

## **Sexual Harassment Prevention after #MeToo: Employers' need to Reevaluate**

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*The complex problem of workplace sexual harassment has now been put in sharper focus by the publicity of high-profile cases and the advent of the #MeToo movement, both of which have educated victims and motivated them to assert their civil rights. Employers can anticipate an increase in reported incidents and will need to reevaluate the sufficiency of their current anti-harassment policies, reporting procedures and support training to prevent sexual harassment. Employers' should not stop there but should include efforts to create a culture of respect to prevent incidences of sexual harassment in the first place.*

### **INTRODUCTION**

The recent wave of highly publicized sexual harassment claims brought against members of the entertainment industry, media outlets, government offices and corporate headquarters demonstrate that most instances of sexual harassment within and beyond the workplace still go unreported, confirming a number of studies and EEOC findings that show the majority of harassment victims decline to report their injury for a variety of reasons. A recent national survey sponsored in part by the #MeToo Movement reveals that an astounding 81% of women and 43% of men report they experienced sexual harassment or assault over their lifetimes and about 1/3 of the women surveyed said they had been sexually harassed in the workplace. (Stop Street Harassment, 2018). The same survey shows that only one in 10 women and one in 20 men ever report the event. (Stop Street harassment, 2018) Despite decades of court decisions directing employers to establish policies to prevent harassment, procedures to facilitate its reporting, and training in support of both, still over 70 percent of workplace harassment of women employees goes unreported, without sanction for the wrong or remedy for the victims.(EEOC, 2016) While employers may have little or no ability to control some of the causes of non-reporting, there may be workplace factors that can be addressed to encourage victims and others to use reporting procedures. Moreover, employers need to do a better job of harassment prevention in the first place, by clarifying and communicating what behaviors will constitute impermissible sexual harassment in their policies and preventing that conduct before it happens as part of an overall effort to establish an organizational culture of respect for all employees.

## SEXUAL HARASSMENT CASES AND THE AFFIRMATIVE DEFENSE

### Cases Against Employers

The contention that a workplace supervisor's demands for sexual favors from subordinates or that boorish sexual misbehavior by a coworker towards others could be the basis for a sex discrimination claim under Title VII of the Civil Rights Act of 1964 (CRA) against an employer were rejected by many early court decisions. Those courts reasoned that such conduct would not be in furtherance of employer's business interest to justify hold it legally responsible for such actions. However, other decisions held an opposite view. (Grossman, 2015) After all, when is it ever the case that employee civil rights violation further employer's interests?

The first Federal Appellate Court decision to hold sexual harassment could support an independent claim under Title VII was *Barnes v Costle* (1977) finding that supervisor demand for sex was quid pro quo harassment and actionable sex discrimination. The Equal Opportunity Employment Commission, as did many later cases, began to treat such sexual harassment as a species of actionable sex discrimination, and in 1980 it issued its first guidelines which expanded sexual harassment to include of unwelcome sexual conduct that created a hostile working environment. Six years later the Supreme Court spoke on the matter in *Meritor Savings Bank v. Vinson* (1986) affirming that both quid pro quo and hostile environment sexual harassment would be actionable and holding that employer liability would be based "on agency principles", suggesting employer exposure along the lines of the long-established law of respondent superior for employee wrongdoings while in the scope of employment. Subsequent decisions of the Court and those of the lower courts have now established two distinct types of sexual harassment cases:

1. Quid Pro Quo, where a sexual demand is made by a superior of a subordinate followed by an adverse retaliatory consequence for refusing. In such case, strict liability is imposed on the employer and justified on the theory the management superiors and their firms are the same.
2. Hostile Environment, where the physical or verbal conduct of supervisors, coworkers, or others within the workplace were such that, given its severity or pervasiveness made it impossible for a reasonable person to do the job for which they were hired. Strict liability is not imposed but employer exposure based on negligence theory will occur if the employer failed to exercise reasonable care to take notice and prevent the harassment.

