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JACKSON



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TEAIRA



CASE STUDY: WAS THAT HARASSMENT?

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JACKSON

If Jackson Pierce was honest with himself, he hadn't been a shoo-in for the leadership program. He was definitely a high performer, but since salespeople were often evaluated on numbers, it was obvious to everyone that he wasn't in the top tier. Still, he was excited when his boss told him that he'd be part of the 2019 cohort of high potentials who were expected to go far at Coltra, a global beverage company.

When he got to the conference room where the group was to participate in a kickoff conference call with the CEO, Jackson was happy to see Rainer Wolfson. Rainer was good at everything he did—whether it was selling the

company's least popular beverage line or just making people feel welcome. He'd transferred to the Houston office from Coltra's Munich outpost three years earlier.

"I was hoping you'd be here," Rainer said.

Jackson hit "Mute" on the speakerphone and started to joke around with his colleague. "How are we going to manage this program on top of everything else we've got going on?" he said. "I can barely answer all my emails these days."

"We'll manage, don't you think?" Rainer said sincerely. "It sounds like a cool opportunity."

"Of course it is. It just seems the better you are, the more work they give you. Do you know how they chose people for this

Experience

HBR's fictionalized case studies present problems faced by leaders in real companies and offer solutions from experts.

anyway?” Nearly 50 salespeople from offices around the world had been selected for the program, and although the criteria weren't explicit,¹ Jackson assumed that sales numbers were a big factor. “It makes sense that you're here, but a lot of us didn't hit our targets last quarter.”

“Those targets were crazy, though,” Rainer said reassuringly. “I don't know how they set them, but barely anyone made them.”

“You did.”

Rainer smiled uncomfortably.

“And Ying did,” Jackson said. “She's never missed—not a single quarter.”

Rainer nodded. “She did this program last year.”

“Who else are we waiting for?”

“Teaira,” Rainer said.

“Right—she's been crushing it recently,” Jackson said, a little ruefully. His numbers hadn't been as good.

“Maybe they want to get you into leadership because you're not good at sales,” Rainer said, giving him a friendly punch on the shoulder.

Jackson laughed. “If that's true, why did you get picked? They'd be better off keeping you in sales forever.”

“It must've been my good looks,” Rainer said.

“Yeah, right.” Just then Teaira came in, looking at the clock. The call was set to start any minute.

“Hey,” Rainer said, leaning in to take the Polycom off mute.

“I guess you're here because of your good looks, too, Teaira.” Jackson had said it jokingly, but the other two didn't smile.²

RAINER

Rainer immediately felt a knot in his stomach. He could see the expression on Teaira's face, and

she wasn't happy. Maybe it was more a look of confusion than anything else, but then again, maybe it wasn't. She opened her mouth as if she was about to say something and then stopped. The three of them shifted in their seats as Peter Mackenzie, their CEO,³ started his introduction.

Rainer loved Coltra. Like many others on the sales team, he'd joined the company right out of university and had been there ever since, except for a brief stint to get his MBA at ESMT Berlin. He believed in the company's fruit- and seltzer-based products and loved the culture. Sure, he had complaints about certain decisions the senior leaders made, but ultimately he knew he didn't want to work anywhere else. The company had treated him well and given him the opportunity to live overseas for a few years. Houston wouldn't have been his first choice, but it had the strongest sales team of any of the U.S. offices, so the move was a no-brainer.

In the conference room, he was having trouble listening. He kept looking back and forth between Teaira and Jackson, trying to figure out what had just happened. But words kept popping into his head: “Harassment.” “Me too.” “Bystander.”

Was that what just happened here? he wondered. *Was that harassment?*

Peter's voice on the Polycom took him back to an all-hands

meeting a year earlier, when the CEO had announced the company's zero-tolerance policy toward sexual misconduct and charged everyone with making Coltra a safe place to work.⁴ All the employees had gone through sexual harassment training. Lots of people had grumbled about it, but Rainer had taken it seriously. In fact, it had opened his eyes to what it must be like to be a woman at Coltra—or in any work environment. And he'd carefully read several of the studies that the facilitators had handed out about what held women back from promotions in corporate environments.⁵ Still, gender parity was pretty decent throughout most of the company. And for several years in a row the top salesperson had been a woman: Ying. Surely Teaira must feel comfortable here, even if guys like Jackson sometimes, without realizing it, said stupid things.

