Title VII & #MeToo

• Intersection of Title VII & #MeToo
• Defining Sexual Harassment
• Title VII process
• What’s at stake?
• Questions
Meet the Presenters

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What is Sexual Harassment?

- Defining Sex Discrimination
- Sexual harassment can occur in a variety of circumstances.
- The victim as well as the harasser may be a woman or a man.
- The victim does not have to be of the opposite sex.

Source: https://www.eeoc.gov/eeoc/publications/fs-sex.cfm
Aspects of Sexual Harassment

• The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
• The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
• Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
• The harasser's conduct must be unwelcome.

Source: https://www.eeoc.gov/eeoc/publications/fs-sex.cfm

What are the legal standards?

• Title VII standard
  • Employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.
  • “Severe or pervasive”
  • Quid Pro Quo
  • Hostile Work Environment
How to prove a Title VII case

- Prima facie case
- Common Issues

Equal Employment Opportunity is THE LAW

Sexual Harassment in the Legal Profession

- Legal Industry vs. Other Industries
  - Culture
  - Training
  - Influence
Common Questions

What do I do if I believe I am being sexually harassed?

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<tr>
<th><strong>Federal Sector</strong></th>
<th><strong>Private Sector</strong></th>
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<td>2. Tell the harasser to stop. If you can, specifically tell them that you believe their actions are harassment</td>
<td>2. Follow your employer’s reporting policy – usually reporting to a supervisor, HR, or anonymous source.</td>
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<td>3. Report it to your chain of command, if you can</td>
<td>3. Participate in the investigation</td>
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<td>4. Contact your EEO Office and initiate an informal complaint.</td>
<td>4. If no relief, explore your other options</td>
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Do I need to make a complaint to my boss or employer before going to the EEOC?

Federal Sector
YES! And your timeline is crucial. Federal Steps:
• Contact EEO Counselor within 45 days of most recent incident.
• File informal complaint and discuss with EEO Counselor.
• File a Formal Complaint within 15 days of receipt of your Notice of Right to File a Formal Complaint.
• Participate in the Formal Investigation.
• Elect a Hearing at the EEOC within 30 days of receipt of your Notice of Right to Elect a Hearing and Report of Investigation.

Do I need to make a complaint to my boss or employer before going to the EEOC?

• Private Sector
• Yes!
• Employers cannot fix what they do not know
• Could be waiving viable defenses if the matter proceeds to litigation
What does the EEO Process Look Like?

- Complaint
- Investigation
- Litigation/Conciliation
- Relief Available

What about non-legal options?

- Find an ally within your organization
- Reach out to other small groups outside of your setting
- Avoid aggressor for a bit of time
- Advocating for policy changes
- Leave the situation
Should I contact an attorney?

- What are your goals?
- Do you want to take legal action?

Resources

- EEOC Guidance
- ABA
- State deferral agency
Questions?

Get in touch with the presenters:
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