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# INTRODUCTION TO SEXUAL HARASSMENT



## What is Sexual Harassment?

Sexual harassment is any behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

According to the US Equal Employment Opportunity Commission:

*Harassment can include 'sexual harassment' or unwelcome sexual advances, requests for sexual favors and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.*

# Types of Sexual Harassment

The legal framework for workplace sexual harassment includes two types: a “hostile work environment” and “quid pro quo” harassment.

A **hostile work environment** occurs when the sexual conduct either has the purpose or effect of unreasonably interfering with the plaintiff’s work performance and creates an environment that is either hostile, demeaning or offensive. A hostile work environment can be created by anyone in the workplace and is not limited to harassment of a subordinate employee by a more powerful one; this kind of harassment can include a peer, a supervisor, a vendor, a customer, a client or a contractor. Examples of behavior that might constitute the creation of a hostile work environment might include unwanted touching, jokes or commentary of a sexual nature, persistent requests for dates or a work environment where pornography or offensive language is present.

**Quid pro quo harassment** refers to scenarios in which a workplace favor or advantage is granted or expected in return for something; it is perpetuated by someone in a position of power to a person who is subordinate. These favors or advantages can be either overtly expressed or implied, and the “benefit” can take the form of a promotion or compensation increase or merely the avoidance of an undesirable situation, for example a demotion or termination. An example of *quid pro quo* harassment would be a supervisor’s promise of a pay raise if a subordinate goes out on a date with him/her/they.



## Sources for Further Study:

[US Equal Employment Opportunity Commission: Sexual Harassment](#)

[All Law: Sexual Harassment in the Workplace Defined](#)

[Legal Momentum: Legal Resource Kit](#)

[Sex Discrimination and Sexual Harassment in Employment](#)

[Time: A Brief History of Sexual Harassment in America Before Anita Hill](#)

[Jacobin: The Long History of Workplace Sexual Harassment](#)

“We tend to look at it like, ‘Well, these are bad people, right? The people that are doing these awful things...are bad people, and that is separate from me.’ We fail to realize that actually these people were raised in a culture of male supremacy.”

**MATT MCGORRY**  
ACTOR / ACTIVIST

# GLOSSARY



*Glossary terms marked with an (\*) are not discussed in the film's educational version.*

## **BATTERY**

In criminal law, any physical act that results in harmful or offensive contact with another person without that person's consent. In tort law, the intentional causation of harmful or offensive contact with another person without that person's consent.

## **CISGENDER**

Of or relating to a person whose gender identity and/or expression corresponds with the sex the person had or was identified as having at birth.

## **EMPATHY**

The experience of understanding another person's thoughts, feelings, and condition from his/her/their point of view, rather than from one's own.

## **GENDER**

Traditionally used interchangeably with the term sex; now understood to refer to the behavioral, cultural, or psychological traits typically or traditionally associated with one's sex.

## **GENDER IDENTITY**

Refers to a person's internal sense of being male, female, some combination of male and female or neither male nor female.

## **INTERSECTIONALITY**

The complex and cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap or intersect, particularly in the experiences of marginalized individuals or groups. First coined by Kimberlé Williams Crenshaw, an American lawyer, civil rights advocate and scholar of critical race theory.

## **MICROAGGRESSION**

A comment, action, behavior or form of speech that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group.

## **MARGINALIZED GROUP**

A population of people commonly relegated to a marginal—or outside—position within a society or group.

## **OPPRESSION**

The prolonged unjust or cruel exercise of authority, control or power over a less powerful entity.

## **MALE GAZE**

A term coined by film critic Laura Mulvey to describe the cinematic objectification of women by male film directors. Describes the assumption that cisgendered, heterosexual males are the default audience of visual or creative content, and that the inclusion of women in such content should therefore seek to please this audience, for example by objectifying or sexualizing females. The theory has since been applied to various media and contexts beyond film and art.

## MILITARY SEXUAL TRAUMA (MST) \*

A term used by the the Veteran’s Administration to refer to an individual’s experience of sexual assault or harassment during military service. Includes any sexual activity that a service member is involved with against his/her/their will, and can be experienced by any gender.

## MISOGYNY

Dislike of, contempt for or ingrained prejudice against women.

## PRIVILEGE

A special right, benefit, advantage or immunity granted or available only to a particular person or group.