Rainer glanced over at Teaira and saw that she was looking down at the table, frowning. Was she upset? Maybe Jackson's comment was exactly the kind of thing that would make a woman feel undermined and as if she didn't belong. His confusion turned to anger. Why had Jackson put him in this position?

The call was scheduled to end at 10:00, but it didn't wrap up until after 10:15. Jackson scurried out of the room, saying he was late to another meeting. Rainer followed Teaira out and asked if



Case Study Classroom Notes

- 1. Ambiguous criteria can lead to bias in decisions about promotions, hiring, and development opportunities.*
- 2. What makes a comment inappropriate? The intention of the speaker? How the subject hears it?*
- 3. The number of Fortune 500 companies led by women fell by 25% in 2018. Only 4.8% of CEOs were women.*
- 4. Experiments show that leaders' stated positions can raise or lower employees' concern about sexual harassment.*
- 5. A recent study showed that the difference in promotion rates between men and women was due not to their behavior but to how they were treated.*

Experience



6. In 2018 the U.S. Equal Employment Opportunity Commission reported a sharp increase in complaints of harassment after six years of steady decline.

7. How does one resolve conflicting ethical obligations? Rainer feels compelled to report the incident, but he worries that taking action will lead to irrational outcomes.

she was OK. He assumed she'd know what he was alluding to, but she just said, "I'm swamped. This program sounds great, but it's a lot of extra work."

Rainer tried to reassure her: "I guess it will pay off in the long term for our careers."

Teaira smiled weakly.

He believed what he'd just said. But was it true for Teaira, too?

SUZANNE

Suzanne Bibb was surprised to see Rainer Wolfson's name in her in-box. He was one of those employees who rarely asked for anything special and never caused trouble—just got promotions and raises and commendations. She told him to come by whenever he wanted, and he did, later that afternoon. Right away it was clear that Rainer was upset.

"I wasn't going to say anything, but I called a friend of mine back in Berlin, and she encouraged me to make a report to HR," he said.

"A report?" Suzanne asked. Rainer relayed what had happened between Jackson and Teaira. He said that although he knew Jackson had been joking around, continuing some light-hearted ribbing Rainer himself had started, he didn't want to stand by if Teaira had somehow been offended.

Suzanne couldn't say that she was surprised. She'd heard comments before about Jackson's shooting off his mouth and rubbing people the wrong way. But this was different. Insinuating that a woman was selected for a leadership program because of her looks rather than her achievements fell under what the company had labeled "highly offensive" on the spectrum of sexual misconduct. And although it wasn't "evident misconduct," or even "egregious," she knew she had to take it seriously.

She asked Rainer a few follow-up questions and thanked

him for coming. "So what happens now?" he asked.

Suzanne explained the company process for handling such accusations. HR had seen an uptick in these kinds of complaints since #MeToo exploded,⁶ so she was well versed in the protocol. She and her team had spent a lot of time explaining and re-explaining it, and many of the things brought to their attention weren't actionable offenses. Still, she always told herself, it was better than having people stay silent.

She told Rainer that she would talk with Teaira and then with Jackson, and their managers would need to be notified.

"Will you tell everyone I reported it?" he asked.

"Normally we let the employee filing the complaint decide whether to disclose that he or she was involved, but since you were the only other person there, it will be obvious to Teaira that it was you."



“Right,” he said. “At first I told myself that it was a small comment and Jackson probably meant no harm. But when I explained it to my friend, it sounded worse. I just don’t want things to get blown out of proportion.”⁷

“None of us want that,” Suzanne said. But she worried that was exactly what might happen.

