

TIME

CLASSROOM EDITIONS

TEACHER'S GUIDE



March 23, 1998

IN THE SPOTLIGHT — FOR DISCUSSION AND ANALYSIS

The Evolution of Sexual Harassment Law

COVER STORY SEVEN YEARS AGO, THE ELECTRIFYING confrontation between Clarence Thomas and Anita Hill brought sexual harassment to the attention of Congress—and the nation. Today, the Paula Jones harassment suit dominates the news. Yet there is still little consensus as to what constitutes “sexual harassment.” In **Sex and the Law** on page 48, TIME offers background on this complex issue and creates an opportunity for informed discussion about appropriate and inappropriate behavior between men and women in the workplace. *Instructors: Please note that this article contains mature language.*

Before Reading

Write the following statement on the board and ask students to respond: “The workplace and the classroom should be ‘sex-free’ environments.”

For Discussion

1. How does the American workplace of 1998 differ from the workplace of 30 years ago? How have attitudes toward women changed during this period? How do these shifts help explain why sexual harassment has become an important topic in the U.S.?
2. What is “quid pro quo” harassment? What is “hostile environment” harassment? How can each form be interpreted to constitute discrimination based on sex?
3. Reproduce and distribute “Setting the Standard: The Supreme Court on Sexual Harassment” from page four of the March 16, 1998 teacher’s guide. How has the Supreme Court defined legally actionable sexual harassment? How does the court’s most recent ruling try to distinguish between the free expression of thoughts and harassment? Does the ruling draw a clear line?

4. How do the rules devised by some employers go farther than the Supreme Court has in defining and prohibiting sexual harassment? Why have employers drafted such strict rules? Setting aside fear of lawsuits, are these good rules? What kind of a workplace environment do they create?
5. Summarize the arguments of those who feel rules against sexual harassment go too far. Now offer a response from the other

Looking Back in TIME

A year ago, as Americans watched the confrontation between Anita Hill and Clarence Thomas, pundits offered two visions of the future. One camp, using words like crusading, empowering and galvanizing, hailed the sexual-harassment hearings as a nationwide consciousness-raising session.... The other camp warned that the spectacle of 14 white male Senators grilling a young black woman with sometimes rude, often embarrassing, rarely knowledgeable questions would deter other women from lodging harassment complaints. Pointing to polls that showed that almost twice as many people believed Thomas as Hill, some warned that women would draw a discouraging conclusion: no matter how insulting the behavior, they would find it hard to get a fair hearing.

A year later, it seems both sides were right. As the optimists foresaw, sensitivity to sexual harassment has deepened. Labor lawyers, corporate personnel managers and academics report more interest in the subject; the Equal Employment Opportunity Commission (EEOC) logged a record 9,920 harassment complaints in the past year, a rise of 50% over the previous year. But...surveys find that while between 40% and 65% of female workers claim to have experienced sexual harassment on the job, less than 5% file complaints.

TIME, October 19, 1992

- side to each point. What are the fundamental ideas or rights that come into conflict when trying to confront the problem of sexual harassment? Do you have any suggestions for how this conflict can be resolved?
6. Read “Looking Back in TIME” aloud to students. What do they know or recall about the Clarence Thomas/Anita Hill hearings? According to the excerpt, what was the effect of the hearings? What, if anything, has changed since 1991 on the issue?
 7. Now read **A Call for Lustiness** on page 54. What is Camille Paglia’s argument against the “hostile workplace doctrine”? What does she mean when she calls this doctrine “totalitarian”? Do you agree?
 8. Why does Paglia feel that strict sexual harassment policies and legal rulings are “fast making us an infantile nation”? What alternative model does she propose?
 9. Return to the opening question: Is a “sex-free” workplace a desirable goal? Why?

For Further Exploration

1. **Reply to Camille Paglia.** Paglia’s views always elicit a strong response from readers. What was your reaction? Write your reply and send it to us at the address on the next page. We will forward your letters to Paglia.
2. **Draft a bill.** Working with a small group, draft the language for a Sexual Harassment Act. As a class, you may wish to fully enact all the steps involved in passing a bill through a house of Congress: committee hearings and meetings, drafting, debate, amendments, final debate, final vote.
3. **Write a brief.** Using any of the cases in the article as your focus, draft a legal brief for the defense in a sexual harassment suit that employs the First Amendment as an argument. Research and cite earlier First Amendment cases in your brief.

