



A recent survey of community health care workers in the United States found that 75% of respondents reported experiencing sexual harassment or assault in the workplace. This is a significant finding, especially given the fact that the majority of these workers are women. The survey also found that 60% of respondents reported experiencing discrimination based on race or ethnicity, and 45% reported experiencing discrimination based on age. These findings highlight the need for comprehensive workplace harassment and discrimination policies, and the importance of creating a safe and supportive work environment for all employees.

#MeToo intertwines with other important issues

State responses to #MeToo have been varied, with some states passing legislation to strengthen workplace harassment and discrimination laws, while others have taken no action. This highlights the need for federal legislation to ensure consistent protection for all workers. Additionally, the #MeToo movement has brought attention to the issue of sexual harassment in the workplace, which has long been a problem. The movement has encouraged victims to speak out and seek justice, and has led to the resignation of several high-profile individuals. This has created a more open dialogue about sexual harassment and has helped to reduce the stigma associated with reporting such incidents.

equality on global scale State responses to #MeToo an toward transparency

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WE WILL NOT GO QUIETLY

THE FUTURE IS FEMALE

Protect & Bolard

NEVERTHELESS

DISCUSSION GUIDE
EDUCATIONAL EDITION

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LETTER FROM THE DIRECTOR



I'll never forget this moment: I was standing in front of my apartment building with my husband, Ryan, and I was about six months pregnant. We were planning to open the envelope from our doctor, that evening, to find out if we were having a girl or a boy. We were in a blissful bubble of pre-parenthood. Our neighbor walked up to us: a 30-something white, straight, cisgendered guy who we thought of as a friend. He asked if we knew the sex of our child, and we told him we didn't know yet, but that we were hoping for a girl. "You know what?" he said. "It's fine. All you have to do is realize that if you're having a girl, some day, someone's going to [expletive] your daughter. And then it's fine."

I froze. Ryan froze. We didn't know what to say. We couldn't believe this was the very first thing he thought to say to us about having a girl. Worse, he'd given voice to an insidious societal belief: that a girl or woman's experiences happen to her; that she has no agency, that she is on the receiving end of someone else's thoughts and actions. The encounter shook me. When we found out soon after that we were, in fact, having a girl, I felt a huge responsibility to help make the world a safer place for her, and for all of us.

Part of that work is making this documentary. Our first shoot day was October 4th, 2017. I interviewed employment attorneys, gender and inclusion experts, and many brave women willing to share their stories of harassment and abuse. The very next day, the Harvey Weinstein story dominated our news feeds and the #MeToo movement blossomed. Suddenly, no one could deny that gender-based harassment and violence was a widespread problem. I knew this film would be more important than ever in this moment.

Two years later, I'm very proud of the evolution this project has taken. I am humbled by the ordinary heroes featured in this film and the eloquent experts that analyze and evaluate the film's personal stories to ground them in history and context. As the director, I have also been forced to face my own privileges and blind spots—a humbling journey that I hope the film can spark in others. Overall, I hope **Nevertheless** showcases the ways in which we can move forward as a society—using the courageous choices of the film's subjects as models and inspiration.

All of us are complicit in a culture that permits and perpetuates sexual harassment; all of us are also capable of coming together to fix it. Thank you for bringing **Nevertheless** to your community, where it can inspire the kind of storytelling, dialogue and action that can upend deep-seated cycles of gender-based harassment.

We are all in this together. Thank you.

Sarah Moshman | Director, 2019

www.sarahmoshman.com

THE FILM

About the Film

Taking a look behind the headlines of #MeToo and Times Up, **Nevertheless** follows the intimate stories of seven individuals who have experienced sexual harassment in the workplace or at school. From a writer's assistant on a top TV show, to a tech CEO, to a 911 dispatcher, the film's subjects spotlight the stories of survivors who are shifting our culture—encouraging us all to build a powerful movement against gender-based harassment and violence.

About the Filmmaker

Sarah Moshman is an Emmy Award-winning documentary filmmaker and TEDx speaker whose work has been featured on Upworthy, *Marie Claire*, CNN and *Good Morning America*. After directing two short documentaries about female empowerment in young women, (**Girls Rock! Chicago**, 2010 and **Growing up Strong: Girls on the Run**, 2012) she set out to direct her first feature doc, **The Empowerment Project: Ordinary Women Doing Extraordinary Things**, 2014, which has been screened more than 700 times globally. With Indieflix as distribution partner, the film has been sponsored by major brands, including Nordstrom, American Girl and Microsoft.

Sarah's second feature doc, **Losing Sight of Shore**, follows the incredible journey of four women who rowed across the Pacific Ocean. The film was released in 190 countries on Netflix in May 2017.

Prior to working in documentary film, Sarah worked as a field producer on the hit ABC show **Dancing with the Stars** for 10 seasons, as well as on shows on NBC, MTV, Lifetime, Bravo and the Food Network. Sarah is dedicated to telling stories that uplift, inform and inspire and in showcasing strong female role models on screen. **Nevertheless** is Sarah's third feature documentary.

Key Film Specs

Year: 2019
Length: 78 min and 50 min
Formats: DVD, Blu-Ray, Digital File, DCP

Staying power of #MeToo a game thing

A new study from the University of California, Berkeley, suggests that the #MeToo movement is not just a passing fad, but a powerful force for change. The study found that the movement has led to a significant increase in the number of women reporting sexual harassment in the workplace, and that the movement has also led to a significant increase in the number of women reporting sexual harassment in the workplace.