### Employers Affirmative Defense

In the subsequent companion decisions of *Burlington Industries v. Ellerth* (1998) and *Farragher v Boca Raton* (1998), the Court provided employers some breathing room by holding that employers would be entitled to an affirmative defense, in the case of supervisor harassment where there was no apparent adverse action suffered by the subordinate and in instances of coworker hostile environment harassment when the employer received no report of the event by the victim. In either case, if the employer had an established anti-harassment policy and reporting procedure at the time the harassment occurred, but the reporting procedure was not utilized by the victim, the employer's affirmative defense would be established to provide a complete bar to the sexual harassment claim if later brought to the Commission or the courts.

The effect of the *Ellerth* and *Farragher* cases on employer practices was dramatic, with adoption of specific sexual harassment policies and reporting procedures by virtually all large employers. (Edel, 2017) it was thought that the employer's adoption of a policy would help to prevent sexual harassment and the reporting procedures would correct the wrong if not prevent it. Yet the annual number of charges alleging sex-based harassment claims has exceeded 12,000 filed with the EEOC in 2010 to 2017 and the level has not significantly declined. (EEOC, 2018) Further, studies now show that 3 out of 4 incidences of sexual harassment have gone unreported, and, as such, without remedy. (SHRM, 2018) Taken together, what this unfortunately suggests is that court mandated employer's policies and reporting procedures have not worked as well in practice as the Court had anticipated, leaving the problem in place and unchecked and many victims without a remedy. With this background, the question then becomes what possible

effect the current wave of high-profile cases and the resulting #MeToo movement may have on the level of harassment reporting going forward and how they may increase employers' obligations to deal more effectively with harassment in the workplace.

## **WHY WORKPLACE CLAIMS MAY INCREASE**

### **Underreporting of Past Workplace Harassment**

In a comprehensive report and study on harassment in the U.S. workplace released by the EEOC (EEOC, 2016), the Commission concluded that nearly a third of the 90,000 complaints received in 2015 had included an allegation of some type of workplace harassment, but that the problem was far larger, as 75% of harassment incidences go unreported to the employer and never become a claim. (EEOC, 2016). As to sexual harassment, the EEOC summarized findings that show anywhere from 25% to 85% of women report having experienced sexual harassment in the workplace. (EEOC, 2016) A study for Harvard Business Review showed 75% of the women that were interviewed had been sexually harassed at work, while another recent study showed 71% of women did not report incidence of workplace sexual harassment. (Johnson, 2016)

### **Historic Impact of Public Cases and Social Movements**

#### *Public Cases*

During the nationally televised confirmation hearings of Clarence Thomas in 1991, allegations by Anita Hill of sexual harassment caused a significant increase in new charges filed with the EEOC. (Becica, 2017) Since the sexual harassment and assault allegation concerning Hollywood film executive Harvey Weinstein reached national prominence, employment law firms have had an increase in the number of inquiries. While the EEOC says it's too soon to know, some attorneys predict a "Weinstein effect" could cause complaints to the Commission to rise. (Pizybyla, 2017)

How are recent widely published claims of sexual harassment committed by celebrities, politicians, and other important public persons relevant to employers facing routine workplace sexual harassment claims? True, most of the recent revelations of harassment by the rich and famous in entertainment, media, government, and private sector involve allegations of repeated and widespread wrongful conduct much of which had occurred years and even decades ago, that was kept secret and never before reported by its victims. Alleged wrongdoings range from serial criminal sexual assault and battery, to claims of civil quid pro quo harassment where demands for sex were tied to advancement in careers, to incidences of outrageous and boorish physical or verbal conduct creating civil liability for a hostile environment. Many of these wrongs, if brought as civil cases under Federal law would be dismissed to the extent they only assert a claim for wrongdoing against the individual harasser and not business employers, (although 10 states, including California, now have laws permitting suit against an individual harasser.) (Raghu, 2017). It is also the case that many of these claims arose from a series of deliberate and calculated acts committed by a single individual against many subordinate victims which employer policies and training would not likely have prevented. In fact, many of these recent claims against these rich and famous harassers appear so radically different from routine workplace harassment claims employers face, as to make them seem irrelevant for employers' consideration.

