

The security scandals exercise: a gender discrimination and negotiation role-play

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ABSTRACT

The purpose of this paper is to present a role-play exercise with accompanying activities that foster understanding of workplace gender discrimination, sexual harassment, and negotiation concepts as well as promote problem solving and collaboration skills among sophomore and junior learners in Human Resource Management, Legal Environment, and Business Law courses. Experiential learning is a crucial teaching method for AACSB-accredited business colleges, and role-play exercises are popular active learning techniques. The authors designed the *Security Scandals Exercise (SSE)* as a three-day exercise, which provides replicable materials including a learner's guide, instructor manual, and role-play negotiation background with three confidential roles and a grading rubric for optional assessment.

Keywords: experiential learning, active learning strategies, gender discrimination, sexual harassment, negotiation, role-play

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INTRODUCTION

Sexual harassment headlines remain consistent in 2022, as in recent years where numerous public figures have faced accusations (Glamour, 2019). In the United States, women typically file the majority of sexual harassment claims; nonetheless, the U.S. Equal Employment Opportunity Commission (EEOC) reported that over 16% of sexual harassment charges filed with its agency were by males in fiscal years 2019, 2020, and 2021 (EEOC, 2022). Same-sex sexual harassment, such as in the 2018 *Rosas v. Balter Sales Corporation* case, also persists. Globally, sexual harassment classifies as an ongoing concern, evidenced by the 122 countries with existing anti-harassment workplace laws and the 2021 enactment of “the first international treaty on violence and harassment” at work (International, 2021).

In 2016, the EEOC’s Select Task Force on the Study of Harassment in the Workplace report, which addresses the issue of workplace sexual harassment as a significant gender discrimination issue, noted a request for academics to actively promote ways to combat this challenge (Feldblum & Lipnic, 2016). According to the EEOC’s report, sexual harassment harms employees, work cultures, and businesses (Feldblum & Lipnic, 2016). Individuals targeted by sexual harassment may experience “psychological harm,” through “symptoms of anxiety, depression, negative body image, and low self-esteem” (Ducharme, 2017). For these reasons, along with the EEOC stating that businesses paid \$60.1 million in sexual harassment settlement amounts in 2021, business learners need to learn more about workplace harassment (Feldblum & Lipnic, 2016), as they will enter the workforce, may witness or encounter harassment, and implement policies as managers. By designing the Security Scandals Exercise (SSE), the authors respond to the requests of the Task Force and present a role-play exercise to promote learner awareness, understanding, and reflection on sexual harassment and employable skills like negotiation (Bull Schaefer & Crosswhite, 2018; Criscione-Naylor, 2020).

Role-play encompasses a type of exercise where persons assume specific roles and evaluate personal expectations, interpersonal relations, and goal attainment (Taylor, 1976). It is also an active learning technique that supports the acquisition of critical skills (Widmier, Loe, & Selden, 2007), particularly when it consists of interpersonal communication skills such as in negotiation (Feinstein, Mann, & Corsun, 2002; Beenen & Barbuto, 2014). “Additionally, group role-play has been found to be a powerful and effective experiential learning tool to help participants develop a deep-level understanding of complex issues by taking a perspective of a character” (Bull Schaefer & Crosswhite, 2018, p. 3).

Through “negotiation exercises”, learners practice important components of “ethical principles” and “professionalism” while building basic skills that are essential in managing workplace conflict (McClendon, Burke, & Willey, 2010, p. 279). Business learners benefit from understanding negotiation processes, as they are utilized in domestic and global roles and improve workforce readiness (Wesner & Smith, 2019; McClendon et al., 2010). More specifically, “[t]he ability to negotiate is valuable to business managers because the skills developed through practicing negotiation develop critical thinking aptitudes, analytical proficiency, and effective communication skills” (McClendon et al., 2010, p. 278).

