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Happening in Plain Sight:
An Evaluation of Sexual Harassment in Municipal Government
Through A Case Study of Newark, New Jersey

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Abstract

In the city of Newark, New Jersey, Sebrevious Scott, a participant in the New Jersey Re-entry program was hired as part-time office assistant in the city's re-entry office. After being transferred to the city's Parks and Grounds Departments, she started being sexually harassed, inappropriately touched and propositioned by her supervisor, Richard Kirkland. Scott made repeated attempts to report these actions through the appropriate channels. She was met with dismissal, resistance, and later retaliation. While working in this hostile environment she was also pursuing a full-time employment opportunity with the city upon the completion of the re-entry program. Unfortunately, this never came to fruition due to the behavior of her supervisor and other city staff. Scott eventually filed a gender discrimination complaint with the Equal Employment Opportunity Commission (EEOC). Following this filing and after two leaves of absences, Scott was notified that she had been terminated from her job.

In performing this case study, the goal is to address the pervasive incidents of harassment taking place in municipal government. It will illustrate the challenges that victims face when trying to seek relief and how for vulnerable populations, e.g., part time, low wage, minority, and women employees the challenges are far greater. A discussion on how power dynamics play a major role along with workplace culture and male-dominated leadership teams contribute to this problem. An emphasis on strengthening policies and procedures will be reviewed, as well as a focus on the job environment and diversifying employees. Not only are these cases costly to municipalities regarding legal fees and other related expenditures, but it also has an adverse effect on employee morale, public trust in government, and general safety.

Section 1: Method

The terms #Me Too and Time's Up have recently become part of the public conversation, the national consciousness, and the workplace atmosphere. The front-page headlines that rocked Hollywood helped put the focus on the behavior of powerful men in the workplace. The public outcry was swift in many of these cases and caused many high-profile people to lose their jobs, reputations, and legacy. While there is a perception that attitudes and opinions regarding sexual harassment in the workplace have changed, the data tells a different story. Sexual harassment happens in all areas and levels of the workforce.

This case study will examine the presence of harassment in the public sector, focusing on sexual harassment in municipal government. The incidents of harassment in municipal workplaces are pertinent due to the fact that municipal governments are funded by local taxpayer dollars and state and federal funds. Towns that receive State and Federal funds are directly tied to a municipality's commitment to uphold all state and federal anti-discrimination policies, which are required to receive funding for projects, grants, etc. While it would be correct to assume that municipal governments would have a greater commitment to ensuring that their workplaces will be free of sexual harassment, that is unfortunately not the case.

Currently, statutes and laws defining this issue derive primarily from the top tier of government - the Federal Government. A part of the Civil Rights Act of 1964, the federal government developed and passed protections from sex discrimination. Within this act, Title VII furthers identifies the terms, action, and behaviors that define sexual harassment. Additionally, Title VII prohibits employment discrimination based on race, color, religion, sex, and national origin.

During the research for this case study, there were multiple examples just from four states: Connecticut, Massachusetts, New York, and New Jersey. The cases ranged from racist and sexist comments to pervasive sexual harassment to incidents of assault. In most of these cases, harassment, propositioning, and unwanted contact occurred. These incidents were reported, observed by witnesses, and overt. However, in all cases, complaints were not properly investigated, mismanaged, or completely ignored. It is this inaction that tells staff that these actions are acceptable, encourages these behaviors and attitudes to persist, permeate your organization, discourages the reporting of incidents. The employees that committed the harassment were supervisors or managers and the victims were low, entry level employees. Examining the power dynamics is critical in this case study as the perpetrators were both appointed (hired) and elected officials. The varying positions of the harasser also contribute to the pervasiveness of this issue in municipal government as well as the leadership positions being male dominated, i.e., the “good ol’ boys’ network”.

Although the #MeToo Movement brought more allegations to light, the U.S. Equal Employment Opportunity Commission (EEOC) still only received roughly 7,500 sexual harassment claims for the 2018 year (EEOC, 2020). Since this was a fourteen percent increase from the previous year, it would have been expected that more complaints should have been filed based on the sheer amounts of disclosures made on social media due to #MeToo. Trends have shown that more have been utilizing the formal complaint system with the EEOC, with 46,158 total complaints were received in 2020, of which 21,398 were sex discrimination complaints.