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A 2003 study found that 75% of women who report sexual harassment are retaliated against after reporting.⁵

75%



FILM SUBJECTS

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



PATRICIA VARGO (BROOKS) | 911 DISPATCHER

Patricia Vargo was assaulted by her supervisor one evening in 1996, while working as a 911 dispatcher. Though Patricia had spent 10 years working at the San Mateo Police Department, her co-workers did not believe her story, and she was taken to an interrogation room for questioning. After a lengthy legal battle ending at the 9th Circuit Court in California, the judge on her case ultimately determined that Patricia's experience did not meet the legal standard for sexual harassment—a requirement mandating proof of "severe or pervasive" harassment—because it only happened one time. That same judge who handed down the ruling in 2001 stepped down in 2017, after receiving sexual harassment allegations against him. He retired with a full pension. On January 1, 2019, due in part to the precedence that Patricia's case set, California's legislature passed SB 1300: a statute that further clarified the "severe or pervasive" legal standard for sexual harassment and may make it easier for people like Patricia to now win their cases.



AMAANI LYLE | WRITER'S ASSISTANT ON FRIENDS

Amaani Lyle was fired from the writing staff on hit 90's television show *Friends* after complaining about the hostile work environment she experienced there. Although Amaani wasn't harassed personally, she was impacted by vulgar, offensive and objectifying language used by the showrunners and writers on the show; her case is still used in law schools across the country as an example of a "hostile work environment" and the tension between the right to free speech and a worker's right to a non-hostile workplace. The court in Amaani's case ultimately ruled that "creative necessity" protected the vulgar language to which she was exposed, and Amaani had to find a new career.



CHERYL Y. SEW HOY | TECH CEO

Cheryl Y. Sew Hoy was harassed by a powerful and well-known venture capitalist in Silicon Valley one night at an after-work event. Horrified but relieved she was able to escape his advances, Cheryl waited a few years to speak up about her experience, knowing well that she could lose her credibility and power in Silicon Valley if she told her story. Once other women started coming forward, Cheryl went public about her own story of harassment. In the aftermath, her assailant issued her an apology; Cheryl now fights to create change for other entrepreneurs through her initiative, #MovingForward.



TONYA EXUM | WORKER, FORD AUTO PLANT*

Tonya Exum is an Iraq War veteran, a rape survivor and a mother of two. Tonya's harassment from co-workers and supervisors at Ford began on her first day on the job more than seven years ago and has persisted for her entire employment. Despite her continued attempts to report the harassment and assault she experiences daily, the behavior continues, and Tonya lives in a state of fear and paranoia. She is fighting against a decades-long toxic workplace culture at Ford but is determined to make lasting change for herself and other women.



MARIE ANGEL HERNANDEZ | TRANS RIGHTS ACTIVIST*

Marie Angel Hernandez escaped Honduras when she was a teenager, coming to the United States in search of a better life and the freedom to come out as a transgender woman. When she got to Texas, however, Marie's restaurant manager would not allow her to present as a female, insisting that if she wanted to keep her job she would have to present as a male. With limited options for income and stability, Marie stayed, hiding her gender identity. Marie now fights for trans workers' rights.



HEATH PHILLIPS | US NAVY VETERAN*

Heath Phillips joined the Navy at 17 with his whole life ahead of him, excited and honored to serve. It wasn't more than a few hours in to his service that he was sexually assaulted by a group of six men. The group repeatedly raped, bullied and harassed him for what became the worst year of his life. Heath's reports of the abuse went unanswered by his commanding officers, who did not believe his repeated accounts of assault. Desperate to escape, Heath eventually went AWOL, and within one year, was dishonorably discharged and sent back home to New York without veterans benefits. After 20 years without breaking his silence, Heath now works as an advocate for other survivors of rape and assault. Almost 30 years to the day after being dishonorably discharged, Heath was awarded an honorable discharge and an apology from the Navy confirming that his experiences were valid and real.



JULIET AND LILLY BOND | MOTHER & DAUGHTER FROM HAVEN MIDDLE SCHOOL

Mother and daughter Juliet and Lilly Bond fought a sexist dress code at their Midwest middle school—and won. When Lilly came home from seventh grade having been "dress coded" for wearing leggings to school, her mom was curious. Upon further inquiry, Juliet Bond discovered that girls were banned from wearing yoga pants or leggings to school because it was "too distracting for the boys." Juliet wrote a letter to her daughter's principal calling out the gender bias—and rape culture—at the heart of the policy, and when a friend shared it on social media and a local journalist covered the story on her blog, the story went viral. After student protests and testimony at school board meetings, the district changed its policy.

KEY FILM EXPERTS

Subjects marked with an () are not discussed in the film's classroom version.*

ABIGAIL SAGUY

Professor of Sociology at UCLA

JACKSON KATZ, PHD

Educator/Author

LISA MAE BRUNSON

Founder of Wonder Women Tech

CAROLINE HELDMAN

Survivor's Advocate, Author and Professor,
Occidental College

JESSICA STENDER

Senior Council for Workplace Justice and
Public Policy at Equal Rights Advocates

MATT MCGORRY

Actor and Activist

CHRISTINE WOLF

Journalist

MARIKO YOSHIHARA

Legislative Council and Policy Director
for the California Employment Lawyers
Association

RASHAD BEAL

Schools Over Violence Program Manager

COURTNEY ABRAMS

Employment Lawyer

RORY GERBERG

Sexual Harassment Consultant and Trainer

DALE THOMAS VAUGHN

Activist / Speaker

JOHN ERICKSON

President of Hollywood NOW

SENATOR HANNAH-BETH JACKSON

State Senator, California

DIANA SOLATAN

Founder of Events That Make You Smarter

KATHLEEN ANTONIA TARR

Activist, Actor, Lawyer, Professor at Stanford
University

SIKIVU HUTCHINSON

Founder of Women's Leadership Project

DR. SARA GOTTFRIED *

Physician Scientist

LAUREN ROSELLE

Owner of Esteem Communication
Consulting Firm

SUMAYYAH EMEH EDU

Diversity and Inclusion Strategist

ELIOT RUSHOVICH

Managing Partner of Rise Law Firm

LISA HICKEY

CEO of Good Men Media

TONI JARAMILLA

Employment Civil Rights Lawyer

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.

