

Mediating a Real Sexual Harassment Claim

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By Lee Jay Berman

He hugged her often for just a moment too long. He always told her how beautiful she was. She thought she caught him leering at her whenever they were alone. She could swear he was doing it in front of others, in front of her students, but no one seemed to notice. She was an art professor. He was the head of the department, her boss.

Is this sexual harassment? The reality is that there is not enough information to know yet. When he canceled all of her courses for the next session and told her she knew what she had to do to get them back, there was no question. She immediately contacted his superior, the Principal and Executive Director of the school. The Principal was a woman, she thought, surely she would understand. The principal was horrified. How could this teacher accuse this nice man of such ludicrous behavior? The principal said she had known the department head for many years and he would never do anything like the teacher was describing. He was happily married.

The Principal explained to the art teacher that enrollment was down in her department, that the computer courses were the most popular now, and that they needed teachers who could teach on computers. This is why her classes were cut. All of them.

No surprise to anyone, the teacher sued the school, naming the department head and the principal. She had a difficult case to prove. Her only proof existed in the testimony of eyewitnesses, all of whom were her friends, and all worked at the school and would be afraid of jeopardizing their own employment.

When this case came to the mediation table, the teacher cried repeatedly, the department head looked as though he had not slept in a week, and the principal like she was still in shock. There were accusations, yelling and screaming and more tears.

When the dust settled, the teacher received a letter of recommendation, and an apology from the department head for any "misunderstandings" and repeated verbal statements of his respect for her teaching ability. More importantly, she left with a large cash settlement from the school, once her attorney showed the school and their attorney the latest case law on the responsibility of an employer to investigate such reports thoroughly.

Every employer should set policy which specifically denounces such behavior and which creates a reporting mechanism for complaints. Every employer should fully investigate any such occurrences and take appropriate action or they can be found liable for damages--damages with many, many zeros after them.

Lee Jay Berman is the President of THE MEDIATION ALLIANCE, INC., a full-service mediation firm dedicated to utilizing the talents of field-specific, professionally certified mediators. Mr. Berman and his firm also teach mediation skills and consult to businesses teaching conflict resolution skills in the workplace. Contact Mr. Berman at (213) 383-0438.