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Sexual Harassment in the Workplace for Allied Health and Behavioral Health Professionals

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AI Disclosure: AI was used to support the creation of this content.

All material was compiled and reviewed by a subject matter expert.

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- Dr. Ryan Kirk is a Licensed Psychologist and Director of Psychological Services for Meridian Health Services, working remotely from Denver, Colorado.
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Disclosures

- **Presenter Disclosure:** *Financial:* Dr. Ryan Kirk received an honorarium for presenting this course. *Non-financial:* Dr. Ryan Kirk has no relevant non-financial relationships to disclose.
- **Content Disclosure:** This learning event does not focus exclusively on any specific product or service.
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Risks and Limitations

- **Legal Scope:** This training focuses on federal law (Title VII, EEOC guidelines). State and local laws may impose different or more specific requirements. Participants are responsible for understanding the laws in their specific jurisdiction.
- **Complexity of Cases:** The examples provided are for educational purposes. Real-world situations are often more nuanced and may require legal consultation to determine the appropriate course of action.
- **DEI Consideration:** Research and legal precedent in sexual harassment have historically centered on cisgender, heterosexual dynamics. While this course includes content on same-sex and gender-identity-based harassment, the application of these principles may require additional cultural humility and awareness to be effective across diverse populations, including LGBTQ+, BIPOC, and disabled professionals (Garcia & Lee, 2025).

Learning Outcomes

After this course, participants will be able to:

- Identify the two primary forms of sexual harassment recognized under federal law: quid pro quo and hostile work environment.
- List at least three examples of behaviors that can constitute sexual harassment in verbal, physical, and digital forms.
- Describe two required actions employers must take to prevent and respond to sexual harassment complaints according to EEOC guidelines.

The Legal Foundation: What is Sexual Harassment?

- **A Form of Sex Discrimination:** Sexual harassment is a prohibited form of sex discrimination under Title VII of the Civil Rights Act of 1964 (U.S. Equal Employment Opportunity Commission, 2022).
- **Applies to Employers:** Title VII applies to employers with 15 or more employees, including federal, state, and local governments.
- **EEOC Definition:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive work environment (U.S. Equal Employment Opportunity Commission, 2022).
- **The Critical Word: "Unwelcome":** Conduct is unwelcome when the person subjected to it considers it unwelcome. This is subjective and does not depend on the harasser's intent.

Two Federally Recognized Types of Sexual Harassment

1. Quid Pro Quo ("This for That")

- Occurs when a term of employment is conditioned on accepting unwelcome sexual advances.
- Involves a person in a position of authority (e.g., supervisor, manager).
- **Examples:** "I'll give you the promotion if you sleep with me," or hinting that refusing a sexual advance will lead to being fired.

2. Hostile Work Environment

- Created by unwelcome conduct based on sex that is severe or pervasive enough to alter the conditions of employment (Chan & Martinez, 2025).
- Does not require a tangible job action (like being fired).
- Can be caused by anyone in the workplace: supervisors, coworkers, and even non-employees like patients or clients.

Case Study A (Quid Pro Quo): “The Rotation Swap”

- **Scenario:** A psychology intern, Mei, is assigned to a highly competitive trauma rotation supervised by Dr. T. After a late case conference, Dr. T texts: “I can guarantee you the top evaluation and a letter for fellowship—let’s keep this between us and meet for a ‘private dinner’ to talk options.” Mei declines. The following week, her rotation is suddenly reassigned “due to staffing,” and her evaluation comments note “poor fit and limited initiative.”
- **Key issues:** Unwelcome sexual advance tied to a job benefit; adverse action after refusal; power imbalance (supervisor-trainee).

Case Study B (Hostile Work Environment): “The Break Room Channel”

- **Scenario:** In a hospital break room, a group regularly streams a “comedy” channel with sexualized content. Radiology tech, Luis, repeatedly asks for a different channel. Coworkers mock him, call him “uptight,” and one places a sexually explicit meme on his locker. Luis starts skipping breaks, reports headaches, and performance drops.
- **Key issues:** Severe or pervasive unwelcome conduct; repeated exposure; ridicule; impact on work conditions.

Bystander Intervention: The 5 Ds (Zheng, 2023)

- **Direct:**

- "Hey, that meme isn't appropriate for work."