A Brief History of Sexual Harassment

Sexual harassment in the American workplace is centuries old. For hundreds of years women suffered unwanted sexual advances, coercion, abuse and assault with neither legal protection nor practical recourse. In the mid-1970s, the rise of the women's liberation movement shone a bright spotlight on sexual harassment in professional settings. The term itself was coined in 1975 by Lin Farley and a group of women activists fighting against workplace discrimination at Cornell University. Farley's use of the term in testimony to the New York City Human Rights Commission Hearings on Women and Work, and the *The New York Times's* reporting on that event, broadly introduced the term to many Americans.

Throughout the 1970s and 1980s, grassroots activism and consciousness-raising efforts taking place on campuses and in workplaces across the country, in tandem with increased media attention, continued to strengthen awareness of the pervasiveness and insidiousness of sexual harassment in the workplace. At the same time legal scholars, including Catherine McKinnon, defined and codified the legal theory around the term, and several court cases confirmed that women experiencing sexual harassment could sue for protection under Title VII of the 1964 Civil Rights Act. In 1991, the testimony of Anita Hill against US Supreme Court nominee Clarence Thomas, whom Hill accused of persistently sexually harassing her at the Education Department, again prompted widespread national attention to the issue.

The law continues to evolve as individual court cases, and shifts in culture, influence legislation. In 1992, for example, the U.S. Supreme Court ruled that private citizens could collect damages when teachers sexually harassed their students. In 1998, the Supreme Court ruled that federal workplace laws would expand to bar sexual harassment between members of the same sex (in addition to members of opposite sexes). And in 2010, a US Court of Appeals case held that a hostile workplace may exist even if it is not targeted at any particular employee, including if sexually explicit language and pornography are present. Specific state laws continue to shape the way individual workplace and school sexual harassment cases are understood and decided, and what kinds of preventive and educational measures are taken to reduce incidents.



"Awareness is not enough. It's naïve to think that simply raising the alarm and blowing the whistle and hashtagging #MeToo is going to be enough. We need mechanisms of accountability both at the industry level and at the political level."

CAROLINE HELDMAN
SURVIVOR'S ADVOCATE, AUTHOR AND
PROFESSOR, OCCIDENTAL COLLEGE

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.²



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.



CONSENT, RAPE & SEXUAL ASSAULT:

What They Mean Depends on Where You Live

Where you live can powerfully determine how gender-based violence is defined, understood, prosecuted and punished. For example, legal definitions of “consent,” “rape” and “sexual assault” all vary depending on where in the United States—or the world—you live, and where the crime took place.

For state-by-state definitions of these and related crimes, consult RAINN’s comprehensive **State Law Database**. There, you can search legal definitions by ZIP code or state, and you can compare differences across locations.

For state-by-state law regarding the statute of limitations for reporting harassment, consult Better Brave’s **Know Your Time Limits** map.



“It’s one thing to hire diverse, but it’s another to create an inclusive culture where women feel like they’re supported, they feel like they can thrive, they feel like they can grow and develop in their fields, and I think that’s what’s going to really create the shift we’re looking for as policy.”

LISA MAE BRUNSON
FOUNDER OF WONDER WOMEN TECH

DISCUSSION QUESTIONS: CONVERSATION STARTERS



Discussion prompts marked with an (*) are not relevant to the film's educational version.

General Questions

- 1 All of the individuals in the film eventually decide to report their experiences of harassment or assault to law enforcement, the media, the community or an authority figure. For some, the decision to report comes immediately after the incident; for others, reporting takes months or years. How does the act of reporting reflect the particular cultural, legal and institutional structures at play in each subject's life? Is reporting easier for some individuals than for others? Why? What are the risks inherent in reporting? What are the gains? How does reporting harassment in a public sphere—through a blog post or social media post—differ from reporting to the police or an employer? What are the impediments that might dissuade you from reporting harassment in your own school or workplace?
- 2 Victim blaming happens when the victim of a crime is considered to be partially or wholly at fault for the harm they experienced. In which stories do you see examples of victim blaming? How does victim blaming work to distract attention away from the perpetrator and toward the target of abuse or harassment? In addition to the individual perpetrator in each story, who or what else is responsible for the depicted sexual harassment?
- 3 In several cases in the film, victims of sexual harassment experience retaliation when they speak up about their experiences. Think about the many ways victims can be retaliated against, including overt acts like being terminated or publicly hazed, and more subtle impacts, like being passed over for a possible promotion or being excluded from social events after work. How does retaliation work to uphold the power structures that lead to sexual harassment? How do you think colleagues, classmates or employers can create a culture that doesn't tolerate retaliation?
- 4 Dr. Caroline Heldman talks about the "great set-up": the fact that from the time they are little, boys' and men's identity and worth is staked on rejecting feminine gender norms, which sets them up to disrespect and devalue women. Do you agree with Dr. Heldman's perspective? Give examples of ways in which little boys (and girls) are "set up" in this way. How does this manifest in preschool-age children? As small children get older? As boys become men?