Yet, there is something in common employers should note. These claims demonstrate the same pattern borne out by prior studies of more routine workplace sexual harassment claims in that most of the victims decided not to report the harassment, which in turn forecloses any civil action. Specifically, under Title VII, all claims become time barred if not reported to the EEOC with the period of 180 to 300 days of occurrence, (EEOC, 2018), and even if administratively reported, time barred again for failing to sue within the 2- or 3-year statute of limitations for suit, depending on the location where the conduct occurred. Further those claims would be judicially barred if the employer had a reporting procedure that the victim chose not to use. What this then again shows is that the actual number of incidences of sexual harassment is far higher than employers have seen or realize.

There is second point for employers to consider. Though the widely published occurrences of sexual harassment are nearly all time barred from civil suit, the publicity they have generated and the new movements that have resulted, could empower and motivate future harassment victims, including those in the workplace, to overcome many of the reasons they failed to report and press their claims in the past. Employers would then face the real extent of their sexual harassment problem and a radical increase in the number of workplace claims which would test the legal sufficiency of their existing policies, reporting procedures, and training.

### *Social Movements*

The women's movements of the 1970's and 80's provided the background for the first court decisions imposing employer liability for workplace sexual harassment. Catharine MacKinnon's book on sexual harassment published in 1979 in fact provided the framework adopted by the EEOC's for its first sexual harassment prevention guidance for employers. (Grossman, 2015)

"MeToo" was created in 2007 as a nonprofit organization by Tarana Burke to aid those victimized by sexual harassment and assault. Subsequent to the many stories of sexual abuse coming out of Hollywood in 2017, actress Alyssa Milano asked people to join in on social media using a "#MeToo" hashtag to demonstrate the extent of sexual harassment in the U.S. Over 12 million posts were made in 24 hours. (Garcia, 2017). Since then #MeToo has become a nationwide movement that coordinates and advocates efforts to prevent sexual harassment. (Stop Street Harassment, 2018) #MeToo has now been considered perhaps the largest collective labor action of the early twenty-first century. (Windham, 2017) To educate on the prevalence of sexual harassment and assault it joined with other concerned groups to issue a comprehensive national study on sexual harassment and assault in early 2018. As a social movement in the age of social media with the power and purpose of increasing awareness of the problem, it could also sensitize and motivate assertion of workplace rights that may include more reporting of incidences of sexual harassment. Some employment attorneys predict harassment reports will likely rise in 2018 as victims are more empowered to speak up. (Bomkamp, 2017) Employers, therefore, need to understand that the number of workplace sexual harassment civil rights claims could likewise increase as a result.

### *(A) Reasons for Under Reporting May Be Mitigated*

Reasons for non-reporting are varied but studies frequently show an underlying fear of retaliation. As to workplace harassment in general, the 2016 EEOC report concludes that "Employees who experience harassment fail to report the behavior or to file a complaint because they anticipate and fear a number of reactions - disbelief of their claim; inaction on their claim; receipt of blame for causing the offending actions; social retaliation (including humiliation and ostracism); and professional retaliation, such as damage to their career and reputation." (citations omitted) (EEOC 2016)

Further, the Commission references the conclusions of studies that explain these concerns. "The fears that stop most employees from reporting harassment are well-founded. One 2003 study found that 75% of employees who spoke out against workplace mistreatment faced some form of retaliation. Other studies have found that sexual harassment reporting is often followed by organizational indifference or trivialization of the harassment complaint as well as hostility and reprisals against the victim. Such responses understandably harm the victim in terms of adverse job repercussions and psychological distress. Indeed, as one researcher concluded, such results suggest that, in many work environments, the most "reasonable" course of action for the victim to take is to avoid reporting the harassment." (citations omitted) (EEOC 2016)

Aside from retaliation, another reporting problem involves a so called "Bystander Effect" that discourages coworkers who witness harassment from taking responsibility to inform employers. In a study reported in Harvard Business Review, group observance can lead to diffusion of responsibility and a false belief someone else will do the reporting. (Johnson, 2016).