- **Distract:**

- Change the channel or start a new work-related conversation.

- **Delegate:**

- Report the recurring issue to a supervisor if you aren't comfortable speaking up.

- **Delay:**

- Check in with Luis afterward: "I saw that meme, are you okay? I'm happy to go to HR with you."

- **Document:**

- Write down what you witnessed to support the victim's claim.



Knowledge Check

- **Question:** A supervisor tells an employee they will be overlooked for a promotion unless they agree to have dinner with them. This is a classic example of what type of sexual harassment?
- **Answers:**
 - a) Hostile work environment
 - b) Third-party harassment
 - c) Quid pro quo harassment
 - d) Retaliation



Answer and Rationale

- **Correct answer:** c) Quid pro quo harassment
- Quid pro quo links a job benefit or detriment to acquiescence to sexual conduct by someone with authority.

Identifying Harassing Behaviors: Verbal and Non-Verbal

- **Verbal Harassment:** Lewd language, off-color jokes, comments about a person's body or sex life, repeatedly asking for dates, spreading sexual rumors.
- **Non-Verbal & Visual Harassment:** Leering, making suggestive gestures, displaying sexually explicit posters or screen savers, blocking a person's movement.

Case Study: “Compliments That Aren’t”

- **Scenario:** A senior OT, Mark, often greets a new hire, Imani, with comments like, “You’re too gorgeous to be stuck charting,” and “You must break a lot of hearts.” He stares at her during team huddles. When she avoids him, he says, “Don’t be so sensitive—it’s a compliment.” Others laugh it off.
- **Behaviors:** Sexualized comments (verbal), leering (non-verbal), minimizing (“just a compliment”), group normalization.

Identifying Harassing Behaviors: Physical and Digital

- **Physical Harassment:** Any unwanted touching, including hugging, rubbing, massages, or "accidentally" brushing up against someone. Any form of sexual assault is both harassment and a criminal offense.
- **Digital Harassment ("E-Harassment"):** Sending unwelcome emails, texts, or social media messages with sexual content; forwarding sexually explicit jokes or images. Harassment can occur 24/7, even when off-duty (Chan & Martinez, 2025).

Case Study:

“The ‘Friendly’ Shoulder Rubs and DMs”

- **Scenario:** A nurse manager, Carla, gives shoulder rubs during night shift ‘to boost morale.’ RN Jay has said “please don’t,” but she continues with, “You’ll thank me later.” Separately, Jay starts receiving Instagram DMs from an ancillary staffer with sexually suggestive reels and emojis. The messages arrive at 1–2 a.m.
- **Behaviors:** Unwanted touching; repeated after objection; off-duty digital sexual content; late-night messaging pattern.

The Digital Workplace: Harassment in Telehealth & Remote Work

- **The Workplace is Not a Building:** Anti-harassment policies apply fully to remote work environments.
- **New Avenues for Misconduct:** Inappropriate visuals on video calls, abuse of private chat features, sending unwelcome messages after hours (Chan & Martinez, 2025).
- **Telehealth-Specific Risks:** Third-party harassment from patients (e.g., verbal abuse, indecent exposure). Your employer's duty to protect you extends to these virtual interactions.

Case Study: “Telehealth Exposure”

- **Scenario:** During a telepsychiatry session, a patient appears bottomless on camera and makes sexual remarks to clinician Priya. She ends the session, informs scheduling, and requests a chaperone protocol for future appointments. Her supervisor says, “We can’t police patients at home—just power through.”
- **Risks:** Third-party harassment; employer duty to protect; telehealth-specific protocols (chaperones, scripts, termination criteria).



Knowledge Check

- **Question:** Which of the following is an example of digital sexual harassment?
- **Answers:**
 - a) Asking a coworker about their family during a break.
 - b) Sending a coworker an unsolicited, sexually explicit meme via text message.
 - c) Displaying a company-approved calendar in a cubicle.
 - d) Complimenting a colleague on a work-related achievement in a team chat.



Answer and Rationale

- **Correct answer:** b) Sending a coworker an unsolicited, sexually explicit meme via text message.
- Unwelcome sexual content sent electronically is digital/e-harassment and can create a hostile environment even off-hours.