## RAPE CULTURE

The concept for any setting or society in which rape is pervasive and normalized due to societal attitudes, beliefs and values concerning gender and sexuality. Rape culture is upheld and communicated through behaviors and practices around sexual and gender-based violence; the way we think and talk about sex and rape; and cultural representations of sex and sexual violence. In a rape culture, for example, sexual violence is viewed as inevitable and victims are blamed for their own assaults.

## RETALIATION

According to the US Equal Employment Opportunity Commission, the punishment of job applicants or employees when they assert their rights to be free from employment discrimination, including harassment. Retaliation is unlawful in cases in which applicants or employees are communicating with a supervisor or manager about employment discrimination, including harassment; answering questions during an employer investigation of alleged harassment; resisting sexual advances or intervening to protect others from sexual advances, among other instances.

## “SEVERE OR PERVASIVE” STANDARD

According to the US Equal Employment Opportunity Commission, a qualification for illegal workplace harassment, namely the requirement that harassment be considered unlawful when the conduct in question is “severe or pervasive” enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. A determination of whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis.

## SB 1300

A 2019 California state law that created several new protections for employees bringing harassment claims. These protections include the mandate that an employer may be responsible for the acts of nonemployees with respect to harassment; the provision that employers may not require an employee to sign a release stating the employee does not possess any claim or injury against the employer; and the provision that employers may not, in many cases, require an employee to sign a non-disparagement agreement. In addition, SB 1300 provides that a single incident of harassment is sufficient to create a triable issue of a hostile work environment if the harassing conduct has unreasonably interfered with the employee’s work performance or creates an intimidating, hostile or offensive working environment.

*In 2018, a nationally representative survey of 2,000 men and women found that 81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault in their lifetime.<sup>2</sup>*



## SEXUAL AND GENDER-BASED VIOLENCE

Refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships, including violence that is directed at an individual based on his/her/their biological sex or gender identity. Encompassing threats of violence and coercion, it can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services. Women are disproportionately harmed by gender-based violence, and men are disproportionately represented among perpetrators.

## SEXUALITY

A person's sexual orientation or preferences, including a person's feelings, thoughts, attractions and behaviors toward others.

## TOXIC MASCULINITY

Refers to traditional cultural masculine norms that can be harmful to men, women and society overall. Examples include exaggerated "masculine" traits, such as being violent, unemotional and sexually aggressive.

## TRANSGENDER \*

Denoting or relating to a person whose sense of personal identity and gender does not correspond with his/her/their birth sex.

## VICTIM BLAMING

Refers to the practice of assigning whole or partial blame for a crime or a wrongful act to the victim of that act. May include questioning what a victim could have done differently in order to prevent a crime from happening, thus implying the fault of the crime lies with the victim rather than the perpetrator.



# WHAT TO DO WHEN A COLLEAGUE TELLS YOU THEY WERE HARASSED

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When someone you know or work with tells you they were a victim of sexual harassment, your response can position you as a powerful ally in their experience and can help them get the support they need.

**Start by following the five guidelines below.**

## **ACTIVELY LISTEN:**

Lend a focused facial expression and neutral, nonjudgmental body language as you listen to the experience. Do not interrupt or share your own experiences.

## **ACKNOWLEDGE THE EXPERIENCE:**

You don't have to understand sexual harassment policies or laws, or to have witnessed an incidence of harassment, to acknowledge your colleague or classmate's experience. Saying, "Thanks for sharing that with me," or "Thank you for trusting me with this information," can go a long way toward supporting a victim of sexual harassment.

## **AFFIRM:**

Many victims of harassment wonder if what they experienced really happened, or whether they have misinterpreted or misremembered the sequence of events. Affirm that you're hearing your classmate or colleague by nodding, saying "hmm" or "yes" as you listen, or repeating back what your classmate or colleague has said.

## **AVOID QUESTIONING:**

Don't question or criticize. Questions like, "Do you think he meant that as a compliment?" or "What were you wearing that day?" are not helpful and not pertinent to issues of sexual harassment. No one deserves to be sexually harassed, and if you're not sure what to say, you can say that!

## **ADVOCATE GETTING SUPPORT:**

Let your classmate or colleague know that there are multiple channels for support, including formal reporting channels, counseling, peer advocacy and legal action. While sexual harassment can be isolating and intimidating, there are many paths toward support, recourse and legal guidance.