Patricia Vargo, 911 Dispatcher

- 1 Patricia says she considered the idea of reporting her incident a duty, since she imagined that reporting would mean she'd be protecting colleagues from future harassment. Do you think it's common for women to consider reporting a duty or a responsibility they have to fellow colleagues or women?
- 2 Patricia experiences backlash from her colleagues—hazing, a demotion—after she reports harassment, despite having a sound legal case and successfully pressing criminal charges. How does this backlash affect her experience of reporting? Do you think the fear of backlash serves as a deterrent to other women who might want to report? Why does Patricia say that her case felt like “two steps forward, one step back”? Do you think the the “one step” of gain is worth it?
- 3 As a police dispatcher, Patricia was aware of the ways the criminal justice system could and could not handle her case. What if she had not been as educated about her rights under the law? Do you think she still would have reported?

Amaani Lyle, Writer's Assistant, Friends

- 1 Amaani considers the question of liability when it comes to reporting: she fears that by reporting, she might make other women less likely to be hired in the future (if employers fear that women are more likely to “cause trouble” by reporting). How does this compare to Patricia's concept of “duty”? How do you think employers can create a culture that feels safe to report in?
- 2 Amaani notes that in the midst of media coverage of the #MeToo movement, some people have said it's a “dangerous time to be a young man in America,” a reference to the risks men suffer because of the possibility of having sexual harassment allegations filed against them. Have you heard these kinds of comments? What do you make of them?
- 3 Amaani mentions the pervasiveness of media reports about sexual harassment when it's perpetrated by high-profile men or targets white, A-list celebrities, and wonders whether this kind of reporting overshadows the common, everyday experiences of men's sexual harassment of women. What do you think?



“My definition of assertiveness is respectfully educating other people on how to treat you. Assertiveness is not a personality trait. It's a learned skill.”

LAUREN ROSELLE
OWNER OF ESTEEM
COMMUNICATION
CONSULTING FIRM

Cheryl Y. Sew Hoy, Tech CEO

- 1 Cheryl notes that in venture capital, there's a "blurry line" between what is work-related and what is social. Do you feel there is a "blurry line" in many professions? For whom is the line blurry? What measures can be taken to make the line brighter?
 - 2 Cheryl's case raises questions about her truthfulness, yet FBI statistics show that false reports of sexual violence are very rare. Why do you think women are commonly disbelieved when they report harassment or sexual violence?
 - 3 Cheryl remarks that in many high-profile sexual misconduct cases, the perpetrators are "named and shamed," but that real reform and solutions are rare. Do you agree? What about Cheryl's work moves the needle in terms of finding a longterm solution to pervasive sexual harassment?
-

Tonya Exum, Ford Auto Plant Employee *

- 1 Tonya mentions the concept of "zero tolerance" when it comes to employer policies regarding sexual harassment? What does she find inconsistent or misleading about the "zero tolerance" concept? What policy would be better?
 - 2 Tonya talks about the role of privilege in her case. And diversity and inclusion strategist Sumayyah Emeh Edu notes that privilege is often "invisible." What is the link between privilege and harassment? Why is one's own privilege often hard to see?
 - 3 Tonya talks about PTSD; what similarities do you see between her case and Patricia's? How did a lack of support and accountability in her rape affect her experience of sexual harassment at Ford?
-

Marie Angel Hernandez, Trans Rights Activist *

- 1 Marie talks about the difference between sexuality and gender. Does her explanation of the distinction resonate with you? How else have you heard sexuality and gender defined?
- 2 How does being a trans woman affect Marie's experience of being harassed?
- 3 Marie becomes an activist and advocate after her experience at the restaurant. How do you think becoming an outspoken voice for trans rights helped Marie? Do you think it makes her more powerful? More vulnerable? How does her experience compare to Patricia's and Amaani's, both of whose cases went on to inform future laws or cases?

A 2016 EEOC task force on sexual harassment reported that only 6%–13% of individuals who experience harassment file a formal complaint.³



Heath Phillips, Navy Veteran *

- 1 Heath says his experience after reporting his sexual assaults was more traumatizing than the initial violence. How does this change the way you think about reporting sexual harassment? The education of employers? The culture in which harassment is allowed to thrive--or not? Were you surprised to hear that Heath's dishonorable discharge was more painful to him, longterm, than the initial assault?
- 2 Heath talks about the links between secrecy and shame. Do you think the two are always related? How do you think secrecy affects all survivors of sexual violence and harassment? Do you think secrecy and shame play a unique role for male survivors?
- 3 Heath says that for him, forgiveness of his assailants was crucial to his own healing. What do you think about this? Do you think this is true for all survivors?
- 4 How does toxic masculinity relate to Heath's story?

"The same system that produces men who abuse women produces men who abuse other men in the military. There's an awful lot of men who are the victims of other men's sexual violence."

JACKSON KATZ, PHD
EDUCATOR/AUTHOR

Lilly and Juliet Bond, Mother & Daughter, Haven Middle School

- 1 Why is it problematic for the middle school principal to say that the leggings and yoga pants the girls were wearing were "too distracting for the boys"?
- 2 Lilly and her mother say "the boys were defending the girls" at Lilly's school; they were supportive of Lilly's walkout and direct action when Lilly was protesting the dress code at her middle school. How did the boys in Lilly's school show allyship? Do you think the actions Lilly chose--postering, a walkout--were especially encouraging of allies?
- 3 Lilly chose to reform an institutional policy. How might have things been different had she fought only for the school to address only her specific case? What do you see in common with her case and some of the others in the film?
- 4 During Lilly's story, a number of experts talk about the role of empathy in reforming sexist policies. How do you see the role of empathy in Lilly's case? In the other cases in the film? What do you think is the relationship between empathy and allyship?