The Security Scandals Exercise Description

The Association to Advance Collegiate Schools of Business’s (AACSB) Standard 4 on Curriculum mandates that business schools prepare learners for employment (AACSB, 2020;

Bull Schaefer & Crosswhite, 2018). The authors created SSE as an active learning strategy due to its ability to be replicated and foster employable skill development. SSE best serves sophomore- and junior-level learners in face-to-face traditional lecture or hybrid management courses, such as human resource management, legal environment, and business law, that cover foundational sexual harassment and negotiation concepts. SSE also may benefit learners, who may have more knowledge of sexual harassment, in senior- and graduate-level negotiation courses. SSE requires three 50-minute classes with learners using roughly five hours outside of class to complete tasks.

SSE offers learners a foundation for building knowledge of sexual harassment and associated behaviors to aid in combatting gender discrimination as well as develops the basic understanding of negotiation processes needed in the workplace. The initial impact of SSE on learners strengthens teamwork, communication, and problem solving skills through peer-to-peer interaction.

The Security Scandals Exercise: Preparation and Implementation

Instructor Preparation: Review the Appendices and Semester Calendar

To begin, instructors read Appendices A - B: A. Learner Resource Guide and B. Tables. Then, review an institutional academic calendar to determine when to teach sexual harassment and negotiation concepts before beginning SSE activities. The authors suggest designating three 50-minute classes in the middle or end of the semester; the first two classes will be held consecutively and the final third class will be held about two weeks after the second class. The Instructor Resource Guide, including answers to the discussion questions located in the Learner Resource Guide; three confidential roles for 1. Attorney(s) for Employee, 2. Attorney(s) for Employer, and 3. (Optional) Government Representative(s); and Negotiation Rubric are available upon request as an extended teaching note.

Instructor Preparation: Roles and Team Creation

Ideally, instructors assign two learners to each of the three confidential roles, resulting in a four- or six-person negotiation depending on whether the optional Government Representative role is incorporated. For larger classes, instructors may assign three learners per role. Each role contains confidential facts for use in the negotiation.

The assigned partners collaborate throughout the exercise. According to Howard Gardner (2000), assigning partners or teams based on multiple intelligences learning styles enhances negotiations. In lieu of being randomly assigned partners, learners may submit their calculated results from a free online version of Gardner's Multiple Intelligences (MI) Quiz located at www.collegesuccess1.com; however, any version is acceptable. Instructors categorize learners based on their top three strongest intelligences. To create partners, place at least one person with primary intelligences in "verbal/linguistic," "logical/mathematical," "interpersonal," or "intrapersonal" among partners for each confidential role (Gardner, 2000). If these learning styles are not adequately represented, then form diverse partners of different styles for a well-rounded perspective (Gardner, 2000). Partners or "[t]eams allow for a division of labor and a combining of skill ... [and] are likely to provide functional diversity that can pave the way to better [negotiation] deals" (Sally & O'Connor, 2004, p. 884).

Learner Preparation: Pre-Class 1 Homework

In the class prior to SSE Class 1, instructors distribute and explain the Learner Resource Guide (Appendix A) and direct learners to complete “Section A. Explore” of the guide for homework. In Section A, learners provide answers based on the laws in their country of residence. For example, if learners reside in the United States, then they provide responses based on federal anti-discrimination laws. Suggested answers according to U.S. laws are provided in the “Section A. Explore” portion of the Instructor Resource Guide (available upon request). Next, instructors announce partners and state that they will collaborate in all SSE activities.

Class 1 - 50 minutes

Instructors complete a. - e.:

- a. review the responses to discussion questions in “Section A. Explore” in the Learner Resource Guide - 10 minutes;
- b. distribute and explain “SSE Part 1 - Class Scenario” (see below) - 5 minutes;
- c. allow learners to complete “SSE Part 1 - Class Scenario” based on their country’s anti-discrimination laws - 20 minutes;
- d. debrief “SSE Part 1- Class Scenario” - 10 minutes; and
- e. conduct a class recap and explain the Pre-Class 2 Homework - 5 minutes.

SSE Part 1 - Class Scenario

Instructions: In Class 1, learners apply laws identified in “Section A. Explore” in the Learner Resource Guide to answer the questions below.