It is important to know that these statistics only reflect the person who reported discrimination to the EEOC, not complaints reported to either the state commission or complaints filed locally. These statistics also do not account for all those who never report sexual

harassment or file an official complaint. According to a study published in the Harvard Business Review (2016) found that 71% of women do not report sexual harassment, even though 75% of the women we interviewed stated they had been sexually harassed at work. For those that observe and are present when sexual harassment, the number of bystanders that do not report is higher than those who are the victim of harassment.

The Bureau of Labor Statistics (n.d.) has reported that 70% of all employers provide sexual harassment training and 98% of companies have sexual harassment policies. This data supports that simply having policies and training is not enough to prevent harassment in the workplace, nor do they encourage those who experience harassment or are witness to it to come forward and report such events. Three main reasons why reporting remains low: Fear of retaliation, “the bystander effect”, where those who witness this behavior do not report, and the hypermasculine culture that exists in many organizations which allow these actions to continue. It is important to note that all of the components for not addressing harassment in the workplace were present in the chosen case.

The effort in this case study is to highlight the many challenges in preventing sexual harassment. The structures in place that make it difficult to not only enforce but address harassment and to evaluate the gender and power dynamics that exist in all harassment cases and how low-level, part-time employees are more vulnerable. This is especially true for domestic industry workers, illegal immigrants, and formerly incarcerated individuals. This case highlights several aspects of workplace sexual harassment, retaliation, power dynamics, hostile work environment, and ineffective policies, procedures, and protections for employees. It also illustrates how a male dominated power structure and sexist attitude contributes to the environment that perpetuates and condones sexual harassment in the workplace.

In this case, many of the elements that contribute to the increased risk of workplace harassment exist. The person at the center of this case was a member of multiple vulnerable populations – a person of color, female, and was a former convict; all of which increase the likelihood of being subject to sexual harassment. She also worked in a male dominated, isolated environment with significant power disparities in place.

Section 2: Literature Review

In understanding sexual harassment, it is important to know that sexual harassment can fall into two categories: Quid pro quo and hostile work environment. As defined by the American Bar Association (n.d.), quid pro quo refers to, “When a job benefit is directly tied to an employee submitting to unwelcome sexual advances by individuals with supervisory authority.” Benefits can be either positive, e.g., promotions or raises, or negative, e.g., poor reviews or inconvenient scheduling. Comparatively, a hostile work environment refers to, “When an employee’s work atmosphere is abusive or hostile due to the behavior or actions of their employer or coworker” (Yadegar, Minoofar & Soleymani, 2020). Examples of these actions can include frequent unwanted advances, jokes, or comments of an explicit nature, etc. Additionally, it can occur from anyone, as it is not tied to employment benefits. Our case study displays the scope of these two definitions of sexual harassment.

When reviewing the literature regarding harassment, there is a perception that sexual harassment is about sex, when in reality it is always about power. Exerting and maintaining control over subordinates, co-workers, and others serve as the main motivator for one committing harassment. Several different perspectives exist on the matter, within organizational models, sociocultural models, and a combination thereof. In the context of this case study, the organizational model is especially pertinent in understanding the dynamics that exist within the

workplace. The organizational model argues that the structure of companies promote, retain, and solidify power inequities, which in turn create an environment with a high probability for these acts to occur (Tangri, Burt, and Johnson, 1982). The assignment of specific roles with differing levels of status creates a predictable and normalized power structure. Positions are not the only contributor to the organizational model. Tangri et al. (1982) present another underlying condition, work characteristics; “Sexual harassment is more likely in work organizations that a) are highly structured and stratified; b) discourage redress on work related concerns; c) have options or requirements for weekend or overtime work; d) have skewed sex ratios, and e) have expectations for sexual behavior within the workplace.” Although every workplace has its own unique dynamics and relationships within, a commonality amongst them all is that the culture is dictated by the workplace itself.

Looking closer at workplace expectations, it is a common practice that gender roles and their corresponding expectations play a substantial role in power dynamics. This is especially true for workplaces that are shifting to be more diverse, where more underrepresented populations are in management positions and away from the traditional white males being most managers. A strong resistance is presented from the established majority. This is a direct reference to the term “the good ol’ boys club,” in that, there is a fear of losing their position, power, control, and prestige. This can lead to frustration and anger being expressed through sexual harassment (Wilson & Thompson, 2001). As stated by Will, Conlon, Rogalin, and Wojnowicz (2013), threats to masculinity result in the need to overcompensate, emphasize attitudes, and behaviors that are traditionally male, e.g., “women belong in the kitchen and men belong in the workplace”. Sexual harassment is utilized as a mechanism to solidify their power, status, and console the fragile ego of harassers. Additionally, it serves to reinforce current

structures as it exists in the workforce, while newcomers to the field are less likely to commit, standby, and not address these actions.

