territory to hold court in various places.

Coercion - the use of authority or force to impose an unwanted advance. The act of compelling by force of authority.

Common Law Torts - legal actions against civil wrongs, including assault and battery, intentional infliction of emotional distress, interference with contract and defamation. Tort actions may provide more relief than the federal and state laws.

Constructive Discharge - a legal term that means that the mistreatment or hostile conditions were so bad that the harassed employee was forced to leave work.

Discrimination - any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, color, gender, national origin, religion, age, disability or other factors protected under federal, state or local laws, such as marital status or gender identity.

Disparaging Term - a term used to degrade or connote negative statements pertaining to such characteristics as race, color, gender, national origin, religion, age, disability or sexual orientation. These terms include insults, printed material, visual material, signs, symbols, posters, or insignia. The use of these terms constitutes unlawful discrimination.

Domination - the exercise of power in ruling; arbitrary and abusive influence; to be larger in number, quantity, or importance; to be in control.

Equal Employment Opportunity Commission (EEOC) - a federal agency established in 1964 by Title VII of the Civil Rights Act. This agency is charged with eliminating discrimination based on race, color, religion, sex, national origin, disability, or age in employment.

EEOC Guidelines - In 1980 the EEOC issued guidelines which declare sexual harassment a violation of Section 703 of Title VII, set criteria for determining when unwelcome conduct of a sexual nature constitutes sexual harassment, define criteria for employer liability, and recommend steps employers should take to prevent sexual harassment. These guidelines have been updated periodically.

Empathy - the action of understanding, being aware of, being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of another; the capacity for this

Fair Employment Practices - State fair employment practices agencies provide assistance in sexual harassment cases similar to the federal EEOC. Laws on sexual harassment, and other types of discrimination, vary considerably from state to state.

Gender - The behavioral, cultural, or psychological traits typically associated with a person's sex.

Harassment - The act of harassing, or state of being harassed; a feeling of intense annoyance, anxiety or worry caused by being tormented.

Hostile Work Environment - a form of sexual harassment that occurs when unwelcome sexual conduct is severe and pervasive and unreasonably interferes with an individual's job performance and creates a hostile, intimidating or offensive work environment.

Impact - The effect or consequence of an action. The impact of behavior of a sexual nature is more important than the person's intentions in determining sexual harassment.

Innuendo - an indirect or subtle, usually derogatory implication; an insinuation.

Intent - the purpose or intention of an action, from the actor's point of view. A person's good intent is not relevant in determining whether behavior may be sexual harassment.

On Notice - having received notification. Once you are "on notice" you cannot claim that you were unaware of the matter. For example, when you receive a Court Summons, you are "on notice" that you must appear as ordered, and you can't plead ignorance.

Peer - a person who is of equal standing with another in a group; one of the same rank, quality, endowments, character, etc.; an equal; a match; a mate.

Perspective - a way of regarding situations or topics. People interpret situations based on their beliefs and attitudes.

Protected Class - a group named in a law as protected from discrimination. Some protected classes include gender, race, age, and religion.

Proximity - the property of being close together; the region close around a person or thing.

Quid Pro Quo - a Latin phrase that means "something for something" or "this for that." It is one form of sexual harassment, in which an employee must submit to some form of unwelcome sexual conduct in exchange for an employment benefit, such as a promotion, or the job itself.

Reasonable Person - the standard used by courts to assess whether particular conduct is illegal by determining whether a reasonable person would find it severely or pervasively offensive under similar circumstances.

Retaliation - taking or threatening to take an unfavorable action against an individual, or withholding or threatening to withhold a favorable action that could discourage a reasonable employee from making or supporting a charge of harassment or discrimination.

Sex Discrimination - the action taken by an individual to deprive a person of a right because of their sex. Such discrimination can occur overtly, covertly, intentionally, or unintentionally.

Sexism - attitudes and beliefs that one gender is superior to another.

Sexual Harassment - any unwelcome sexual advances, requests for sexual favors, and unwelcome verbal or physical conduct of a sexual nature that occurs in the workplace. Sexual harassment is a form of gender discrimination and violates both Title VII of the 1964 Civil Rights Act as well as State discrimination laws.

Sexual Harassment (Legal Definition) - a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Strict Liability - Liability that does not require the employer to be aware of the illegal behavior. An employer is strictly liable for quid pro quo sexual harassment by any supervisor, meaning it does not have to be aware of the harassment to have liability, but, under federal law, is not strictly liable for hostile work environment sexual harassment.

Subordinate - Placed in a lower order, class, or rank; holding a lower or inferior position. In traditional hierarchical work settings, workers are subordinate to their management.

Third Party Harassment - 1) when a party or parties not sexually harassed directly but indirectly suffer the consequences of sexual harassment. 2) also, when a person who is not an employee of an organization but may subject an employee to harassment in a work setting (e.g., a client, vendor, customer, visitor); in which case the employer is responsible for stopping and preventing the harassment.

Title IX of the Education Amendments of 1972 - federal legislation that prohibits sexual harassment of students in educational programs and activities.

Title VII of the Civil Rights Act of 1964, as amended - legislation that prohibits employment discrimination based on race, color, religion, sex and national origin; including sexual harassment.

Unsolicited - not requested; not sought after.