That same study also found a third factor may have reduced the likelihood of reporting, termed the "masculine culture", present in male dominated organizations, where women faced with an adverse culture and where objection to harassing behavior would be futile, and in an effort to gain employment

status, accepted harassment as part of the job and even adopted harassing behaviors toward others. (Johnson, 2016).

So, in considering these main reasons for why harassment has not been reported, what might be the impact of the recent highly publicized and social movement opposing harassment?

1. Employer inaction/futility- High profile public cases and social movements provide information and educate about rights. There are now many visible examples of employers, highly motivated to respond positively to victims' allegations, who have taken swift and decisive action against harassers and harassment. Some attribute these employer responses to current events. As Chicago based employment attorney Scott Fanning related "The last thing employers want is to be the next #MeToo story in the news" (Bomkamp, 2018)
2. Employer's professional retaliation/ damage to career – While a frequent reason given for not reporting harassment, retaliation by an employer for reporting harassment is also specifically forbidden by civil rights laws. In fact, employer retaliation claims make up a large percentage of active EEOC caseload. Retaliation also provides an independent basis to resurrect claims of harassment that would otherwise be out of time. Information and education about the law forbidding employer retaliation could mitigate against this powerful reason victims have not reported harassment.
3. Social retaliation, ostracism, isolation and non-reporting by coworkers-Perhaps this reason for non-reporting will be the most affected by the high profile cases and #MeToo and other social movements. This is because of their potential effect to change the attitudes about harassment in the workplace by empowering harassment victims and motivating coworkers to go forward to report, in support of victims' rights. #MeToo as a powerful nationwide social community of millions with the purpose of eliminating harassment is predicted to have a significant impact on views and attitudes about sexual harassment in the workplace. (Windham, 2017)

*(B) Current Evidence that the Workplace Will Be Effected*

The increased education and shift of attitudes caused by public cases, #MeToo, and other like movements seem likely to lead to more workplace harassment claims. While the EEOC says it is too early to tell, (Pizybyla, 2017) Congress apparently disagreed in March 2018, by increasing the Commission's remaining 2018 budget by an additional \$15 million, above the level requested. This addition has been attributed to an anticipated increase in sexual harassment claims workload. (Verdict, 2018). Speaking for the American Federation of Government employees, a union which represents some EEOC employees, AFGE President Gabrielle Martin said that "The #MeToo movement highlights EEOC's important work and leads people to our door... Congress has shown its commitment to civil rights with this budget" (Ogrysho, N. 2018)

USA Today reports that employment law firms, whether they represent potential claimants or respondent employers, are seeing the impact with inquiries rising dramatically:

"There's not a lawyer doing this kind of work we do whose phone is not ringing off the hook", said Debra Katz of Katz, Marshall and Banks. "Women have gotten to a place where it's much safer to stand up to it and employers are more concerned about damage to brand". There's the 'Weinstein effect', said her law partner Lisa Banks. "The more women-and some men-are speaking up, regular employees in industries across the board have felt emboldened to come forward," she said. Organizations that provide sexual harassment victims with help are also seeing the impact. For example, during December 2017 there was a five-fold increase in the number of calls came to the National Women's Law Center which disseminates information on how to bring a EEOC claim. (Pizybyla, 2017)

Bloomberg BNA notes that firms representing employers in employment issues also report an uptick in inquiries and requests for advice, to respond due to the impact of #MeToo:

"The attorneys in our firm who handle this type of work are certainly busier," said Edward M. Cherof, a principal at Jackson Lewis and co-leader of the firm's workplace

training practice group. Jackson Lewis hasn't seen an immediate increase in claims, whether EEOC charges or litigation, "but we are spending more time with our clients" in preventive activities, Cherof told Bloomberg Law. "I think it's the beginning of the new normal," he said. "I was struck by the fact that this really was something different," Ann Marie Painter, a partner in the labor and employment practice at Perkins Coie, told Bloomberg Law. She said she realized "this had a dramatically different feel" when she started receiving an unusually high amount of calls from clients late last year. "We have been assisting companies on their policies on handling sexual harassment and the protocol for what happens when a claim is reported and who should do what when," Cherof said. "We are being asked much more frequently in this environment to take a look at the policies and revise them to be able to better handle the realities of today's workplace," he said. "It's a healthy byproduct" of the #MeToo allegations. (Cinquemani, 2018)

Taken together, this picture suggests that employees who unfortunately suffer harassment will be better informed of their rights and more energized to exercise them and that employers are already gearing up for the increased volume and increased scrutiny that their policies, procedures, and training will have to withstand. A reevaluation of those items will be necessary.

## **EMPLOYERS NEED TO REEVALUATE EXISTING POLICY, PROCEDURE, AND TRAINING**

Most employers have long had a policy on sexual harassment, a reporting procedure, and use training to support them. (Johnson, 2016) Yet the level of harassment that does manage to get reported and become administrative claims with the Commission hasn't fallen significantly for decades. The situation appears far worse when unreported claims are considered. Commentators and the EEOC have said prevention has failed because employers' approach has been wrong. Instead of really trying to prevent the problem of workplace harassment, the focus has been on reducing the employer's exposure to liability by satisfying requirements of the *Boca Raton* affirmative defense. (EEOC, 2016) Because employers may well be in store for a significant increase in workplace reporting and claims, there is a need to revisit existing policies, procedures, and training to prevent sexual harassment. Employers need to perform a firm wide sexual harassment audit.

The employer's sexual harassment prevention policy and reporting procedure should be communicated in writing, using understandable plain language, evidence strong visible top management support, and be consistently enforced with appropriate positive reinforcement for compliance and negative sanctions for violation. Additional points to improve the employer's ability to prevent harassment can include the following.

- **Policy and Procedures** These should be clear and communicated. The policy should have a clear definition of what behaviors constitute harassment, as this has had been shown to improve the rate of reporting harassment by victims. (Golshan, 2017) Both policy and reporting procedure should stress that confidentiality will be maintained throughout the process, from incident reporting through the completion of internal investigation. There needs to be flexibility for reporting by alternative means and contact persons to communicate incidences, including an established reporting "hotline". (Katz, 2017) Employers must make it known that while reports of harassment should be honestly made, that there will be no retaliation for such reporting regardless of investigatory outcome. Employers also need to combat the "Bystander Effect" (which studies show is a major reason harassment does not get reported). Employer's policy should make clear that employees who witness or learn of harassment cannot stand silent, but instead are obligated to report it. (Johnson, 2016)
- **Support Training** Ineffective employee anti-harassment training has been widely noted as a key reason for employers' failure to prevent the problem. It has been too focused on preventing liability. (EEOC, 2016) Regular mandatory training to identify behaviors that constitute harassment and then report and ultimately prevent the problem should be rigorous and

concentrated, conducted annually, live, in person and preferably interactive and in small groups. Both supervisors and subordinate employees should be involved. Online training should probably be avoided and at least not used as a sole training method. Above all, training should not be conducted as a frivolous exercise and simply to avoid liability, which studies have shown can lead to employee cynicism and even increase disregard for harassment. (Shellenbarger, 2018) Training should include an individual employee analysis of behavioral scenarios followed by group discussion to consider which would constitute sexual harassment to be avoided and prevented.

## **VII ESTABLISHING A CULTURE OF RESPECT**

Some believe that workplace sexual harassment is an inevitable consequence of different gendered employees working closely together in organizations and that the problem can never be eliminated. Yet there are now others who contend that employers are just not doing enough, that most existing anti-harassment policies, reporting procedures, and support training haven't really reduced incidences of harassment, much less prevented them. The #MeToo movement, among other vocal critics of the status quo, advocates the need for employers to establish an organization wide culture of respect in which the sexual harassment is not tolerated, with the goal that it simply will not occur.