Another factor that causes people and organizations to turn a blind eye to sexual harassment, i.e., toleration of the issue, is social dominance orientation. Social dominance orientation (SDO) is a measure used to determine the extent to which one prefers inequality and hierarchy. Compared to women, men have been established to hold stronger scores for SDO (Russell and Trigg, 2004). Building on the fear of losing status, change in hierarchy would be yet another underlying contributor to a hostile environment. Essentially, fear of losing these immaterial and systemic footholds inadvertently propels these attenuating attitudes.

Power is critical to the creation of hostile and benevolent sexism in the workplace. The crux of the issue is any challenge to the power structure or a change in the makeup of those in leadership positions drives an increase of sexual harassment. During this time is when the role of sexism presents itself most prominently. Hostile sexism is the typical type expressed and more commonly understood as possessing a negative view of the “other”, most directed at women. It is closely related to the concept of a hostile work environment, where behaviors such as inappropriate comments and harmful behaviors are exhibited and directed at women. Comparatively, benevolent sexism is an alternative way sexism is displayed. As explained by Glick and Fiske (1996), benevolent sexism is “a set of interrelated attitudes toward women that are sexist in terms of viewing women stereotypically and in restricted roles that are subjectively positive in feeling and elicit prosocial or intimacy seeking behaviors.” Benevolent sexism is typically present in instances of quid pro quo, as it pushes the notion of vulnerability in the harasser’s mind. Sexual harassment is used as a means of expressing one’s sexist ideology and using their position to intimidate others.

Finally, the last relevant theoretical approach is Power Elite theory, which dictates that those belonging to a specific minority group remain in power, regardless of any outside interference from the general masses (Wright Mills, 1956). In this context, harassers continually find themselves not only exonerated, but are routinely given positions of authority. Even if one member of the network is removed from their position, policies, and other connections continue to allow them to remain in the power structure, either in their current organization or at another organization. The cycle of harassment continues, as the same players are still in the game. Even more unfortunate, these same people are able to continue with this abhorrent behavior because they know there are virtually no repercussions. In fact, these structures and processes allow harassers to ensure the rules work in their favor, instead of working for those harassed, their organization, and the others impacted.

The Power Elite theory also provides a view of vulnerability facing specific populations. For this case study, it applies to temporary/seasonal workers, minorities, etc. Their positions in the organization are low-level and the odds of losing one's job is higher, as there is a perception that their job can be taken away at any time. These workers also have much more at stake than those in the male dominated network. Even if one person from the general public devotes significant time and energy towards changing the status quo, it does not generate enough power to change the rules. Although the people that hold these positions want and encourage change, it does not at all eradicate the existence of the superior and subordinate relationship.

Section 3: Background Information

Municipalities serve as the primary focus of this case study, as the problem is entrenched and systemic in these organizations. When an issue arises, especially sexual harassment or assault, logic would dictate that one turns to those who are closest in their network, a supervisor,

co-worker, or human resources. In terms of public government, that means someone at the local level is the first line of defense. However, as one digs deeper into the process, it becomes far more apparent that these policies hold as much protection as the paper that it is printed on. Since these organizations are usually tight-knit, set in their ways, and difficult to change internally - the challenge for those harassed to come forward becomes ever more difficult.

The focus audience is public administrative professionals, especially those in positions of power and those handling Human Resources (HR). With any major change, leading by example allows for those changes to last through the current leaders and those who follow. The acknowledgement that regularly evaluating these policies to ensure they are reflective of the needs of employees should be a priority, not considered a hindrance. Rather than tailoring policies towards the status quo and self-preservation, the organization needs to establish goals for management that should include becoming more inclusive of all employees. Especially for those most vulnerable and often the victims of sexual harassment. Especially for municipalities with a clearly documented history of these incidents, it is essential that they take accountability and start to shift their perceptions and take action to address the challenges related to the issue.