Across 82 large companies, fewer than 5% of CEOs are women; in these same companies, men hold 62% of managerial positions to women's 38%. ⁴



CLASSROOM AND SCHOOL ACTIVITIES



Nevertheless is a powerful conversation-starter in the classroom, where it can be used to spark dialogue and understanding about the role of privilege, power, culture and institutional structures in the prevalence—and the fight against—sexual harassment and gender violence.

The following activities can be used in classroom settings as a companion to the film and in tandem with the conversation prompts found on pages 15-18. In all activities, make sure students have viewed the film before participating.

As the educator or facilitator, review the activities before assigning the film, to determine which best facilitate small-group discussion and learning in your particular setting. You may also wish to consult [these recommendations](#) for creating a safe and inclusive environment—and a productive and respectful learning opportunity—while discussing issues related to gender discrimination and violence in the classroom.

Classroom Activity One: Privilege for Sale

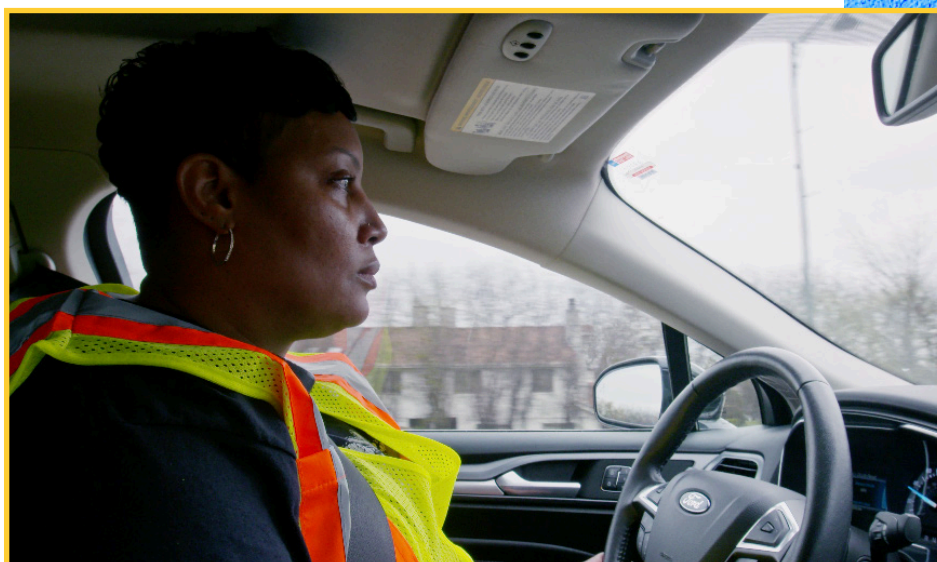
What:

The Privilege for Sale activity helps students to understand the invisible or implicit ways in which privilege works to shape power structures, opportunities, life choices and societal perceptions of individuals-- particularly individuals who belong to marginalized groups. This activity is ideal for medium to large groups (12+) that can be broken into smaller clusters of three to four people who complete the activity in cohorts and then report out to the larger group during a post-exercise talkback session. It can also work, with some adjustments, for very small groups of four to five students. Allow 40 minutes to an hour.

How:

- 1 To prepare for this activity, first choose to distribute a List of Privileges from the examples below, or find a more exhaustive collection of lists to choose from at Arizona State University's Project Humanities ["Perils and Perks of Privilege Workshop"](#). Depending on your area of study, your students and your individual classroom objectives, you may wish to focus on cisgender privilege, white privilege, male privilege or heterosexual privilege, or to create your own new list of privileges that draws from several of the examples provided here. Once you've chosen your list, make a copy for each student in your class.
 - [Examples of White Privileges](#)
 - [Examples of Cisgender Privileges](#)
 - [Examples of Male Privileges](#)
 - [Examples of Christian Privileges](#)
 - [Examples of Middle Upper Class Privileges](#)
- 2 Divide your class into at least four groups of three to four students. Smaller, more intimate groups work best for this exercise. Each group should be able to work quietly together for several minutes without disturbing the other groups, but should be seated in such a way that they can also participate in the talkback session after the initial exercise.
- 3 Using Monopoly money (or any other fake currency—including handmade slips of paper with dollar amounts indicated in pen), deal each group a different sum of money in a plain envelope, *without divulging to students that groups may not receive the same amounts*. For example, one group might get \$1,000; another group might get \$300; yet another group might get \$3,000. For purposes of illustration during the talkback portion of the activity, you may wish to make sure at least one group can buy many of the privileges on your list, and at least one can buy only a few. You might also give two of your groups the same exact amount of money; their divergent actions can create opportunities for rich dialogue later. Let students know that they can open the envelopes when the timer starts, and that a sum of money is inside each one.
- 4 Distribute a copy of the List of Privileges to each student in your class and ask each student to imagine that they currently possess none of the privileges listed, but that each privilege can be bought for \$100; once purchased, the privilege is accessible for everyone. Next, going around the room, ask each student to read aloud one of the privileges, circling the room as many times as is necessary to hear all of the privileges read aloud. Let students know they are free to say "pass" if they don't wish to read a privilege aloud on their turn.

