

“I Am in Room 523”: Sexual Harassment in the Context of #MeToo and #timesup

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Abstract. Initiatives to encourage more women in STEM-related industries have had mixed results. Adding more women to longstanding male-dominated STEM occupations has highlighted issues in workplace culture that are hostile to women. In this case, the CEO of an engineers' professional association, NSE, is accused of making a sexually suggestive remark to two female engineers at the annual convention. One of the women, Claire, lodged a complaint with the board. After reviewing the investigation report, the board voted to ask the CEO to quietly apologize to both women. Claire, in the meantime, posted a negative review of the NSE's handling of her complaint which is getting considerable media attention. The purpose of this case is for students to examine the competing interests NSE faces in promoting the safety of female members, protecting its reputation for advancing the profession and women in engineering and supporting an otherwise “brilliant CEO”.

Keywords: sexual harassment, unwelcome remarks, sexually suggestive remark, discipline, termination of employment, complaint, credibility, polygraph, #MeToo and #timesup, STEM, male-dominated industry, sexual misconduct, sexual harassment investigation, sexual harassment code, self-regulating profession.

Northwest Society for Engineers (NSE)¹ is a professional association in British Columbia, Canada that seeks to advance professionalism and integrity of engineers, promote the profession, protect the public interest and develop strategy for the continuing education for its members and accreditation standards of degree granting institutions. NSE has also been at the forefront of encouraging, supporting and the promoting recruitment and retention of women in engineering. NSE has adopted an Anti-harassment Code and Code of Conduct Policy (“ACC”) that is published on its website and which it is encouraging engineering firms, if they do not have one already, to adopt in the workplace. All 35 employees (management and non-management) of NSE were required to acknowledge that they read, understood and agreed to abide by the ACC.

1. NSE is a fictional association.

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The ACC defines “sexual harassment” as follows:

Sexual harassment includes unwelcome sexual advances, requests for sexual favours, or any other visual, verbal, or physical conduct of a sexual nature when:

- a. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;*
- b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or*
- c. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment, which is intimidating, hostile or offensive to the employee.*

Markus Bilby is a seasoned professional. He has served at the helm of a number of professional associations and is well respected across industries. Three years ago, Markus was selected as NSE's CEO. In this role, he directs and oversees regulatory matters in accordance with the Engineers and Geoscientists Act (the “Act”), regulations and bylaws. Moreover, he is responsible for the administrative and operational direction and oversight of NSE. In this role, Markus works closely with the board. The NSE's board is comprised of 10 engineers and 6 members of the general public. The board is a statutory body set up to regulate the profession.

The Annual Convention of Engineers is a big event with a large membership turnout. It is a place for engineers to network, partake in professional development and socialize. Markus always attends these conventions and enjoys reconnecting with and meeting new colleagues. The atmosphere of the event tends to be relaxed. The convention is hosted at a nice hotel with opportunities for casual conversations in the bar between sessions and in the evening. At the conclusion of the first day, Markus was walking with his friend and senior engineer, Parm, through a bar at the event location. Parm recognized two colleagues, Irina and Claire, that he knew quite well and stopped to chat. Irina and Claire are both engineers working in different firms in Vancouver, British Columbia. Parm introduced Markus to both women and a conversation ensued. The four of them began to chat. At one point in the conversation, Markus looked at Claire and Irina and said, “Look, I have done a lot for you girls at NSE. What are you going to do for me?” “Like what?” Claire asked. “Well, I am in room 523,” Markus replied with a smile. Claire was shocked by what Markus said. She froze; unsure of what to say or do. Markus laughed, said it was nice to meet them both and slowly moved off with Parm.

After Markus and Parm walked away, Claire turned to Irina and said, “Did you hear what Markus said?” “Of course, I did,” Irina replied as she rolled her eyes. “I can't believe that comment would come from the CEO, but what can you