With this case study, it is the hope that readers will take these incidents, inaction, faulty processes, and apply the knowledge gained through this study to their organizations. At minimum, one should feel compelled to re-evaluate their current standards, especially within themselves, their potential biases, and blind spots. Regardless of the type of government or what public sector area one is in, this is an issue all employees need to be aware of, know what to look for, and what to do if it happens to them or a colleague.

Section 4: About the Organization

The city of Newark, New Jersey utilizes a mayor and a city council, meaning all officials responsible for the operations and oversight of the city are all elected. The Department of Administration has eight staff members, with one person designated as the Personnel Director, which oversees the city's Human Resources responsibilities (Newark NJ, 2021). The city's sexual harassment policy is clearly delineated in the City's Employee handbook and states: "Sexual harassment is defined as: unwelcome behavior of a sexual nature, sexual advances, requests for sexual favors and/or other verbal or physical conduct based on gender when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or (3) such conduct has the purpose or impact of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Conduct such as physical sexual contact, unwanted sexual advances, propositions or comments and sexual displays or publications are prohibited in any City of Newark building, workplace, or worksite. Employees and vendors must refrain from any behavior that may be construed as sexual harassment".

It also describes the disciplinary policy for all employees that violate the workplace policies including sexual harassment. There is no information, language, or direction on reporting a harassment complaint, who and how you report, what the investigatory processes are, or the employer's obligations to respond, and what actions should be taken if the complaint is found to have occurred and the employee is found to have committed harassment published on their website (Newark NJ, 2021).

The city of Newark, New Jersey employs approximately 3,100 people. Newark is governed under the Faulkner Act/Mayor-Council form of government. In this form of government, the mayor is elected for a four-year term and serves as chief executive of the municipality. Among other duties, the mayor is responsible for supervising and directing all municipal departments as well as preparing and submitting to the municipal council (Council) the proposed annual budget.

The legislative power of the city is vested in the city council, which has nine members. Four members are elected at-large and five are elected by a particular municipal ward. Each Council member serves a four-year term. The Council is responsible for approving the municipal budget, establishing financial controls, and setting the salaries of local elected officials and high-level appointed administrators. The Office of the City Clerk provides administrative support to the Council. The town council is responsible for approving all city personnel policies and the mayor and other staff members must ensure that staff members are adhering to the policies they have approved including the town's sexual harassment policy, written in the employee handbook. It was last updated on October 17, 2019 and requires the signature of every city employee.

Section 5: The Challenge

The New Jersey Re-entry Corporation (2021) is a non-profit organization whose mission is to remove substantial barriers to employment from those previously incarcerated. They provide these services to reduce recidivism and empower former inmates to achieve healthy self-sufficiency, as well as foster safer communities. Through this program, they began to partner with multiple New Jersey communities, namely Elizabeth, Hackensack, Jersey City, Neptune City, Newark, New Brunswick, Paterson, and Toms River. Sebrevious Scott attended Newark's

NJBuild Event and in April 2016, secured employment in the city's reentry office doing administrative work.

Scott's duties were mainly secretarial in nature and she became very knowledgeable with the program and its participants. Six months later, Scott was transferred to the Parks and Grounds Department where she worked as the office assistant to Richard Kirkland, the department's manager. According to the reporting, Scott and Kirkland had a professional working relationship and Kirkland supported her ventures to become a full-time city employee. Scott completed a Request for Personnel Action/New Hire form and submitted it to Talib Aquil, the Director of the Department of Public Works. A few months after Scott's transfer and application for full-time employment the harassment from Richard Kirkland began. Kirkland made sexually suggestive comments about her body, showed her sexually explicit materials, and sexually assaulted her by touching her breasts. All of these actions are prohibited by the Title VII of the Civil Rights Act of 1964, New Jersey state laws regarding sexual harassment in the workplace, and the employee handbook of the city of Newark.

Scott spoke with Amiri Baraka, the Mayor's Chief of Staff and the Mayor's brother, about Kirkland's behavior. The victim states that the complaint was not only met with indifference, but defiance. Baraka's response included, "Don't be coming here complaining about discrimination. You should be happy you have a job." The complaint also states Scott notified one of her colleagues, Paul Schaffe, who was a field supervisor in the Parks and Grounds Department. Schaffe confronted Kirkland about his harassment and stated that Scott would not engage in any sexual behavior with Kirkland in order to obtain full-time employment.