When Wall Street Runs Welfare

Page 64 Maximus Inc. has been in the vanguard of the privatization of welfare services. The company's recent problems have drawn attention to the challenges involved in putting free enterprise to work for public services.

Sharpening Your Focus

1. What is a "bureaucracy"? Describe an experience you have had with a large government agency. Did your experience support the stereotype of "dysfunctional state bureaucracies"? What changes in procedure or policy would have made your experience better?
2. In theory, why might it be a good idea to hire private companies to manage welfare programs? Why would companies want to take on this task?
3. How does providing public services such as welfare differ from providing services to paying customers in the private sector? Have companies such as Maximus been able to accommodate these differences?

For Further Exploration

● **Make a chart of public services.** In a column, write out a list of some of the publicly funded services that touch your life at the municipal, state and federal levels. Are any of these services now handled by private companies, to your knowledge? Could they be? Should they be? Chart your answers on the board. Are there some government services that should never be contracted out to private providers? For what reason?

■ **Study a privatization case.** At the library or on TIME's Website (www.time.com), read "Privatized Lives" (TIME, Nov. 13, 1995), about the city of Hartford, Connecticut's experiment in hiring private contractors to manage public schools. What has been the local response to

this experiment? What have been its successes? Its failures? What motivated the local government to turn to the private sector? Have the government's expectations been met? What comparisons can you draw to experiments in privatizing welfare?

Whew!

Page 68 For 24 hours last week, the scientific community thought science fiction would become a fact in 2028: an asteroid appeared to be heading dangerously close to earth. The alarm is over, but the worry remains.

Sharpening Your Focus

1. What is 1997 XF11? Why did it raise so much alarm in the scientific community last week? Now that the uproar is over, does the general public have any reason to be concerned about a possible collision with an asteroid or comet in the near future?
2. What does earth history tell us about the likelihood of a comet or asteroid collision in the future? Where are some of the sites where evidence can be found?
3. What are some other long-range threats to the earth? Make a list. How have we responded as a society to these threats? Do we have a history of acting today to avoid greater problems tomorrow, or do we wait for problems to catch up with us? Why do you think we act as we do?

For Further Exploration

● **Follow up in the scientific literature.** Read the article published this week in the journal *Nature* on the comet or asteroid collision 214 million years ago. Present a summary to the class and then discuss: What is the relevance of this information for us today?

■ **Write a scene from science fiction.** At some point in the future, an NEO is detected that is on a collision course with Earth. Write a dramatic scene, a poem or a story set against this backdrop. Setting suggestions: Spacewatch headquarters; inside the White House; inside the International Space Station; a family at home reading, hearing or watching the news. How will the characters react? What actions will they take?

■ **Write a letter to Congress.** Based on the information in this article, does NASA devote too much, too little, or just enough of its funding to detecting and mapping NEO's? Express your opinion on this question in a letter to your Senator or Representative.

CLARIFICATION The essay originally scheduled to appear on page 82 of TIME's March 16 issue was replaced after last week's teacher's guide went to press. We regret the discrepancy.



http://headlines.yahoo.com/Full_Coverage/Tech/Asteroid_on_Course_for_Earth/
Updated every day, this collection of Websites and news stories is the place to start your exploration of the asteroid phenomenon.

<http://aspsky.org/html/tnl/23/23.html>

For an answer to the age-old question, "What would happen if a large asteroid smashed into Earth?" check out the Cosmic Collision page from the Astronomical Society of the Pacific.

For other interesting sites, visit www.yahoo.com



Note to Instructor: On this page we offer a broad range of ideas for activities and assignments keyed to selected articles in the current issue of TIME. All exercises can be modified to suit the needs of your students. The symbols below provide an approximation of the time required to complete each assignment:

- **Brief assignment;** can be completed in class or as a homework exercise.
- **Mid-range assignment;** can be completed during several class or homework sessions.
- ▲ **Long-term assignment;** may involve extensive library research and/or multiple revisions.



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QUIZ ANSWERS are available only in the printed version of the teacher's guide, sent weekly to TIME Education Program subscribers.

Vo-cab-u-lary [in context]

List the following terms on the board: **olfactory** • **pheromones** • **mediate** • **synchrony**

Ask students to define each word as they read **Following Our Noses** on page 72, using clues provided by the context of the article. Then assign the questions below, instructing students to incorporate the highlighted words into their responses.

1. How do animals use their **olfactory** sense to guide their behavior?
2. Give one example of a specific animal's use of **pheromones**.
3. What evidence did Martha McClintock find to suggest that human behavior can be **mediated** by scent?
4. What advantage might result from female animals achieving **synchrony** in their fertility cycles?