- 5 Set ground rules for students, reminding them that no one should be forced to speak in their small group, and that everyone deserves the right to be safe from physical or verbal attack; critical comments or disagreements should be voiced respectfully. Note that whatever an individual shares in the small-group exercise or larger talkback will not be shared or referenced outside the context of the class exercise.
- 6 Set a timer for seven minutes, with a verbal warning when two minutes are left. Instruct students that once the timer starts, they will discuss in their small groups how they think their group should spend its budget to purchase privileges. Remind students that they can buy as many privileges as their budget will allow, but no more. In addition, no privilege can be purchased if someone in the group actively objects.
- 7 After the allotted time is up, ask a representative from each group to share their budget amount and what they decided to purchase as a group. Ask students to hold questions, commentary or reflections until each group has reported out.
- 8 Once everyone has shared, facilitate a conversation using some or all of the following prompts:
 - Was it difficult to pick out the privileges? Why? Do you think this was harder for some groups than for others? Did the budget available to your group influence the difficulty of the exercise? How?
 - Would you have chosen differently if you were doing this exercise alone? How did being in a group influence your advocacy for certain privileges?
 - Why do you think we structured it as a group exercise as opposed to a solo exercise?
 - Was it difficult to discuss privileges you may not have with others who may have them, and vice versa?
 - How did it make you feel to discuss privileges out loud, when many privileges on the list are often not openly identified or named in the course of everyday life?
 - What emotions came up for you? Did you find it hard to stay relaxed? To hold back tears? To listen to others' priorities?
 - What on the list surprised you?
 - Why do you think the exercise uses money as opposed to symbolic tokens?
 - What was it like when you realized different groups had different amounts of money? Why do you think the exercise is structured that way?



Classroom Activity Two: Data Visualizations

What:

The Data Visualizations activity allows students to physically visualize and process the data around sexual harassment, for example the prevalence of sexual harassment and the relative rarity of reporting. This activity is ideal for large groups (20+). Because the exercise visualizes percentages, groups smaller than 20 will not work. Allow 15 to 20 minutes.

How:

- 1 Turn to Appendix I in this guide and print out the featured list of statistics pertaining to sexual harassment in the United States. If you wish to elongate or expand this exercise, you can also refer to the [Sexual Harassment Survey](#) data points reported by *Cosmopolitan* magazine in 2015 and compile your own list of statistics. If your school or institution has prepared its own statistics regarding sexual harassment, you may also wish to use more localized or specific data.
- 2 Gather slips of differently colored paper, or differently colored stones, buttons or stickers that can be easily placed on classroom desks or chairs. If you plan to visualize six statistics, as in the examples below, you'll need six different colors of each item.
- 3 Before your class meets, determine how many students in your classroom will represent the featured statistics, and take note of the approximate figures.
 - For example, if you have 20 students in your classroom, you'll note that 4 students will roughly represent the 22% percent of women who report being sexually harassed at work, and one will roughly represent the 7% of men who report the same. Place a piece of blue paper on four desks and a piece of red paper on one desk.
 - Similarly, in a class of 20, 16 students will roughly represent the 81% of women who say they have experienced some form of sexual assault in their lifetime, and nine will roughly represent the 43% of men who report the same. Place a yellow piece of paper on 16 desks and a piece of orange paper on nine.
 - Likewise, of 20 students, one student will approximately represent the 6-13% of individuals who file a formal complaint after experiencing harassment, and 15 students will represent the 75% of individuals who experience retaliation after reporting. Place a purple piece of paper on one desk and a black piece of paper on 15.
- 4 Once you've figured the numbers relevant to your classroom, and distributed the colored items accordingly, you're ready to invite the class in. Be sure to note which colors refer to which statistics on your printed sheet from Appendix I.
- 5 Ask students to notice the colored items (some may have more than one), and explain that when you call out a specific color, students with that colored item should stand. Announce each color/data point one by one, and once students are standing, read the corresponding statistic. Allow students the chance to look around to see how many of them are standing, or sitting.
- 6 Time permitting, you can discuss the data points after the visualizations are over. Prompts may include whether students felt differently about the numbers when they saw them visualized, or about whether differences in the data about men versus women felt more stark when they were embodied—as opposed to just read.

"There are a lot of good men out there who are too quiet. It just takes one voice. It takes one man speaking up and saying, 'I'm not okay with the way you just treated my colleague.' It takes one voice to have the rest of those men stand up with them. That is how allies can show up."

DALE THOMAS VAUGHN
ACTIVIST / SPEAKER

Classroom Activity Three: The Pyramid of Abuse

What:

The Pyramid of Abuse activity prompts students to better understand and unpack the concept of gender-based violence and harassment taking place in the context of a larger rape culture, on a continuum. Using stories from *Nevertheless* as sample scenarios, it challenges students to think deeply and critically about common cultural and legal narratives about what “counts” as abuse, violence and harassment. This activity is ideal for medium to large groups (14+) that can be broken into pairs or small clusters. Allow 40 minutes to one hour.