Shortly after that Scott was transferred to work in the department's road crew as a method of retaliation. When she inquired about her full-time employment application, she was

dismissed. Her employment application was compromised by Aquil, where he discussed her job performance in an unfavorable way and altered her paperwork to state she was only seeking part-time employment with the city. When another department employee had made an inquiry on her behalf, he was told that her processing was delayed compared to her counterparts due to her refusal to engage in sexual behavior with male employees. While Scott's full-time application remained in limbo, several men enrolled in the same re-entry program were able to obtain full-time employment. Additionally, she was denied payment for her overtime hours, missing at least ten hours' worth of pay in each paycheck. Scott also attempted to schedule a meeting with the mayor that never came to fruition. Scott went out on medical leave from January 2018 to March 2018. After returning to work, her employment status was still the same and her application for full-time employment had still not been processed.

In April 2018, Scott filed a complaint with the Equal Employment Opportunity Commission for gender discrimination (sexual harassment). Later that same month, the charges were officially filed against the Baraka administration. In June 2018, Scott was removed from her position due to reasons of stress and in August 2018 learned of her official termination from the New Jersey Civil Service Commission. In February 2019, the EEOC issued a right to sue for Scott. The case regarding Scott is still pending as of April 2020.

In response to the complaints made public by Scott, the Newark City Council passed an ordinance that created an independent task force to evaluate any claims of sexual harassment raised by city employees. The council also stated that all city departments would be required to participate in sexual harassment training, starting with the Department of Recreation and Grounds, where Kirkland was still employed. The task force was charged with investigating claims of sexual harassment by city employees, contractors against other city employees as well

as residents. It was also to mandate that all task force members receive training in confidentiality, ethics, and sexual harassment. Unfortunately, though the ordinance was passed, no one has been appointed and the legislation was shelved with the main advocate, former City Councilwoman Gayle Chaneyfield, being replaced on the council.

This case highlights several aspects of workplace sexual harassment, retaliation, power dynamics, hostile work environment, and ineffective policies, procedures, and protections for employees. It also illustrates how a male dominated power structure and sexist attitudes contribute to the environments that perpetuate and condone sexual harassment in the workplace.

The effects of sexual harassment impact all levels of an organizations. According to the Institute for Women's Policy Research (n.d.), individual impacts of harassment are to their mental and physical health, finances, and future employment opportunities. The organizational impact is far-reaching and includes a loss of productivity, increased employee absenteeism, high employee turnover, and immense legal fees and costs. The impacts of workplace harassment go well beyond just the individual and the organization. It is not limited to those who directly experience harassment, but also those who witness it, those who learn about it, and affects overall team performance.

Increased employee absences are a substantial consequence to note from harassment. The National Health Interview Survey (2010) revealed that those who have reported being harassed or bullied at work were 1.7 times more likely to have taken at least two weeks off in the previous year than those who had not experienced harassment. More recently, a study conducted by the U.S. Merit Systems Protection Board (2018) revealed that nearly one in six employees took sick leave or a leave of absence immediately after being harassed. High employee turnover is also another significant result of workplace harassment. In a study conducted by McLaughlin, Uggen,

and Blackstone (2017) showed that those who experienced sexual harassment on the job were 6.5 times as likely to change jobs than those who did not. Employee retention rates take a severe hit when sexual harassment pervades.

Another notable result is the financial impact associated with harassment. Direct losses come from changes in employee performance brought on by harassment; based on research conducted by Willness, Steel, and Lee (2007), the average cost of lost productivity was \$22,500 per person for those working in organizations and departments impacted by harassment.

However, the majority of monetary costs are due to exorbitant settlements, the process of buying out employee contracts, paying off the victims, and related legal fees. Though many financial settlements are hard to quantify due to the predominance of non-disclosure agreements in most settlements, the EEOC reported \$46.3 million in financial payments to victims of workplace sexual harassment. It is critical to note that official monetary numbers are most likely much higher, as these totals only reflect those who filed complaints federally, not those who filed with a separate state commission, those who never reported, or those who settle prior to filing a complaint outside their organization.