T I M E W E E K L Y Q U I Z

Name Date

The Who, What and Where of the News: Identify the person, place or term that best fits each of the following descriptions. Write the letter of the item in the space provided. The number in parentheses indicates the first page of the TIME story in which the answer will be found.* (NOTE: Not all items will be used.)

- | | | | | |
|------------------------------|------------------|---------------------|--------------------------|---------------|
| A. El Niño | F. Title IX | K. Matt Stone | P. <i>Slate</i> | U. esters |
| B. Sukarno | G. 15,500 | L. NEAT | Q. 43 | V. 2,000 |
| C. <i>ESPN: the Magazine</i> | H. pheromones | M. Compaq | R. Yo-Yo Ma | W. Maximus |
| D. NASDAQ | I. Gene McKinney | N. Suharto | S. NationsBank | X. Al Franken |
| E. Robert Bennett | J. 56 | O. Greensboro, N.C. | T. 1964 Civil Rights Act | Z. Netscape |

- | | |
|--|--|
| <p>_____ 1. Co-creator of the top-rated show on cable TV (p. 74)</p> <p>_____ 2. Scene of lunch-counter sit-ins that marked the arrival of a new civil rights generation (p. 86)</p> <p>_____ 3. Person who just reappointed himself to a seventh five-year term as President of Indonesia (p. 58)</p> <p>_____ 4. Group that is tracking "near-Earth objects" that pose a threat of colliding with the planet (p. 68)</p> <p>_____ 5. Number of sexual harassment lawsuits currently being filed each year (p. 48)</p> <p>_____ 6. The nation's largest company specializing in welfare work (p. 64)</p> <p>_____ 7. Person found not guilty of 18 charges of sexual misconduct but convicted of one charge of obstruction of justice (p. 52)</p> <p>_____ 8. Organization with which the American Stock Exchange is exploring a merger (p. 62)</p> <p>_____ 9. Online magazine that last week began requiring readers to buy subscriptions (p. 66)</p> <p>_____ 10. Reason that some experts predict the upcoming allergy season will be the worst in 20 years (p. 73)</p> | <p>_____ 11. Initiator of a series of hour-long films based on Bach's <i>Suites for Unaccompanied Cello</i> (p. 81)</p> <p>_____ 12. Amount in billions of dollars of a proposed International Monetary Fund bailout for Indonesia (p. 58)</p> <p>_____ 13. Estimated number of asteroids larger than a kilometer across that either intercept or come close to Earth's orbit (p. 68)</p> <p>_____ 14. New biweekly magazine backed by Walt Disney Co. that debuted last week (p. 66)</p> <p>_____ 15. Third largest U.S. lender, but ranked No. 1 in market capital (p. 60)</p> <p>_____ 16. Lawyer for President Clinton who said that Paula Jones' charges of sexual harassment were lies and would not hold up in court (p. 40)</p> <p>_____ 17. Company that is giving away its highly secret source code in order to compete with Microsoft (p. 38)</p> <p>_____ 18. Co-writer of a new television series satirizing politics and the news (p. 66)</p> <p>_____ 19. Chemicals that carry olfactory signals in animals (p. 72)</p> <p>_____ 20. Legislation that laid the groundwork for today's sexual harassment lawsuits (p. 48)</p> |
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Distinguishing Fact and Opinion: Read the following statements from the article **Gross and Grosser** that begins on page 74. In the spaces provided, write F if the statement is a fact, O if it is an opinion and M if it is a mixture of fact and opinion.

- _____ 21. In 1994 Brian Graden, who was an executive at Fox, saw their live-action film *Cannibal: The Musical*, and the connection that led to *South Park* was made.
- _____ 22. The show would not be so funny, and its outrageous humor would not be shaded by such fear and poignancy, unless it were an imaginative re-creation of authentic experience.
- _____ 23. The best-selling T shirt last year was based on *South Park*.
- _____ 24. Nevertheless, there is a problem—for while the show has many virtues, it should be smarter and more surprising.
- _____ 25. It is the only regular series on TV to carry a Mature or MA rating, the harshest, and it can be blocked by the V chip.

Writing About Social Issues: Review the article **Sex and the Law** that begins on page 48. The article cites a recent TIME/CNN poll that asked whether "we have gone too far in making common interactions between employees into cases of sexual harassment." Based on this article, as well as your other readings and observations, how would you respond to this question? Give your answer and the reasons for it in the form of a brief Viewpoint essay.