How:

- 1 Divide class into seven groups or pairs and assign each one a story from the film. (You can reference the Film Subjects list on pages 5-6 to help refresh students’ memories about subjects’ names and the individual incidents and themes covered in each story.)
- 2 Print and distribute the Pyramid of Abuse Graphic from Appendix II, making sure each student has a copy.
- 3 Ask students to discuss their subject’s story in the context of the Pyramid of Abuse, and to identify which behaviors or actions were in play in their particular subject’s experience. Students should ask each other:
 - Where on the pyramid did our subject experience abuse?
 - Was the abuse experienced in one area of the pyramid or in multiple areas?
 - Did the abuse move up, or escalate, during the course of the subject’s experience, beginning at a lower tier of the pyramid and ending with an experience or a behavior found at an upper tier?
 - Did the abuse experienced by our subject appear to begin at a high tier? For example, did the incident seem to originate with victimization, verbal abuse or physical violence? If so, what precursors might have been in place before the story began? What cultural context or learned behaviors may have primed the perpetrators to behave the way they did?
 - When you look at the pyramid, does anything listed surprise you? Before watching the film or doing this exercise, did you consider the behaviors on this pyramid to be abuse? Which ones?
 - Do you think a pyramid is the right metaphor or visual for what happened in your subject’s case? What about a continuum? A circle? A layer cake? What visual would best map the scenario in your subject’s story?

A 2016 EEOC task force on sexual harassment reported that only 6%–13% of individuals who experience harassment file a formal complaint.³



Sources for Further Study:

Guidelines for Discussing Difficult or Controversial Topics, Center for Research on Learning and Teaching, University of Michigan

Leading a Safe Place to Learn, Safe Place to Learn

When the Classroom Gets Personal: Teaching about Gender Violence, The Journal of Public and Professional Sociology

Safe Spaces, Difficult Dialogues, and Critical Thinking, International Journal for the Scholarship of Teaching and Learning

Teaching About Sexual Harassment, We Are Teachers

The Safe Zone Project

SEED

Arizona State University's Project Humanities Perils and Perks of Privilege Workshop

The Sexual Violence Continuum, Arizona Coalition to End Sexual and Domestic Violence

Sexual Violence and Oppression: Framing Our Work Using the Sexual Violence Continuum, National Sexual Violence Resource Center

Continuum of Harm, North Dakota Department of Health



"It is not the responsibility of #MeToo and #TimesUp to remedy people's employment conditions. It is the responsibility of the Equal Employment Opportunity Commission. It is the responsibility of judges. It's the responsibility of attorneys. Of course, it's also the responsibility of the people who are harassing. The people who are harassing are the most responsible for ending the behavior."

KATHLEEN ANTONIA TARR
ACTIVIST, ACTOR, LAWYER,
PROFESSOR AT STANFORD
UNIVERSITY

WHAT TO DO WHEN A CLASSMATE TELLS YOU THEY WERE HARASSED

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:

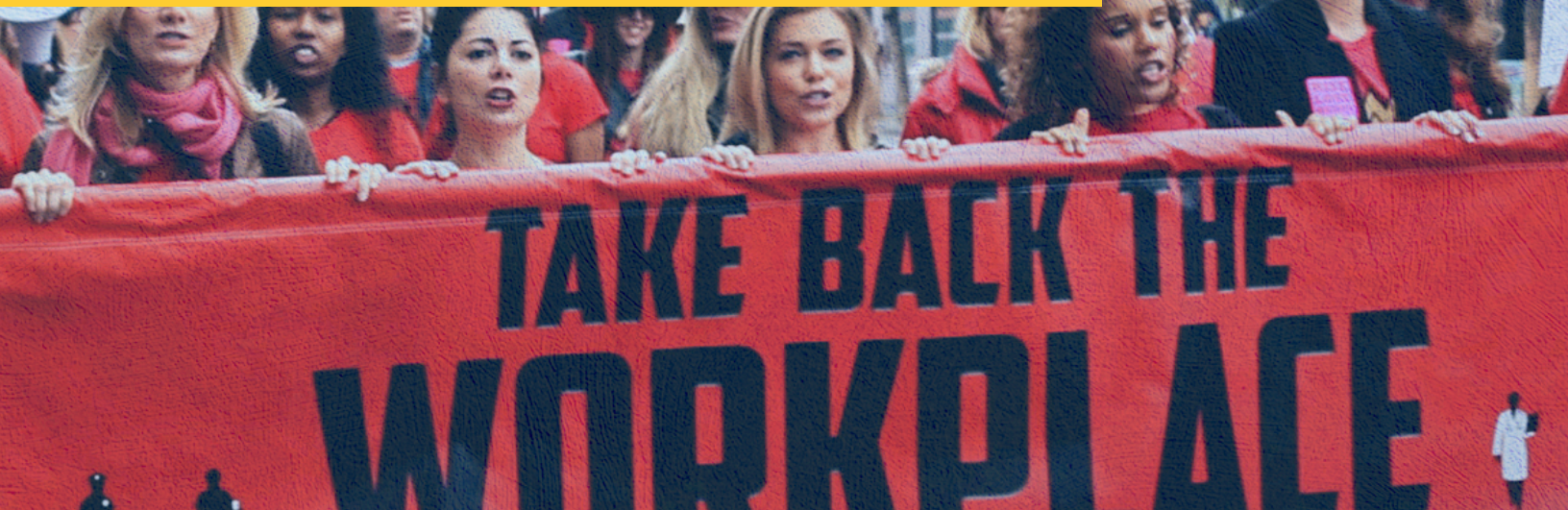
Let your classmate or colleague know that there are multiple channels for support, including formal reporting channels, counseling, peer advocacy and legal action. While sexual harassment can be isolating and intimidating, there are many paths toward support, recourse and legal guidance.

"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.



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.