The public relation impacts can be much worse when a town and their employees names splattered across headlines. It can result in loss of confidence in elected and appointed leaders. It can cause residents and taxpayers to express concerns that their tax dollars are going to legal fees for employees who commit these acts, pay employees who harass others to just leave quietly, and to get victims of harassment to “go away” by paying them off. The fact that non-disclosure agreements are rendered in most settlements also contribute to the mistrust of municipal government and its leaders as exhibits there is no intention to address the problem with systemic change, but rather bury the issue by paying off all those involved. Smith (2018) found that

companies are increasing the amount of liability insurance they are purchasing rather than addressing the root causes of harassment. Many organizations see this as the cost of doing business instead of addressing issues head-on. It is their belief that it will cost more to conduct adequate training, proper investigations, and implement better policies and procedures than it would be to purchase more insurance.

A severe impact to those who experience sexual harassment is a significant loss in one's productivity, commitment, and job satisfaction. They are also likely to withdraw from their duties and responsibilities. People who experience sexual harassment in the workplace suffer significant mental and physical health effects, including depression and post-traumatic stress. A study conducted by Danski and Kilpatrick (1997) found that one in ten women who experience harassment that their symptoms met the PTSD definition, and these issues continue well after the harassment has stopped. Even when harassment is less pervasive and frequent, it can still lead to negative psychological effects. It impacts workplace behavior and causes a loss of employee morale. Long-term physical ailments are another result of repeated workplace harassment. It can lead to increased amounts of workplace accidents and injury, especially for those working in high-risk jobs. It is critical to note that treatments of mental and physical symptoms also contribute to the overall monetary costs. In addition, a person who experiences harassment can miss out on opportunities for training and workplace advancement. Many jobs for high skilled workers require on the job instruction and mentorship, making harassment directly impactful on access to these services. The National Academy of Sciences (2018) found that women in Science, Technology, Engineering and Math (STEM) fields have given up tenure, research projects, and leadership opportunities due to the harassment they experienced.

Not having full access to upward mobility in a job along with experiencing both mental and physical complications frequently lead people to leave their current job and career, often before they secure new employment. According to the Covert (2018), there is a strong correlation between those experiencing harassment and changing jobs, where eight out of ten women changed jobs within two years after their harassment started, compared to just over half of all other women. Women leaving their current job also leads to considerable financial strain, which directly affects future earnings and career attainment. Low wage earners also face more challenges as it is more difficult for them to leave their job. The risks of losing their job after filing a complaint are considerably higher, as they are most likely not in a union and do not have many job protections. The consequences of lost wages are particularly hard on low-wage workers, as they are least likely to have savings, or other resources to help them while they are unemployed.

As noted in this case, Sebrevious Scott, is a classic example of a highly vulnerable employee, i.e., most likely to experience harassment. She is female, a person of color, a part-time employee with little worker protection as well as having been previously incarcerated. Due to her criminal record, the likelihood of pursuing opportunities elsewhere is extremely limited, making the quality of alternatives extremely low if she were to leave the NJ Reentry program. Unfortunately, most others in a similar situation would be forced to just put up with such conditions, making Scott one of the rare cases by reporting. With these compounding factors, Scott was unjustly made a target.

The fact that her reporting and complaints were ignored further reinforces the research regarding harassment. With Newark's provisions of annual training and written policies, clearly this was not enough to effectively handle the problem. The health of the victim, her co-workers,

and the organization were heavily impacted as a result. When other employees tried to step in on her behalf, they were met with the same level of dismissiveness. From this, it prompted action from the Council in developing more safeguards and policies to protect employees, vendors, and members of the public alike. The Council highlighted the need to fully address the entrenched issue facing not only the city of Newark, but municipalities across the country. Since then, the state of New Jersey, the EEOC, and other organizations have created new recommendations and guidelines to address systemic issues, power structures, and homogeneous senior level staffing that allows this to continue in municipal government.

Section 6: The Solution

Current policies that address provisions for sexual harassment and assault cases are exceedingly out of step with the current environment and need to be updated. As with any policy, the conditions, and views of regarding sexual harassment are not the same then as they are now. Even though attitudes have changed policies and procedures have not. Sexual harassment cannot be something spoken about once a year, a policy updated only after an incident, and procedures to report are only listed on a faded poster in the breakroom. There needs to be fundamental change, where training is ongoing, attitudes and actions of employees are assessed, along with workplace climate. Knowing whether or not employees feel safe, that employees are not being subjected to harassment, and that everyone knows the rules will be critical in addressing, combatting, and stopping sexual harassment is critical for there to be true change.

