**Case Studies of Sexual Harassment Incidents on J-1 Programs**

**Incident #1**: **Participant harasses female colleague he previously dated**

A participant on the Work and Travel program was dating an American colleague. After several weeks, they ended the relationship. However, the participant continued to text and call his colleague. She sent brief replies, but did not ever agree to a date. At work, the participant approached his colleague twice physically, leaning in to kiss her and to hug her. Although she laughed, she was pushing him away and telling him to stop. Two other colleagues witnessed this behavior and one incident was caught on the security camera.

**Results**:

* The employer fired the participant after the second incident was caught on video and the two witnesses explained what happened.
* The participant was surprised that he was fired because he had been dating the colleague and he thought they were still friends. He said he thought she liked him still so it was okay to try to kiss her.
* The victim and the witnesses all wrote that they asked him to stop touching her and flirting with her, but he would not stop.
* The sponsor spoke with both the employer and the participant. The sponsor reviewed the video of the incident and read the witness reports. The sponsor ended the participant’s program early and he had to leave the town within a few days so that his colleague would feel safe. The sponsor verified the participant returned home with their international partner.

**What can we learn?**

* Even if you have dated a person in the past, it does not mean you can still have physical contact with that person or expect any kind of romantic or sexual relationship. Consent may be taken away at any time.
* When a person tells you to stop doing something, even if they are laughing or smiling, you must stop. Sometimes people laugh or smile because they are nervous or they don’t want to upset the person. It doesn’t always mean they like what you are doing.
* Never touch or threaten to touch people at work.
* Understand your employer’s policy about sexual harassment and what the consequences are.
* If you experience or witness sexual harassment at work, notify your host employer and contact your program sponsor immediately.

**Incident #2: Participant physically harasses female colleagues**

A participant on the Work and Travel program was accused of sexually harassing many women colleagues both physically and verbally. He blocked women from leaving the break room until they would kiss him. He made many comments suggesting that women colleagues should have sex with him. He touched women colleagues’ breasts. Many women reported telling him to stop, but he would not.

**Results**:

* The employer temporarily suspended him without pay while they investigated the case. They interviewed many employees and witnesses. They also talked with the participant.
* The participant admitted doing these things, but said he was only joking and it was okay in his country so he did not understand why this was wrong.
* The employer fired the participant.
* The sponsor spoke with the participant and the employer and reviewed all the victim and witness accounts. The sponsor ultimately terminated the participant’s program as he did not seem to understand that he had done anything wrong and did not indicate that he would change his behavior at a new employer.

**What can we learn?**

* Never touch a colleague or housemate.
* Never make any sexual comments to a colleague or housemate.
* Behavior that is okay in a person’s home country may not be okay in the United States.
* Learn what is and is not acceptable behavior in the United States.

**Incident #3: American Colleague Touches Female Participants in Housing**

Two participants on the Work Travel program were in their apartment when a fellow American employee came to do some maintenance work on their AC unit. He had done previous maintenance work on the apartment throughout the season. The American employee then touched both participants inappropriately; he placed his hands inside their clothes. The two participants called their sponsor’s emergency phone number and reported that the employee had a history of being touchy, but this was the first time he had his hands inside their clothes. There were no other participants in the room at the time.

**Results:**

* Host Employer:
	+ Held two separate meetings, one with the participants and another with the American employee.
	+ Offered to move the participants to another housing location if they felt unsafe.
	+ Fired the American employee immediately and informed him he was not to come anywhere near their workplace or housing.
	+ Informed all their other participants that they are not to communicate with the American employee.
	+ Informed the participants that they could file a police report.
* Sponsor:
	+ Followed up with both participants and the host employer immediately.
	+ Monitored the host employer and participants until their end dates.
	+ Informed the participants that they could file a police report.
	+ Reminded the participants that they did nothing wrong in this situation and that the American employee’s behavior was unacceptable.

**What can we learn?**

* + If you believe you have experienced or witnessed sexual harassment, notify your program sponsor and host employer as soon as possible. If you feel in any danger, call 911 immediately.
	+ Unless someone indicates clear consent, physical and verbal boundaries must be respected. Any unwanted physical contact is unacceptable.
	+ Stay pro-active and remove yourself from situations if you feel uncomfortable. If you don’t feel safe, it’s time to leave.

**Incident #4: A Participant Takes Inappropriate Photos of Another Participant**

Two participants, a male and a female, worked at the same employer on their first Work and Travel program and then agreed to travel together again the next year.

In the next season, they both applied to the same host employer and were hired. One month after arrival during their second season working together, the female participant reported to the sponsor that the male participant was taking inappropriate photos of her against her will.

**Results:**

* The sponsor spoke with both participants.
* The employer spoke with both participants.
* The male participant admitted he was taking inappropriate photos.
* The male participant was fired from his job.

**What can we learn?**

* Sexual Harassment is not always physical or verbal.
* Even though you know someone for a long time, that doesn't give you the right to behave inappropriately or sexually towards them.
* It is never okay to invade another’s personal space.
* If someone asks you to stop doing something, you must stop doing it.

**Trainee Case Study**

**Incident #1: Physical and Verbal Harassment of Colleague**

A female participant was walking through the kitchen with a hot pan when she stated, “Hot behind” to let her colleagues know she was passing through with a hot pan. As she was passing behind her kitchen supervisor, he replied, “Yes it is!” and slapped her on the behind. The participant then went on break and came back to speak with the Chef about the incident. She told him that she didn’t feel comfortable staying at work that day and was very upset. The Chef let her know that he was going to send the kitchen supervisor home and that they don't tolerate this type of behavior from employees. The kitchen supervisor was sent home pending investigation. The participant still wanted to leave and also went home early. The Chef reached out to her to check in over the weekend and asked that she come in on Monday to talk about what happened with HR. In the meantime, the kitchen supervisor sent his statement via text message.

**Results:**

* Department of State was notified.
* An action plan was created by the host employer and shared.
* The kitchen supervisor was fired.
* The participant resumed her training

**What can we learn?**

* Even if you know and feel comfortable with your co-workers, unwanted jokes or teasing can turn into harassment – you might think it’s funny, but it’s not funny to everyone.
* Trust your instincts. If you do not feel comfortable with someone’s actions, tell your manager, friend or sponsor.
* Unwanted deliberate touch, leaning over, cornering or pinching another person are all forms of physical sexual harassment.