**Title:** #Metoo and Management Education: Using this social media movement to encourage students to reflect upon workplace culture, law, and ethics.

**Abstract:** Sexual misconduct scandals have recently made headlines, highlighting issues such as workplace culture, law, and ethics. In this session, we will discuss ways to encourage management students to reflect upon the topic of sexual harassment in the workplace. We will explore current cases and discuss how the #Metoo social media movement can be used as a teaching tool. Additionally, we will discuss ways that management educators can encourage students to engage and participate in this national conversation. Attendees will participate in an activity designed to educate students about the relevant legal standards in sexual harassment cases.

**Keywords:** Management Education, Sexual Harassment, Workplace

**Activity/Exercise**

**Introduction**:

Being a management student means becoming well-versed in a variety of topics facing today’s organizations. One of these topics is employment law. Solid preparation for students in employment law includes teaching students about state and federal legal protections for workers, employee benefits, unions, and employment discrimination, among other topics. It also means teaching students about sexual harassment in the workplace.

Many sexual harassment scandals have made headlines in recent months. These scandals have also sparked an online social media movement known as #Metoo. Both can be used as learning tools in the management classroom. In particular, they can be case studies and also be dissected to give examples to students about particular aspects of sexual harassment law, employer defenses, workplace culture and ethics. In this session, we will explore some of the recent newsworthy sexual harassment cases, the #Metoo movement, and how management educators can use this national conversation to engage management students in this very important area of employment law.

This session is most appropriate for undergraduate and graduate versions of the following courses: Business Law; Organizational Leadership and Supervision; Elements of Law; Organizational Behavior; and Employment Law. It can also be adapted for online classes.

**Theoretical Foundation/Teaching Implications**:

The relevant background for this session exists primarily in case law. In 1986, the the U.S. Supreme Court ruled in *Meritor Savings Bank, FSB v. Vinson* that sexual harassment violates the Civil Rights Act of 1964. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment includes conduct of unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature (EEOC, 2017). Under the doctrine of respondeat superior, employers are liable for harassment that takes place in the course and scope of employment (*Lockard v. Pizza Hut, 1998*). Only if the employer has a defense of either: 1) that the employer reasonably tried to prevent and immediately correct any behavior that could be considered sexual harassment; and 2) that the employee unreasonably failed to avoid harm by taking advantage of the remedies provided by the employer to the harassed employee, such as failing to report the conduct (*Burlington Industries v. Ellerth*, *1998).*

Effective teaching and learning in the field of management includes educating students about the topic of sexual harassment in the workplace. Management students also need to be well-versed in this topic to recognize this type of activity in order to contribute to a positive workplace culture and avoid legal issues. Many business schools are turning to social movements such as #Metoo and other newsworthy headlines to teach students about legal issues and ethics (Gelles & Miller, 2017). Management students also need to be well-versed in this topic to recognize this type of activity, to contribute to a positive workplace culture, and to avoid legal issues.

**Learning Objectives**:

Following this session, attendees will be able to:

1. Summarize what constitutes sexual harassment and contrast quid pro quo harassment from hostile work environment harassment, as well as the defenses available to employers.

2. Identify recent sexual harassment scandals and how they can be used as case studies on the topics of workplace culture, law, and ethics, among others.

3. Understand the #Metoo social media movement and its potential use as a teaching tool for management students.

**Exercise Overview**:

Attendees will participate in a matching activity where they will work together to match the sexual harassment scandals previously discussed to the topic it can be used to for in the classroom. For example, the facts of the Gretchen Carlson/Fox News scandal include Roger Ailes as the CEO/perpetrator and Carlson’s failure to report the harassment to human resources. These facts can be matched to the topics of workplace culture and power. Additionally, the facts of the Matt Lauer case include a statement issued by the Today Show. This can be matched to the topic of employer defenses. There will be at least 5 additional scandals/matches for attendees.

**Session Description:**

30 Minutes – Introduction

The first part of this session will be introductory, as we will review and discuss recent sexual harassment scandals that have made headlines. We will then highlight certain factual aspects of these cases, as well as the #Metoo social media movement, and how they can be used to teach students the relevant legal standards. Attendees will then learn the difference between quid pro quo sexual harassment and hostile work environment, as well as the legal defenses available to employers when workplace sexual harassment occurs.

10 Minutes – Activity/Exercise

Attendees will participate in a matching activity where they will work together to match the sexual harassment scandals previously discussed to the topic it can be used to for in the classroom.

15 Minutes – Debrief and Discussion of Questions that can be used in the classroom

An activity debrief will follow its conclusion. We will the turn to a discussion of questions that can be used in the classroom to encourage students to participate in the national conversation about this topic. Additionally, we will discuss ways that management educators can encourage students to engage and participate in this national conversation.

Example Student Discussion Questions

1. Assume you are a Human Resources Director. What should you include in an anti-sexual harassment policy?
2. Why do some victims fail to report sexual harassment?
3. What legal defenses are available to employers? Do you think the defenses protect or hurt the victim?
4. How does management’s attitude toward sexual harassment allegations impact the workplace culture? How does the notion of power play into some sexual harassment cases?
5. Should organizations handle sexual harassment claims on a case by case basis, or is a zero tolerance policy the best way to approach this issue?
6. How can management students positively impact the #Metoo movement and/or effectively engage in the national conversations about sexual harassment currently taking place?

\*Session participants will leave with a handout about each of the cases discussed, as well as a long list of discussion questions for students.

5 Minutes

Session wrap up, questions, and conclusion.

**References:**

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998).

Equal Employment Opportunity Commission, (2017). Sexual Harassment. Retrieved from: https://www.eeoc.gov/laws/types/sexual\_harassment.cfm.

Gelles, D. and Miller, C. (2017). *Business schools now teaching #Metoo, N.F.L. Protests and Trump.* The New York Times. Retrieved from https://www.nytimes.com/2017/12/25/business/mba-business-school-ethics.html

Lockard v. Pizza Hut, Inc., 162 F.3d 1062 (10th Cir. 1998).

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986).