Understanding Vulnerability: Specialty Populations & Dynamics

- **Impact Over Intent:** The law focuses on the ***impact*** of the behavior on a reasonable person, not the ***intent*** of the alleged harasser (Smith & Johnson, 2025).
- **Intersectionality is Key:** A person's identity—including their sexual orientation, gender identity, age, race, and role—can make them more vulnerable to certain types of harassment (Garcia & Lee, 2025).
- **Focus Areas:** We will now look at three specific areas of vulnerability: LGBTQ+ Professionals, Aging Populations, and Power Differentials.

Case Set: “Three Lenses on Vulnerability”

- **LGBTQ+ Professional:** Alex (nonbinary SLP) is consistently misgendered by a physician who says, “I don’t do pronouns.” Colleagues advise Alex to “pick battles.” Alex avoids consults with that physician, harming workload equity.
- **Aging Professional:** Sandra (62, LCSW) is excluded from a new pilot program after repeated comments that it “needs young energy.” A peer ‘jokes’ she should mentor “the young pretty ones” because “patients listen to them.”
- **Power Differential:** A senior pharmacist pressures a new pharmacy tech to join “private after-hours inventory,” hinting it improves scheduling. The tech declines and suddenly gets the least desirable shifts.

Specialty Population: LGBTQ+ Professionals

- **Disproportionate Impact:** 90% of transgender workers report some form of harassment or mistreatment.
- **Forms of Harassment:**
 - **Misgendering:** Intentionally and repeatedly using incorrect names or pronouns.
 - **Outing:** Disclosing an individual's sexual orientation or gender identity without consent.
 - **Hostility based on Stereotypes:** Harassing someone for not conforming to gender norms.
 - **Invasive Questions:** Asking inappropriate personal questions about an individual's body or relationships.

Case Study: “Pronouns as a ‘Preference’”

- **Scenario:** Sam (trans man, behavioral health tech) lists pronouns on badge. A lead nurse repeatedly addresses Sam by his prior name visible in an old scheduling system and says, “Your pronouns are your preference, not mine.” After Sam reports, the lead nurse tells coworkers Sam is “oversensitive” and “probably transitioning again.”
- **Harms:** Persistent misgendering, outing/disparaging comments, retaliation-by-rumor, system error facilitating harm.

Specialty Population: Aging Professionals

- Intersection of Ageism and Harassment: Harassment that combines sexual commentary with age-based animus (Garcia & Lee, 2025).
- **Common Manifestations:**
 - **Demeaning Comments:** Unwelcome remarks linking age and sexual attractiveness (e.g., "You still look good for your age").
 - **Exclusion and Isolation:** Being left out of social activities based on age-related stereotypes.
 - **Condescending Behavior:** Patronizing or "fatherly" touching disguised as friendly support.
- **Barriers to Reporting:** Fear of job loss or being pushed into early retirement.

Case Study: “Still ‘Got It’”

- **Scenario:** During a clinic celebration, a new supervisor publicly tells OT Maria (58), “You still got it—our silver fox,” while touching her lower back for photos. Later, he excludes her from a new sports medicine partnership, stating they need “a more modern brand.” Maria fears being labeled a troublemaker if she complains.
- **Harms:** Sexualized ageist comments; unwanted touching; opportunity exclusion; fear of reporting.

Understanding Power Differentials

- **Harassment as an Abuse of Power:** Harassment is an assertion of power and control.
- **Formal Power:** Supervisor/Manager over an employee (central to quid pro quo).
- **Informal & Situational Power:**
 - **Tenure or Seniority:** A long-term employee harassing a new hire.
 - **Disciplinary Power (Healthcare Specific):** An attending physician over a resident, or a surgeon over a nurse.
 - **Client/Patient over Provider:** Employers have a duty to protect staff from this third-party harassment (U.S. Equal Employment Opportunity Commission, n.d.).

Case Study:

“The Attending and the Messages”

- **Scenario:** An attending physician messages resident Noor at 11:45 p.m.: “Your presentation was impressive—let’s debrief over drinks; I can help with next month’s eval.” After Noor declines, her schedule is changed to more overnight calls, and the attending begins nitpicking notes in public rounds.
- **Dynamics:** Formal power; implied quid pro quo; schedule manipulation; humiliation as coercion.

