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COMPLIANCE PROGRAMS

Measuring and Reinventing Sexual Harassment Training

BY HUI CHEN

In 1991, a then-little-known professor named Anita Hill stepped in front of the U.S. Senate Judiciary Committee to testify about the sexual harassment she endured while working for Clarence Thomas, a nominee for the U.S. Supreme Court. Hill's testimony brought public recognition to an issue that until then had been largely unspoken of. The month after her testimony, Congress passed the Civil Rights Act of 1991, allowing harassment victims to seek compensatory and punitive damages. Companies began to institute training programs. It looked like a new day had come and the time for tolerating sexual misconduct was up. Had there been social media then, the #MeToo movement would have been born in 1991.

Not everyone, however, got the memo. According to Bloomberg News, Harvey Weinstein's sexual harassment behavior spanned decades, going right back to the early 1990s. Neither legal protection nor heightened awareness appeared to have done much to change that CEO's behavior. How can we be certain that egregious behavior is not happening right in the shadows of the #MeToo and #TimeIsUp spotlights, only to be exposed 26 years later as another wave of awakening?

We can't ever be certain. However, I believe we can do better at deterring and detecting the behavior than relying on prevailing training models.

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Few studies assess and measure the effectiveness of sexual harassment training in corporate settings.

Like many other areas of compliance training, few studies have been done to assess and measure the effectiveness of sexual harassment training in corporate settings. One researcher attributes this lack of measurement to companies' fear of finding out whether the training works. This is the same fear I have heard about measuring other areas of compliance. If, however, we don't find out whether what we do is working, then our efforts are at best a waste of time and resources, and at worst a trivialization of the message itself.

One measurable attribute is attitude, and there are tests designed to assess attitudes towards issues such as sexual violence and other behaviors (e.g. the Illinois Rape Myth Acceptance Scale, social desirability scales). One study on college campuses found attitude change after a bystander intervention training program against sexual violence. A New York Times article suggests that training that empowers bystanders ''equips everyone in the workplace to stop harassment, instead of offering people two roles no one wants: harasser or victim. . . .''

The concept of bystander empowerment makes sense not only from a prevention perspective by equipping everyone to provide on-the-spot intervention, but also from a detection perspective. Bystander training has been shown to improve reporting of intervention, and thereby detection of the misconduct that prompted the intervention. Also, the experience of confronting ha-

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rassment is profoundly personal: it is the type of experience where people are more likely to turn to friends than to a company hotline. The training can thus enable employees to better support each other, and thus build the emotional support and courage needed for further reporting.

Along with bystanders, training can also equip those who face harassment on how to react, rebuff, seek help, and escalate. Recovering from the ''I can't believe this is happening'' moment to respond appropriately and effectively requires skills that are not innate to most, but can be learned. These defensive skills, like fire drills, can be taught and tested through well-designed tests and simulations.

Both intervention and reaction skills fall into the realm of social and emotional intelligence, which is the broader area where everyone in the workplace, and particularly managers, can benefit from improvement. A 2015 survey showed that more than two-third of managers were uncomfortable talking to their employees about performance issues not related to harassment. This data point suggests the strong need for overall training in basic social and emotional intelligence in general, but certainly has applications to harassment. I know of one manager who, in a misguided attempt to appear ''cool'' to her subordinates, resorted to telling sexually explicit jokes at team gatherings. Her team members recognized that this manager's motivation came from insecurity rather than malice, but the discomfort remained the same.

Another perspective that needs to be better incorporated in social-emotional intelligence training in general, and sexual harassment training in particular, is the cross-cultural perspective. Gender roles, sexual boundaries, and power dynamics vary significantly across cultures. In a 2011 study of sexual harassment experienced by female doctors in Turkey, for example, nearly 70 percent of the female doctors reported being sexually harassed by patients and their families. Patients harassing doctors is not the type of power dynamic that typically comes to people's mind in the U.S. Another study shows that different ethnic groups in Singapore interpret certain cues relating to sexual harassment (e.g. touch on the shoulder) differently. These cultural differences influence everything from the perceptions of, to the reactions to, harassment. These different perspectives need to be listened to, understood, and discussed in order to effectively equip employees to address sexual harassment appropriately in today's multicultural workplaces.

Sexual harassment training needs to be revamped. It needs to be built on a growing body of social science research; it requires active listening; it must teach usable skills through simulations such as role playing; and it should be continually improved through ongoing measurements of effectiveness.

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