Scenario: Kendall is a manager at a local grocery store that has 34 full-time and part-time employees. Kendall greets Taylor, who is arriving on the first of five days for new employee training. In the training room, Kendall introduces Taylor and three other new hires to Pat, their assigned trainer. Pat is an assistant manager and has been employed at the store for three years. After their lunch break on Monday, Pat invites Taylor and the other new hires to an early dinner on Friday to celebrate the end of their first work week. They all agree to attend the dinner. On Tuesday, Taylor initially decided to eat lunch in the break room but leaves after seeing Pat share a swimsuit calendar with a colleague. When leaving the office on Wednesday, Pat asks Taylor on a date. Taylor declines by stating that office romance is a no-no, especially at a new job. On Thursday in a training session, Taylor asks Pat for clarification about a store protocol, and Pat uses the question as a teachable moment to instruct new hires about certain processes. Pat applauds the new hires’ correct responses with praise, hi-fives, and hugs. At the end of the week, everyone meets for dinner as planned. After a delicious dinner, Taylor departs the restaurant followed by Pat who asks for a quick chat. Taylor states that it would be best for them to speak at the store on Monday morning due to traffic concerns and needing to get home. Pat blocks Taylor’s path and says, “Don’t be rude. Why won’t you spend a little more time with me this evening? I can make your job much easier if you are nice to me.” Irritated, Taylor walks away without responding. Over the next month, Pat ignores Taylor when approached with questions about store protocols. Taylor is forced to seek out other coworkers to obtain the information needed to complete tasks. Frustrated, Taylor goes to Kendall’s office to discuss Pat’s behavior.

(Note for SSE Part 1 – Class Scenario: This is a fictitious case. All information contained herein was fabricated by the authors. Any similarity contained herein to actual persons, businesses, events, etc. is purely coincidental and is the responsibility of the authors. Please contact the case authors directly with any concerns.)

Prompt: As the manager, Kendall must determine how to resolve this matter. Assume that you are Kendall and answer the following questions from a workplace context. Place your responses in the table below. Include the following in your answer:

- a. Categorize Pat’s behaviors as “likely appropriate” or “likely inappropriate” based on sexual harassment definitions.
- b. Has sexual harassment occurred? Explain by applying facts from the scenario to sexual harassment definitions.
- c. What corrective processes, if any, may be implemented to promote an anti-discriminatory workplace in the scenario? See Table 1 (Appendix B)

Learner Preparation: Pre-Class 2 Homework

For homework, learners study negotiation class notes, the “Planning for Negotiations” article by Lewicki, Saunders, & Barry (2009), or an alternate article as a refresher in reviewing the key concepts, such as “needs”, “interests”, “priorities”, “resources”, and “constraints”, for negotiation preparation (Lewicki et al., 2009).

Classes 2 and 3 - 50 minutes each

Instructors complete a. - c. in Class 2 as follows:

- a. review “SSE Part 2 - Negotiation Background” (see below) and key negotiation terms as needed and instruct learners to prepare to negotiate by using the process in the “Planning for Negotiations” article, an alternate article, or class lessons to develop the negotiation strategies. The goal of the negotiation is to determine if the SSE parties will agree to settle the case or go to trial. In the negotiation, learners use the anti-discrimination laws of their country of residence. - 15 minutes;
- b. allow learners to ask questions, strategize, and schedule at least two dates and times for negotiation recordings - 30 minutes; and
- c. answer final questions while learners submit their recording schedules. - 5 minutes.

Within two weeks after Class 2, learners complete the negotiation and submit recording links for instructor review. Instructors devote Class 3 to debriefing the exercise based on the process in the Instructor Resource Guide. In Class 3, learners share settlement details and reflect on their exercise experiences.