Most importantly there is one belief that remains entrenched in reporting sexual harassment: fear. This must change so people will come forward. Employees must have confidence that a proper investigation will be conducted, and that those responsible will be held accountable. If there is still a fear to report, people will not come forward. As many public

examples have shown there is the belief that justice will be not provided to victims. Many people see this as fact because many harassers get away with their actions and there are little to no consequences. While there have been numerous studies and recommendations made by the EEOC and various states, including New Jersey – it is evident that there is still not enough being done on the federal, state, and local level to address these long-standing gender inequalities in the workplace.

Monetary compensation is typically utilized as a relief response for victims. This can be seen through the numerous headlines detailing massive payouts made in an effort to rectify a person's or organization's inaction. However, this does not resolve the behaviors that are still occurring in municipal government. The impacts for colleagues, individuals, and organizations directly affect the bottom line and this should be enough to create safer work environments for employees, but it does not. With municipalities receiving state and federal funding via financial support and grants, these public agencies and organizations should be holding themselves to an even higher standard as they are expected and required to uphold the standards from their bureaucratic overseers.

Having any violation of federal and state anti-discrimination policies, such as Title VII standards can lead to not only loss of aid, but also leads to towns be subject to violations and fines. The livelihoods of entire townships are at stake, with a multitude of programs and departments being financially dependent on higher level funding. Although the governing boards of localities are required to reaffirm their commitment on an annual basis at publicly held meetings or with town votes, dedication and brevity remain absent, especially on the individual level. In order to change the landscape regarding sexual harassment policies, we propose the following recommendations should be considered by municipalities.

First, it should be a priority to routinely re-evaluate established policies and processes concerning sexual harassment. Disciplinary standards should be prompt, consistent, and proportionate. Regardless of the position, gender, or any other factors that the harasser possesses, an extensive investigation should be conducted. Following a thorough review, if the complaint is found to be credible there needs to be proportional and appropriate disciplinary action. A survey conducted by the Society for Human Resource Management (2018) found that 95% of male harassers go unpunished. Disciplinary actions should be documented immediately, and any corrective action taken noted, e.g., mandatory training. Victims should be notified that action was taken and regular follow-up should occur to ensure that the victim is not subject to retaliation, and that the harassment has ceased.

Confidentiality procedures are also important to review. Regardless of whether a person is involved in an investigation or not, confidentiality should be required for all. Instances of sexual harassment are serious and treated as such. Discretion is crucial, as it protects the victim from possible retaliation and to ensure their professional reputation is not negatively impacted. It also allows for victims to feel comfortable enough to come forward and report. Vagianos (2015) found that 71% of women who had been sexually harassed did not report, showing a need to provide as many accommodations as necessary to encourage reporting, starting with confidentiality.

As a way of improving current practices, investigations need to be both sensitive to the victim, as well as intensive enough to obtain the full picture. If there is not enough documentation or if the investigation is performed poorly, it sends the message that the organization does not care, is aiming to protect those in power, or possibly believes that the victim is lying. In order to conduct an effective investigation, a written plan should be in place

for Human Resources to follow. According to Meinert (2018), investigative plans should include who will be investigating, guidelines for evidence collection, and interview procedures. Another element to include would be pre-prepared open-ended questions, which can make a massive difference in the details that come to light in interviews. Procedures should also include collating previous evaluations and complaints of the harasser to determine if there were motives, e.g., retaliation for a work incident, or established histories of harassment. It also goes without saying, everything needs to be documented, especially during interviews. Best practice dictates having interviewees confirm and sign off on summaries of what was said. Without an effective investigation process, the entire sexual harassment policy is for naught.

Additionally, investigations should be conducted by a private and objective third party. Especially for cases concerning higher level administrative positions. Those in Human Resources or other investigators within the organization may find themselves too close to the situation and find it difficult to remain objective. Some argue that this is the purpose of Human Resources in an organization, but if this department falls under the supervision of the accused or there is a potential for a conflict of interest, there is no guarantee that results will be truly objective. Utilizing third party investigators helps ensure that the inquiry is handled with competency, and with the “preponderance of the evidence standard.” Those with little experience on the matter tend to go the “beyond the reasonable doubt” route, which is not effective in guiding these procedures. Having a private investigator ensures that organizational leaders are empowered with extensive unbiased evidence to take appropriate disciplinary action.