TEAIRA

When she listened to the voicemail, Teaira’s first thought was: *It’s never good when HR calls you. Raises, promotions, new assignments—all those come through your manager. Bad news comes from HR, especially on the phone.*

She’d seen Suzanne Bibb’s name on group emails, but she’d never spoken to her in person before. Suzanne cut right to the chase: “There’s been a complaint.” She explained that she had heard about Jackson’s comment the day before.

Rainer, Teaira thought. She was annoyed. *Why hadn’t he let her fight her own battles? Why hadn’t he said anything to her first?* Then she remembered the concerned look on his face as they’d walked out of the conference room.

“It really wasn’t a big deal,” Teaira said instinctively, although as soon as she’d spoken, she questioned whether that was true. Jackson had been competing with her since his first day on the job. It wasn’t anything she hadn’t experienced before, at college or in her MBA program or in the office, but he cut her off in meetings and occasionally took credit for her ideas. She’d chalked it up to typical overly competitive male behavior, but she couldn’t say that she trusted Jackson.

Still, it had been an easy thing to brush off. She’d seen Jackson later in the day, and he’d awkwardly tried to explain the comment, telling her it had been

a meaningless joke, that she had come into the middle of a conversation, and that it would’ve made more sense if she’d heard what he and Rainer had been talking about before. It was a defense more than an apology, but she’d been on her way to another meeting, so she’d let it go.

“Maybe I should start by talking to Jackson and seeing if we can clear this up?” Teaira said.

“That’s up to you,” Suzanne replied. “But we take complaints like this seriously.⁸ And I urge you to do the same. Any comment about an employee’s appearance that makes another person uncomfortable is problematic.”

“What if I do move forward with the complaint?” Teaira asked Suzanne. “Will Jackson get fired?”

“Until we’ve gathered more information, I can’t say what the consequences might be. As you know, we have a zero-tolerance policy.⁹ I suspect some people will advocate



8. Researchers have shown that a single sexual harassment claim can dramatically reduce perceptions of fairness in hiring and promotion at that organization.

9. Under such a policy, well-founded complaints of sexual harassment will lead to the perpetrator’s dismissal. Some believe that this is too harsh and will discourage reporting.


Experience

firing him—especially if you add your name to the complaint. But there are other, less harsh consequences for unprofessional behavior.”

When Peter had announced the policy, Teaira had been proud that her company was taking a stand. Now, though, she wondered whether such a hard line was really a good thing. People were going to make mistakes, and certainly Jackson’s comment, while maybe mean-spirited, wasn’t a fireable offense. Or was it?

As she walked back to her desk, Teaira’s frustration mounted. She thought about how few senior women Coltra had. The entire C-suite was men except for the chief HR officer. And only one board member was a woman. Were comments like Jackson’s part of the problem? She felt she could handle this kind of joking—but maybe some of her peers couldn’t. And maybe Jackson’s intention—whether subconscious or not—was to demean her.

Then she remembered Rainer’s finger on the mute button. Was it possible that others had heard what Jackson said? If so, why hadn’t anyone else spoken up? And did she have a duty to call out that sort of behavior—especially if others knew about it?

 **J. NEIL BEARDEN** is an associate professor at INSEAD.



Should Teaira push forward the complaint against Jackson?

THE EXPERTS RESPOND



MARIA GALINDO is an independent marketing consultant.

Teaira shouldn’t brush off the comment.

Perhaps Jackson didn’t mean any harm, but he caused it, and our culture won’t change if people don’t question

interactions that may be driven by gender stereotypes and misconceptions.

Jackson’s comment falls into a gray area. Rainer’s struggle with how to respond illustrates how difficult it is to know what’s acceptable and what isn’t. Few companies have figured out how to make those lines clear. But the fact that Jackson’s comment wasn’t expressly ill intended doesn’t mean it was innocent. If you swung your arm hard and broke my nose, you’d be responsible even if you hadn’t meant to hurt me. Jackson needs to be respectful

of colleagues at work, in both words and actions.