SSE Part 2 - Negotiation Background

Secur-Force, Inc. (SF), a private security company, faces legal troubles for alleged sexual harassment and retaliation based on *Title VII of the Civil Rights Act of 1964 (Title VII)*. SF has

ongoing contracts with federal agencies and offers security personnel to both the private and public sectors. Last year, a former SF employee, Jamie Blake, reported allegations of sexual harassment with the government agency responsible for investigating complaints of gender discrimination. Jamie was an SF security guard at a government agency in a large metropolitan city. Jamie's supervisor was Kai Boze, an SF project manager. Jamie alleged that Kai frequently committed the following non-consensual acts at work and sometimes when other SF administrators could see and overhear: unwanted, inappropriate verbal statements and animated movements, including personal aspects of Jamie's person; "unwanted touching, including ... hugging" and requesting to receive inappropriate photos. Even though Jamie firmly rejected Kai's requests, Kai continued engaging in these actions. Further, it is alleged that Kai "grabbed" and touched Jamie on the "face" and "lips ... on an elevator ... without ... consent." Jamie reported the elevator event to administration and explained which SF employees observed Kai's actions and could support the claims for other incidents. Eleven days later, Jordan Dukes, the SF in-house attorney, met with Jamie to discuss the matter. Jamie received a termination notice the day after meeting with Jordan.

SF firmly denies the allegations. Businesses like SF are not automatically liable when facing sexual harassment allegations. SF emphasizes that it fosters a respectful work environment and denies all statements made by Jamie. Within ten days of the allegations being filed, the representative(s) from the government agency informed SF about the allegations. Several months after Jamie was terminated, the government representative(s) completed the investigation. Due to "finding reasonable cause" of SF possibly engaging in sexually harassing and retaliatory actions, the government representative(s) sent a letter requesting a hearing to all parties. The parties engaged in unsuccessful negotiations, and government attorneys decided to go to trial. Due to lengthy processes, the case has not yet been tried in court. All parties agreed to continue negotiations to settle the case. To date, Jamie and SF have agreed on all issues except Jamie's potential reinstatement to SF. Now, you and your partners must prepare for the upcoming hearing(s) to possibly resolve this issue.

Sources: US EEOC website; *US EEOC v. MVM, Inc.* Case No. TDC-17-2881 (2017); *US EEOC v. MVM, Inc.* Civil Action No. TDC-17-2881 (2018).

Optional SSE Alternatives

As another option for instructors interested in collaborating with a colleague, the authors suggest combining gender discrimination and negotiation expertise to team teach two 50-minute classes. Here, one colleague teaches basic negotiation principles while the other instructs on sexual harassment before implementing SSE in both of their courses. Furthermore, the authors proffer two ways to assess content learning and negotiation skills. Instructors may create and distribute a pre-test on gender discrimination, negotiation processes, or both for pre- and post-assessment purposes to evaluate content retention and acquisition (Latimier, Riegert, Peyre, Ly, Casati, & Ramus, 2019). To assess negotiation skills, learners record their negotiations with clear audio and visuals and submit the recording links for instructor evaluation using the Negotiation Rubric in the Instructor Resource Guide.

Conclusion

This exercise is designed to help learners gain knowledge of workplace gender

discrimination, negotiation, and essential skills like problem-solving and teamwork. Based on the role-play structure, SSE provides an opportunity for learners to experience immersive learning to understand concepts and skills in a unique, hands-on, collaborative way and to negotiate an agreement that is most beneficial based on the assigned roles and responsibilities. Ultimately, learners acquire knowledge on how to respond to challenging workplace situations that they may encounter as employers or employees.

TEACHING NOTES FOR FACULTY/DISCLAIMER

SSE is a multi-party exercise in which learners may require instructor guidance to successfully complete. The Instructor Resource Guide, available by contacting the corresponding author, is a framework of exercise analysis, research, and debriefing to assist with SSE processes. The answers provided are based on U.S. laws and serve as possible examples of how learners from any country may format and respond to prompts. The responses of learners may vary. Instructors may change and supplement the questions as needed.

To develop the SSE Part 2 - Negotiation Background, the authors referred to the Newsroom section of the EEOC's website that houses informatory notices about the agency's workplace discrimination settlements and lawsuits (2020). The authors reviewed the notices and identified a company mentioned in more than one discrimination suit featuring national origin, gender, or religious discrimination and retaliation issues (EEOC, 2020). Generally, many filings, such as complaints, answers, settlement agreements, and other items, in U.S. courts become a part of public record and are attainable for free or at cost via Google searches, Public Access to Court Electronic Records (PACER), and other internet resources (U.S. Courts, 2021).