*** L A T E - B R E A K I N G S T O R I E S M A Y C A U S E C H A N G E S I N C O N T E N T A N D P A G I N A T I O N .**

Sitting Down For Justice

Early in 1960, 25-year-old David Halberstam was working as a reporter for the *Nashville Tennessean* when he witnessed an unprecedented event: Black students staged a “sit-in” at a public lunch counter to protest the restaurant’s refusal to seat them. “I knew in some instinctive way from the first time I watched the young people walk from Kelly Miller Smith’s church to the Woolworth’s counter that I was watching the beginning of something historic,” reflects Halberstam. Close to forty years after he reported on the first sit-ins, Halberstam has written a book that chronicles the role young people played in the civil rights movement; see **A Children’s Crusade** on page 86 of this week’s issue for TIME’s review of this important new book.

When the first sit-ins took place, did TIME recognize these protests as “something historic”? How did the magazine view this new form of social activism? Did TIME’s reporters see the students as trouble-makers or freedom fighters? To find out, read the article at right, reprinted from the TIME archives. Then answer the questions that follow.

For Discussion or Writing

1. What motivated students to protest at the Woolworth store in Greensboro, North Carolina? What form did their protest take?
2. In what ways did store owners and community members respond to the students’ protest? How did students in other cities around the country respond?
3. What risks did the students face who participated in the sit-ins? Why do you think students and not adults took the lead in these protests?
4. What was TIME’s response to the sit-ins? Did the writer of article support or oppose the actions of the students? What imagery does the writer use to describe these protests?
5. How would you define “civil rights”? To what group of citizens do civil rights apply? Are civil rights strictly a Southern issue?
6. If you were denied service at a lunch counter, would you participate in a sit-in—even if it meant that you might be arrested? Why or why not?
7. The students who staged the sit-ins violated local law; many were arrested or expelled from school. In your view, were the students justified in breaking the law?
8. What is “civil disobedience”? Are there issues on your campus or in your community that you think could be successfully addressed through civil disobedience?

THE SOUTH

Complicated Hospitality

The egalitarian revolution in the South sometimes moves like a spring flood, seeping over and around the barriers, running ahead of the sluggish channels dredged by the law. One afternoon last fortnight, such a spring freshet bubbled up in the textile city of Greensboro, N.C. (pop. 125,000) when four young college students—freshmen from the Negro Agricultural and Technical College—walked into the F.W. Woolworth store on South Elm Street and quietly sat down at the lunch counter. The white patrons eyed them warily, and the white waitresses ignored their studiously polite requests for service. The students continued to sit until closing time. Next morning they reappeared, reinforced by 25 fellow students. By last week their unique sitdown had spread through 14 cities in five Southern states in a far-ranging attack on the Jim Crow custom that Negroes may be served while standing at downtown lunch counters but may not be served if they sit down.

Unscrewed Seats. In Northern executive suites, the directors of chain stores wrung their hands in anguish and decided to do nothing. (Negroes account for at least one-fourth of all business transactions in the 300 Southern branches of Woolworth’s alone.) Local managers solved the problems in different ways: in Charlotte, the proprietor of the local McLellan Store unscrewed the seats from the lunch counter. Some Kress,

Walgreen and Liggett stores roped off the seats so that everybody had to stand, or closed the lunch counters altogether.

Inevitably, the sitdowns washed up some familiar flotsam: the duck-tailed, sideburned swaggerers, the rednecked hatemongers, the Ku Klux Klan. Stores in Durham, Greensboro and Rock Hill, S.C. were closed after getting anonymous telephoned bomb threats. Just as inevitably, the national pressure groups arrived on the scene and helped organize the sitdowns in other Southern cities. Five days after the Greensboro sitdown began, a representative of the Congress of Racial Equality turned up in Greensboro and Durham, announced that CORE was taking over, and advised the sitters to concentrate on just one chain—Woolworth’s. But the student leaders protested that the spontaneous demonstrations were “entirely local” and denied any connection with national groups.

Orderly Solution. With the arrest of 43 young Negroes for trespassing on a privately owned sidewalk in front of a Raleigh five-and-dime, the short-order demonstrations seemed headed toward an orderly solution in the courts. But the resolute young Negroes were prepared to sit it out until a solution was reached—and there was only one reasonable solution. Said the *Raleigh News and Observer*: “In effect, he [the Negro] was cordially invited to the house but definitely not to the table. And to say the least, this was complicated hospitality.”

TIME, FEBRUARY 22, 1960