"Sexual harassment is not a root cause of anything. It is a symptom of a culture that values men and what they do more than women and what they do. This structure is virtually our every waking moment, but it's invisible. So if we want to shift our workplace culture, we actually have to shift our broader culture."

**CAROLINE HELDMAN**

**SURVIVOR'S ADVOCATE, AUTHOR  
AND PROFESSOR, OCCIDENTAL  
COLLEGE**

# HOW TO BE AN ALLY AGAINST SEXUAL HARASSMENT



**As *Nevertheless* illustrates,** sexual harassment is embedded in culture, habit and systemic power structures. As an ally or a bystander, you can combat the broader culture that supports sexual harassment.

## Here's where to start:

- Advocate for equal pay, equal leadership and equal parental leave at your office. This can start with simply asking questions, for example, "Why is parental leave for non-birthing partners less than it is for birthing partners?" Or, "Why don't we have as many female managers as male?"
- Point out when credit for an idea or project is due to a female or LGBTQI+ coworker. If you routinely credit ideas to those who originated them, you'll be fairly recognizing everyone in your workplace.
- Watch and talk about media that promotes gender equity and refutes transphobia, transmisogyny, homophobia, racism, sexism or violence. Sharing stories that overtly validate marginalized identities showcases your priorities to others.
- Validate others when they act respectfully. Positive reinforcement of supportive and courteous behavior can be powerful in changing culture.

- Call harassment out when you see or hear it. This can be as gentle and non-combative as saying, "Whoa!" or "Hey!" when an inappropriate comment, photo, joke or gesture is shared. In other cases, you may need to be more assertive by saying, "That's really offensive," or "that's not funny."
- Act as a witness if you see your co-workers being targeted for harassment. Document what you see, and defend your colleagues whether or not they choose to report through official channels. You may also choose to anonymously report.
- If you witness verbal or physical harassment, intervene immediately. You might issue a verbal "Stop!" or merely use your presence to create physical space between a harasser and a victim. If you feel that you or another person is in danger, call a security guard or local law enforcement officer. Do not hesitate to call 911 if someone's immediate safety is at risk.

## Sources for Further Study:

[Sexual Harassment at Work: A Resource for Women and Allies, Women Against Abuse](#)

[Guide for Allies, US Version, Better Brave](#)

# STICK IT TO SEXUAL HARASSMENT: A CALL TO ACTION



**Inspired by *Nevertheless*?** Want to take a stand? Our ***Nevertheless*** sticker campaign invites you to take a positive, proactive, visible action by posting our stickers and digital badges in your physical workplace, on your campus or in your community—or to share them online, where they can be seen across your social and digital networks. When you host a screening of ***Nevertheless***, you'll get access to a digital package of stickers and badges as part of your screening kit. You can also download our digital stickers (perfectly sized for social media) at [www.neverthelessfilm.com](http://www.neverthelessfilm.com).



# FIVE EASY WAYS TO STICK IT TO SEXUAL HARASSMENT

- 1** See an offensive poster, magazine cover or ad in your community, on public transit or in your workplace or campus? Stick our physical “Sexual Harassment Stops Here” sticker on the offending media and cover it right up! Examples might include a magazine ad that objectifies women by using depictions of female bodies to sell a product, or a bus ad that depicts tropes of toxic masculinity, like male sexual aggression.
- 2** Spot misogyny on one of your social feeds? Post one of our “Ally Against Sexual Harassment” digital stickers on your feed and call out the offending post, article, ad or comment in your own words.
- 3** Change your Facebook or Instagram profile picture to our digital “Ally Against Sexual Harassment” digital sticker for a day, a week or a month. While the badge is live, post about a story from the film, or from your own life.
- 4** Work for an organization or attend a school that screened **Nevertheless**? After organizing or attending your screening and discussion, add our digital “Sexual Harassment Stops Here” to your website to show you’ve begun the conversation, and to pique the curiosity and engagement of others.
- 5** Pass out our physical “Ally Against Sexual Harassment” stickers at public or workplace events like parades, concerts, marches, rallies or parties. Taking a visible stand against inappropriate and unwanted behavior can combat a culture of discrimination or abuse.