APPENDIX 1

In 2017, **22%** of women said they were sexually harassed at work compared to **7%** of men.¹



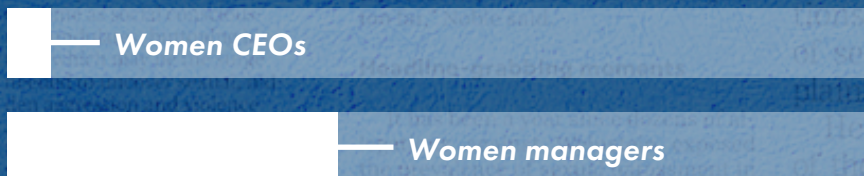
In 2018, a nationally representative survey of 2,000 men and women found that **81%** of women and **43%** of men reported experiencing some form of sexual harassment and/or assault in their lifetime.²



A 2016 EEOC task force on sexual harassment reported that only **6%–13%** of individuals who experience harassment file a formal complaint.³



Across 82 large companies, fewer than **5%** of CEOs are women; in these same companies, men hold **62%** of managerial positions to women's **38%**.⁴



A 2003 study found that **75%** of women who report sexual harassment are retaliated against after reporting.⁵

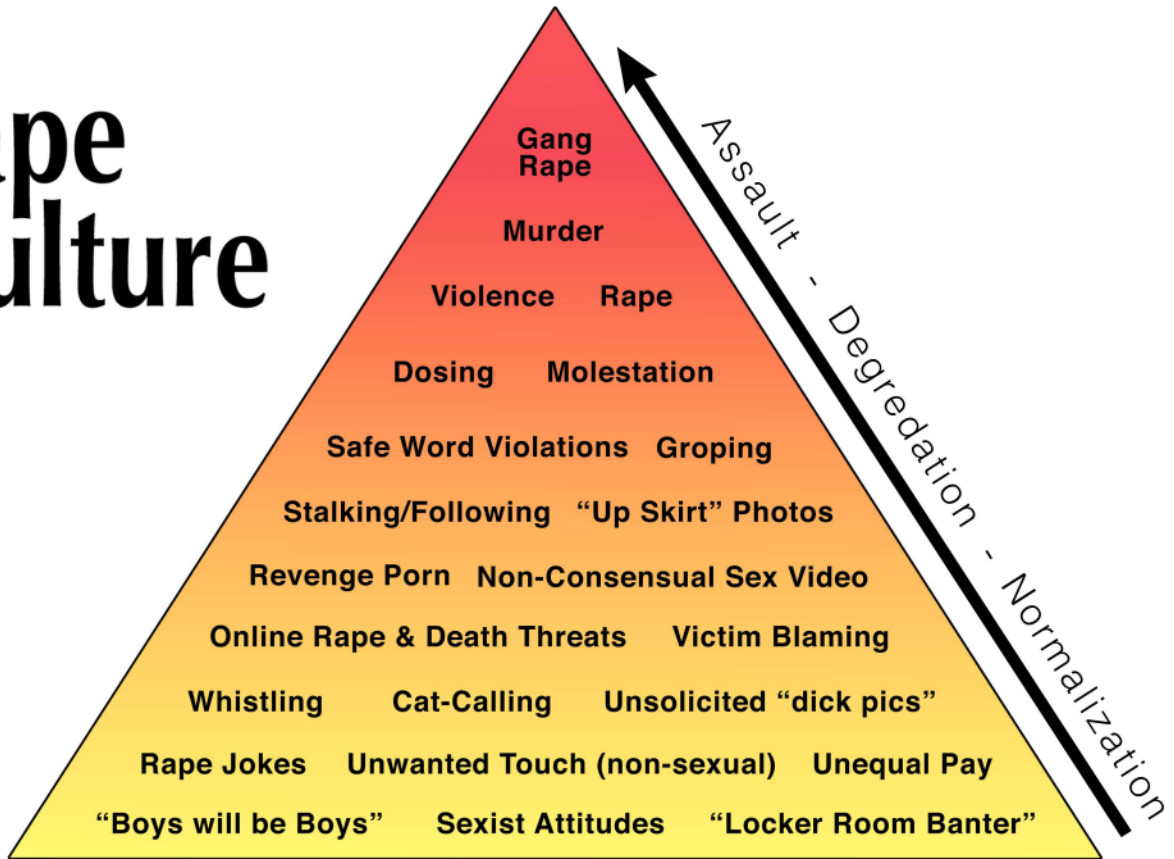


Source

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- Source: Kearl, H. (2018, February.) The facts behind the #metoo movement: a national study on sexual harassment and assault. Stop Street Harassment, Ralliance, and UC San Diego Center on Gender Equity and Health. <http://www.stopstreetharassment.org/wp-content/uploads/2018/01/Full-Report-2018-National-Study-on-Sexual-Harassment-and-Assault.pdf>
- Source: Feldblum, C. R. and Lipnic, V.A. (2016, March.) Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace. US Equal Employment Opportunity Commission. https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf
- Source: Krivkovich, A., Robinson, K., Starikova, I., Valentino, R., & Yee, L. (2017). Women in the workplace 2017. McKinsey & Company. <https://www.mckinsey.com/featured-insights/gender-equality/women-in-the-workplace-2017>
- Source: Cortina, L. and Magley, V. J. (2003.) Raising Voice, Risking Retaliation: Events Following Interpersonal Mistreatment in the Workplace. 8:4 Journal of Occupational Health Psychology 247-255.

APPENDIX II

Rape Culture



NEVERTHELESS

This guide was developed and written by Caitlin Boyle, in collaboration with Sarah Moshman.
Thank you to the film's partners for their support.

IndieFlix