Key Concepts in Practice: A Moment of Reflection

- **Highlight 1:** Quid Pro Quo is a Direct Abuse of Authority.
 - Linking job security, promotions, or any condition of employment to a sexual demand is a bright, uncrossable line.
- **Highlight 2:** The Standard is Impact, Not Intent.
 - The law focuses on how conduct affects a "reasonable person." The phrase "I was just joking" is not a defense if the behavior creates a hostile environment.
- **Highlight 3:** Protection Extends to Third Parties.
 - In healthcare, employers have a duty to protect you from harassment by non-employees, including patients, their families, and vendors, once they are aware of it.

Case Study: "Just a Misunderstanding?"

- **Scenario:** Ahmed, a PT from a more formal culture, misinterprets the friendliness of his coworker, Pam, a nurse. He hugs her and discloses his attraction. Pam is very uncomfortable and reports the incident. Ahmed is shocked.
- **Discussion Points:**
 - Does this meet the definition of sexual harassment? (Hint: "unwelcome" is key).
 - How does this relate to the "impact over intent" principle?
 - What is the supervisor's immediate responsibility?

Impact vs. Intent

(Onwuachi-Willig, 2021; Smith & Johnson, 2025)

- If an employee hugs a coworker as a 'cultural greeting' but the coworker feels harassed, does the law prioritize the hugger's intent or the coworker's experience?

The Employer's Responsibility: Prevention and Correction

- **Legal Obligation:** Employers have a legal responsibility to maintain a workplace free from sexual harassment.
- **Prevention (Proactive):**
 - **Have a Policy:** Establish and enforce a clear anti-harassment policy.
 - **Train Employees:** Conduct regular, interactive trainings for all staff (Williams, 2025).
- **Correction (Reactive):**
 - **Investigate All Complaints:** Conduct a prompt, thorough, and impartial investigation (Davis, 2025).
 - **Take Corrective Action:** If harassment occurred, take immediate action to stop it and prevent it from recurring.

The Employee's Rights and Role

- **Right to a Safe Workplace:** You have the right to a workplace free from harassment.
- **Right to Report:** You have the right to report harassment without fear of retaliation. Retaliation is illegal (U.S. Equal Employment Opportunity Commission, 2022).
- **Your Role: What to Do**
 - **Object (If Safe):** Clearly tell the harasser the conduct is unwelcome.
 - **Document:** Keep a private, detailed journal of all incidents (dates, times, witnesses).
- **Report:** Follow your employer's policy to report the harassment.



Knowledge Check

- **Question:** According to federal guidelines, which action is an essential part of an employer's duty to prevent harassment?
- **Answers:**
 - a) Guaranteeing that all employees will be friends.
 - b) Firing any employee accused of harassment immediately, before an investigation.
 - c) Establishing and disseminating a clear anti-harassment policy with a reporting procedure.
 - d) Monitoring employees' personal social media accounts for inappropriate content.



Answer and Rationale

- **Correct answer:** c) Establishing and disseminating a clear anti-harassment policy with a reporting procedure.
- Employers must maintain a clear policy, provide training, and ensure accessible reporting and prompt, impartial investigations.

Case Study: "That's Just Bob"

- **Scenario:** Bob regularly tells off-color jokes. His supervisor, Dale, has witnessed this but does nothing, dismissing it with, "Oh, that's just Bob." A new employee, Joan, complains, and Dale brushes her off.
- **Discussion Points:**
 - What type of harassment is likely occurring here?
 - What is Dale's (the supervisor's) liability?
 - By dismissing the complaint, what illegal action might Dale have committed?
 - What should Joan's next step be?

Summary and Key Takeaways

- **Summary:** We have defined sexual harassment under federal law, identified prohibited behaviors in all types of workplaces, discussed the vulnerabilities of specific populations, and clarified the responsibilities of both employers and employees.
- **Key Takeaways:**
 - Harassment is defined by its **impact**, not the **intent**. "Unwelcome" is the key.
 - Employers are legally required to have a policy, provide training, and investigate all complaints.
 - **Documentation is critical.** Record the specific details of any incident.
 - **Retaliation is illegal.** Reporting harassment is a legally protected activity.

Questions

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