In my experience, sexual harassment is rarely an overt action that you can point to and say, “That was wrong.” Often the subject and observers aren’t sure what happened. As products of our society, we may be playing into stereotypes without realizing it. Has Jackson been taught that to get a woman on your side, it helps to flatter her? Has Teaira learned to react positively to such comments lest she be perceived as too serious or unfriendly, which could hurt her career?

Unfortunately, I was in a similar but more severe situation, and it took me a while to notice. I worked at a company I loved, where I’d been promoted three times and felt supported. Five years into my tenure there, a charismatic male executive was brought in to fill a new VP-level position. Soon after, he asked to collaborate on events I was running. He complimented my work and listened to my ideas. He said that senior people in my department didn’t think I was ready for the next level and suggested that I come work in his group. We started to attend events together, and although he would occasionally touch my arm or ask me about my personal life, I didn’t think much about it, because I’d grown up in a warm, open Hispanic culture. One night, after a customer event, he asked me to debrief over dinner. He encouraged me to drink even though I declined, and he talked a lot about his sex life, asked about my marriage, told me which colleagues he wanted to be sexually involved with. I knew the conversation wasn’t OK, but I told myself it didn’t matter because I never felt unsafe. The next day, I suddenly realized that I was being manipulated, seduced, and condescended to. I felt sick that I hadn’t seen his behavior for what it was. I told my immediate manager everything that had happened, and he quickly involved legal and HR. My colleague was fired within a week.

I don’t think Jackson should necessarily be fired, but he should learn to speak and act more thoughtfully. I do worry about the fallout for Teaira’s career—as I continue to worry about mine whenever I share my story. But that is precisely why we must speak up: No one should suffer for doing the right thing, and offenders shouldn’t hurt our integrity any more than they already have. We all need to rethink how we interact with one another at work.



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Unfortunately, given Coltra’s zero-tolerance policy, Teaira has two bad options.

Dropping the complaint may leave an important issue unaddressed. Pushing it forward may result in outside punishment for Jackson and damaged relationships for her. Until she knows what she wants—and fully understands her options—she shouldn’t file an official report.

It’s unclear what Teaira does want: For Jackson to learn to be more accountable for his actions? For Coltra to work harder to create a more inclusive culture, rather than focusing on policy? For the risk of unfair blowback to be minimized for her colleague?

Although Rainer was trying to do the right thing, he should have given Teaira a heads-up and talked through these issues with her first. He should have said he felt he had to report the incident (if the company has a mandated reporting policy). Unknowingly, he took her power and choice away and left her blindsided.

Given her status and performance at Coltra, Teaira could use this as an opportunity to pressure her company for more training. Bystander intervention and feedback might be a good place to start. But she must be clear about the potential consequences first.

While seemingly supportive, zero-tolerance policies are problematic. Fearing too-harsh punishment for their colleagues, people are less likely to report minor offenses or warning signs—an important indicator of cultural challenges and knowledge gaps. And these policies limit people who experience harassment to high-stakes, one-size-fits-all solutions, which overlook the very real financial, social, and professional obstacles to reporting.

Once, at a benefit dinner, a wealthy donor said to me, “If I were 20 years younger or you were 20 years older, I’d chase you around the table right now.” We all laughed, and I responded with something like “You wish.” I didn’t feel unsafe in the moment, and, like Teaira, I felt I could handle myself.

I better understand today that such comments contribute to a culture that makes people vulnerable and allows harassers to get away with even worse behavior. Still, I wouldn’t have wanted human resources to barge in like a police officer. That would have felt infantilizing and, worse, might have made it harder for me to do my job.

What I wanted was for one of his wealthy peers to call him out so that I didn’t have to do the work. Or for my team to have had the opportunity to workshop it so that we could all get better at handling off-color jokes. There’s a vast middle ground between expecting people to fend off egregious harassment themselves and calling in the riot police to respond to a joke. Behavior exists on a spectrum; so should our systems of discipline and accountability. ☺

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