To change the culture, top management must be committed and accountable for preventing sexual harassment. That commitment and accountability should be made a serious business priority that reaches the entire employee population. Alongside policies and procedures specific to sexual harassment other policies that make up firm governance must reflect and support the commitment. If employees see that the organization is ethical and taking sexual harassment seriously, they will too. (Brueck, 2017) In that regard, the culture should promote a policy of "zero tolerance" for harassment, not as a draconian and inflexible one size fits all remedy for every incidence of workplace sexual harassment, however minor, but as a business priority, management principle and goal for the organization at large.

Gender gap in pay and promotion tend to correlate with increased harassment. Harassment in organizations increases when men hold most of the management positions. Progressive changes in promotion and diversity policies could therefore be considered in aid of the culture to further reduce harassment. (Schwantes, 2018)

Finally, as the firm works toward the creation of a culture of respect, a cornerstone of this effort relies on the clear and consistent message that all managers are responsible for ensuring that every employee is treated with respect and able to work in an environment that is free of any kind of discrimination and harassment.

## **CONCLUSION**

This article has reviewed the complex problem of workplace sexual harassment. The problem has become more challenging for employers by the advent of recent publicity of high-profile cases and the #MeToo movement which have served to educate and motivate victims to assert their rights. Employers should anticipate an increase in harassment reports and therefore need to reevaluate the sufficiency of their policies, procedures, and support training to prevent sexual harassment. Employers' efforts should go further to create an organizational culture of respect to prevent sexual harassment in the first place.

## REFERENCES

- Barnes v. Costle 561 F.2d 983,995 (D.C. Cir. 1977)
- Becica, I. (2018, February 21). *What #MeToo Means for Employers: Workplace Harassment in the Age of Awareness*. Retrieved April 23, 2018, from <https://www.hrlegalist.com/2017/10/what-metoo-means-for-employers-workplace-harassment-in-the-age-of-awareness/>
- Bomkamp, S. (2017, December 27). *#MeToo in 2018: Will the movement create real change in the workplace?* Retrieved April 23, 2018, from <http://www.chicagotribune.com/business/ct-biz-metoo-sexual-harassment-future-20171214-story.html>
- Brueck, H. (2017, November 18). *Members of Congress now have to do sexual-harassment training - here's what would actually make it effective*. Retrieved April 23, 2018, from <http://www.businessinsider.com/sexual-harassment-training-effective-2017-11>
- Burlington Industries v. Ellerth 524 U.S.742 (1998).
- Cinquegrani, G. (n.d.). *#MeToo Movement Keeps Employment Lawyers Busy*. Retrieved April 23, 2018, from <https://bna.com/news/bna.com/daily-labor-report/metoo-movement-keeps-employment-lawyers-busy>
- Civil Rights Act of 1964, 42 USC 2000e-2 et.sec. (2018).
- Edelman, L. B. (2017, November 17). *Perspective | What's the point of sexual harassment training? Often, to protect employers*. Retrieved April 23, 2018, from [https://www.washingtonpost.com/outlook/whats-the-point-of-sexual-harassment-training-often-to-protect-employers/2017/11/17/18cd631e-c97c-11e7-aa96-54417592cf72\\_story.html](https://www.washingtonpost.com/outlook/whats-the-point-of-sexual-harassment-training-often-to-protect-employers/2017/11/17/18cd631e-c97c-11e7-aa96-54417592cf72_story.html)
- Equal Opportunity Employment Commission. (1980). *Guidelines on Discrimination Because of Sex*, 45 Fed. Reg. 74,676, 74677 (1980, November 10), 29 C.F.R. Sec. 1604.11c.
- Equal Opportunity Employment Commission. Charges Alleging Sex-Based Harassment (Charges filed with EEOC) FY 2010 - FY 2017. (n.d.). Retrieved April 23, 2018, from [https://www.eeoc.gov/eeoc/statistics/enforcement/sexual\\_harassment\\_new.cfm](https://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment_new.cfm)
- Equal Opportunity Employment Commission. Select Task Force on the Study of Harassment in the Workplace. (n.d.). Retrieved April 23, 2018, from [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm)
- Equal Opportunity Employment Commission. Time Limits For Filing A Charge. (n.d.). Retrieved April 23, 2018, from <https://www.eeoc.gov/employees/timeliness.cfm>
- Farragher v. Boca Raton 524 U.S. 775 (1998).
- Garcia, S. E. (2017, October 20). *The Woman Who Created #MeToo Long Before Hashtags*. Retrieved April 23, 2018, from <https://www.nytimes.com/2017/10/20/us/me-too-movement-tarana-burke.html>
- Golshan, T. (2017, October 15). *Study finds 75 percent of workplace harassment victims experienced retaliation when they spoke up*. Retrieved April 23, 2018, from <https://www.vox.com/identities/2017/10/15/16438750/weinstein-sexual-harassment-facts>
- Grossman, J. (2015). Moving Forward, Looking Back: A retrospective on Sexual Harassment law. *Boston U. Law Rev.*, 95, 1029-47.
- Hamilton, M. A. (2018, April 02). *The EEOC and the #MeToo Era: Is the Budget Increase Enough?* Retrieved April 23, 2018, from <https://verdict.justia.com/2018/03/29/eeoc-metoo-era-budget-increase-enough>
- Johnson, S., Kirk, J., & Keplinger, K. (2016, October 04). *Why We Fail to Report Sexual Harassment*. Retrieved April 23, 2018, from <https://hbr.org/2016/10/why-we-fail-to-report-sexual-harassment>
- Kurth, A. (n.d.). *Viral #MeToo Campaign Highlights Prevalence of Workplace Sexual Harassment: Five Ways Employers Can Work to Establish Harassment-Free Workplaces*. Retrieved April 23, 2018, from <https://www.natlawreview.com/article/viral-metoo-campaign-highlights-prevalence-workplace-sexual-harassment-five-ways>
- Meritor Savings Bank v. Vinson, 477 U.S. 57, 64 (1986).