Routine assessments of workplace culture should be conducted in the workplace frequently, as it is an optimal method to understand daily occurrences and can help determine which areas are in need of specific attention and focus. Questions would need to be answered by

employees at all levels of the organization, to provide a more conclusive understanding of workplace culture.

Low-wage employees, women of color, those in the service industries, and migrant or undocumented workers are more likely to experience harassment and are also less equipped to address the issue and seek assistance or resolution. With regular assessments, it will enable the organization to better understand who is more vulnerable as well as where resources should be allocated. These measures also determine the extent to which harassment exists. Many employees may be reluctant to complete these assessments, the importance of completing surveys should be stressed. Furthermore, incentives may be offered to further encourage participation.

Sexual harassment training should not be a one-time annual, mandatory training. The most prominent recommendation is to implement regular training sessions. These training sessions should include active engagement and small break-out activities. Designing in this way will assist in creating a safer work environment. The other part of the equation is to ensure that training includes and emphasizes the following: Current policies and laws; clear employee expectations; bystander procedures; reporting; allyship; workplace civility; complaint, investigatory, and disciplinary processes; and the general importance of each of these categories.

Training programs need to be ongoing and include pre-training and post-training elements. Evaluating employees' knowledge pre- and post-training can help assess their personal understanding and comprehension of the issue. Additionally, training sessions should always be interactive where open dialogue can be had, and real-life examples can be discussed. Knowing what happens to real people and what the consequences are for those who experience harassment, those who commit harassment, and the impacts on the organization can give a

different view to employees and show that this behavior is both damaging and expensive to the organization. Throughout this process, frequent follow up should occur. If further issues arise or if workplace policies are violated, refresher courses should be made a requirement.

Not to be forgotten in the multitude of training is effective bystander training. As reiterated multiple times throughout the literature as well as this case study, prevention is an obligation that should be upheld by everyone, regardless of position. Bystander training enables a person to not just be empowered to report, but also intervene in the situation. This increases accountability. Whether it be disrupting the harasser by shouting for help or actively confronting harassers themselves, bystander training is crucial to let employees be aware of how to respond to these circumstances.

All employees need to be invested, knowledgeable, and committed to these efforts, but a major focus should be on supervisors, middle management, and department heads. These employees serve as the bridge between administrations and lower-level employees, interacting with both groups regularly. This high level of interaction gives them a better opportunity to observe the workplace environment, and the responsibility to notice if there is a change in behavior or climate and work to address it. Even subtle changes to the team should be examined as sexual harassment not only impacts employee wellbeing, it also negatively impacts the performance of others (Smith, 2018). With this in mind, it makes it vital that all employees understand best practices, how to respond to their observations as well as how to address, report, and investigate incidents of sexual harassment.

Finally, changing attitudes needs to be addressed. Sexual harassment stems from insecurity of power, it is essential to shift current mindsets and schemas in the workplace. The easiest way to do so is to bring in more diverse representation. Changing demographics causes a

delineation from the strict hierarchies and inequitable power dynamics of the past. As encouraged by Smith (2018), even simply hiring more women into leadership positions promotes a more civil and respectful workplace culture. By attacking fear of status loss and hierarchy via introducing more perspectives, the root problem is addressed and a new environment along with new principles can be implemented.

Section 7: Conclusion

Sexual harassment is not about sex, it is about power. Addressing it in this context is critical to reducing sexual harassment. Harassment in the workplace is often connected to and is exacerbated by power dynamics, gender inequity, lack of diversity in leadership, racism, discrimination, and other status categories. Sexual harassment is an abuse of power with a focus on manipulation and aggression. Utilizing this language allows for the conversation to shift away from sex being the central point, as it is not actually about sex.

As illustrated in this case study and in numerous other examples in the United States, the current system provides the bare minimum to address this far-reaching and entrenched problem. All workplaces should focus on power dynamics, gender stereotypes, and lack of comprehensive policies and training to better address sexual harassment. Public agencies like the local government should be committed to this task. Acknowledging the structural risk factors that exist in municipal governments is necessary if there is to be any progress on the matter. By addressing the issue holistically, with systemic and structural changes, comprehensive policy and procedural updates, workplace culture, and attitudes, municipalities would save money. Taking these actions would also increase the commitment of its employees, employee satisfaction, productivity, and people's faith in their local government. No longer can change be ignored, as there is so much

more at stake than just bad press. Commitment to enact and adhere to better standards needs to be fully implemented, not just discussed, not ignored, but embraced.

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