Using a combination of resources, the authors reviewed documents to gather general facts to design SSE. The names of parties, locations, and some factual details in the adopted negotiation exercise were modified for content appropriateness, unavailable data, and restricted learner access to case outcomes. In both the fictional SSE Part 1 - Class Scenario and the modified SSE Part 2 - Negotiation Scenario, the names of the parties are also gender neutral and are not meant to associate with or reference any actual persons. If instructors encounter any inappropriate learner responses during class discussions and coursework, then use the situation as a teachable moment by connecting it to SSE topics as opportunities for growth and development in the importance of professionalism and workplace civility. Upon request, the answers to discussion questions and the Instructor Resource Guide; three Negotiation Confidential Roles: 1. Attorney(s) for Employee, 2. Attorney(s) for Employer, and 3. (Optional) Government Representative(s), and SSE Part 2 - Negotiation Rubric may be shared.

Student Learning Outcomes

By the conclusion of SSE, learners should be able to:

1. Understand general gender discrimination and sexual harassment concepts.
2. Categorize workplace behaviors related to sexual harassment.
3. Reflect on how to promote anti-discriminatory workplace environments.
4. Analyze fact patterns to deduce different approaches to achieve negotiation goals.
5. Collaborate and communicate with peers to problem solve.

DISCUSSION QUESTIONS

1. a. What national government agency in your country is responsible for investigating and combating gender discrimination and sexual harassment in the workplace? b. State two details describing the agency?
2. List major laws that provide citizens in your country with workplace protections against gender discrimination and sexual harassment.
3. a. Who is required to abide by the laws in question 2 above? b. When do the protections against sexual harassment in the workplace begin and end?
4. List examples of behaviors that could indicate sexual harassment in the workplace.
5. What defenses does an employer have against allegations of a supervisor sexually harassing an employee?
6. What remedies are available to a person who successfully proves a sexual harassment case against an employer?

APPENDICES**APPENDIX A: Learner Resource Guide****For Class 1**

- A. **EXPLORE:** the anti-discrimination laws related to gender discrimination and sexual harassment in your country of residence by completing the following questions. Add responses to the table below.
1. a. What national government agency in your country is responsible for investigating and combating gender discrimination and sexual harassment in the workplace? b. State two details describing the agency?
 2. List major laws that provide citizens in your country with workplace protections against gender discrimination and sexual harassment.
 3. a. Who is required to abide by the laws in question 2 above? b. When do the protections against sexual harassment in the workplace begin and end?
 4. List examples of behaviors that could indicate sexual harassment in the workplace.
 5. What defenses does an employer have against allegations of a supervisor sexually harassing an employee?
 6. What remedies may apply in successful sexual harassment cases against an employer?
See Table 2 (Appendix B)

For Class 2

B. PREPARE: for negotiations by completing the following process.

- I. ANALYZE: the facts, your position, and the opposing party’s position.
 - 1. Read: a. *Negotiation Background*; b. Confidential role; c. Class notes, *Planning for Negotiations* article or an alternate article.
 - 2. Identify: your position and the opposing parties - a. “needs”; b. “interests”; c. “priorities”; d. “resources”; e. “strengths”; f. “weaknesses” (Lewicki et al., 2009).
- II. EVALUATE: the best approaches to accomplish your “needs”, “interests”, and “priorities” (Lewicki et al., 2009).

Devise your first, second, and third approaches to your case. Determine your “best alternative to a negotiated agreement” (BATNA) and “worst alternative to a negotiated agreement” (WATNA) and for the opposing parties. (Lewicki et al., 2009).

III. CREATE: the best strategy.

Describe the step-by-step negotiation plan below. State the specific terms of your agreement after the conclusion of the negotiation.

APPENDIX B: Tables

Table 1: For SSE Part 1- Class Scenario (Class 1)

a. Pat’s Behavior - Likely Appropriate	a. Pat’s Behavior - Likely Inappropriate

b. Has sexual harassment occurred? Explain.

c. State corrective processes, if any.

Table 2: SSE Learner Resource Guide Responses (Appendix A)

1. a.
1. b.
2

3. a.
3.b.
4
5
6

b. Has sexual harassment occurred? Explain.

c. State corrective processes, if any.

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