- Ogrysko, N. (2018, March 28). *#MeToo movement prompts long-awaited budget boost for EEOC in 2018*. Retrieved April 23, 2018, from <https://federalnewsradio.com/budget/2018/03/metoo-movement-prompts-long-awaited-budget-boost-for-eeoc-in-2018/>
- Przybyla, H. M. (2017, November 15). *'Weinstein effect' is boosting inquiries about workplace harassment*. Retrieved April 23, 2018, from <https://www.usatoday.com/story/news/politics/2017/11/14/u-s-government-may-see-weinstein-effect-boosting-reports-workplace-harassment/862613001/>
- Raghu, M., & Suriani, J. (n.d.). *#MeTooWhatNext: Strengthening Workplace Sexual Harassment Protections and Accountability*. Retrieved April 23, 2018, from <https://nwl.org/resources/metoowhatnext-strengthening-workplace-sexual-harassment-protections-and-accountability/>
- Schwantes, M. (2017, December 31). Harassment allegations show leadership gap. *Daily Press*, p. 6.
- Shellenbarger, S. (2018, February 13). *Is It OK for Your Boss to Hug Your Intern?* Retrieved April 23, 2018, from <https://www.wsj.com/articles/at-the-office-talking-about-sexual-harassment-is-still-tough-1518532200>
- Society for Human Resource Management Sexual Harassment in the Workplace. (2018, March 28). Retrieved April 23, 2018, from <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/pages/workplace-sexual-harassment.aspx>
- Stop Street Harassment. (2018). *The Facts behind the #MeToo Movement: 2018 Study on Sexual Harassment and Assault*. Retrieved April 23, 2018, from <http://www.stopstreetharassment.org/resources/2018-national-sexual-abuse-report/>
- Windham, L. (2017, December 11). *#MeToo solidarity: Time to transform the workplace for all women*. Retrieved April 23, 2018, from <https://www.peoplesworld.org/article/metoo-solidarity-time-to-transform-the-workplace-for-all-women/>