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**IN LIGHT OF #METOO AND TIME'S UP,  
DESIGN FIRMS SEEK TO BOLSTER  
THEIR ANTI-HARASSMENT POLICIES  
AND PROGRAMS. ARE THESE THE  
RIGHT TOOLS FOR THE JOB?**

BY BRIAN BARTH



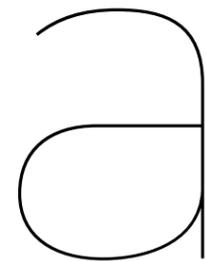
THE DESIGN INDUSTRY'S #MeToo moment arrived in March, when the *New York Times* published allegations of sexual misconduct against the architect Richard Meier. A total of nine women have come forward, to paint a picture of decades of lecherous behavior that was well known to senior members of Meier's firm, who did little to intervene.

The uncomfortable spotlight on the culture of prominent architecture firms has created an opportunity to bring conversations that women at design firms have been having in private into a wider arena. "We all knew our industry was not immune," says Megan Born, ASLA, a landscape architect and partner at PORT Urbanism in Philadelphia. "Not only are women typically the ones being harassed, they are often tasked with the responsibility of understanding the problem and finding solutions. I think everyone in the field needs to look at this together and decide it is an issue they want to take on."

According to the U.S. Equal Employment Opportunity Commission (EEOC), surveys have found that up to 85 percent of women have experienced some form of sexual harassment at work. A recent survey of nearly 1,500 architects by the *Architects' Journal*, a British publication, found that one in seven women at design firms had experienced sexual harassment in the previous year. In light of recent events, the Beverly Willis Architecture Foundation, which has long focused on highlighting the contributions of women in the design professions, is working with the American Institute of Architects (AIA) to develop new ethical guidelines aimed at curbing sexual misconduct and petitioning state licensing boards to mandate ongoing sexual harassment training as a requirement for maintaining licensure. There's no data available to clarify the scope of the problem in landscape architecture, but among a half-dozen women in the profession interviewed for this article about their personal experiences, none said they'd never experienced uncomfortable behavior of a sexual or gendered nature in the workplace. None had experienced, or knew of, instances of Harvey Weinstein-

level harassment. But as Evalynn Rosado, the director of business development and operations at DLANDstudio Architecture + Landscape Architecture in New York, put it, "People are very, very quiet about that once it has happened."

I also spoke with four male landscape architects, some of whom expressed doubt that sexual harassment was more than a rarity in the profession. Those assertions may have something to do with misconceptions about what actually constitutes sexual harassment.



ACCORDING TO the Time's Up Legal Defense Fund website, federal law recognizes two types of sexual harassment: quid pro quo harassment (demanding or requesting sexual favors in exchange for preferential treatment in the workplace) and unwelcome behavior of a sexual nature. Both are considered a form of discrimination under the 1964 Civil Rights Act, as is gender harassment—

making derogatory comments about women at work, for example.

Jane Stapleton, a co-director of the Prevention Innovations Research Center at the University of New Hampshire, says a strong sexual harassment policy is one that provides detailed examples of what is and is not considered sexual harassment, using scenarios relevant to the employer's workplace context. But exactly where the line between, say, bawdy jokes ends and harassing behavior begins is not always clear to all parties. Bawdiness crosses the line, she says, when it is frequent or severe enough to create a hostile work environment. "One comment does not constitute a hostile environment, but a series of comments that creates an atmosphere where someone is unable to do their work does."

While the interpretation of harassing behaviors continues to be an ongoing and shifting conversation at design firms, there are several resources available for detailed information about legal definitions and harassment. The websites of the EEOC (<https://www.eeoc.gov/>), the Time's Up Legal Defense Fund (<https://nwl.org/times-up-legal-defense-fund/>), and the

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Society for Human Resource Management (<https://www.shrm.org>) offer further guidance for drafting sufficiently detailed sexual harassment policies.

**T**HIS SPRING, I contacted nearly 50 firms seeking information on their sexual harassment policies. The dozen that replied varied in size from PORT Urbanism, a seven-person operation, to global companies like Perkins+Will and HOK. Of those, four [SOURCE? WHICH FIRMS?] were firms founded by women, and several had women in leadership roles, though not on par with representation by men. Every single one had an employee handbook with a section on sexual harass-

ment, and several said they have recently revised their policies or are in the process of doing so.

Some of the smaller firms told me they have just a paragraph or two taken from language supplied by the Society for Human Resource Management, whereas the big firms described more elaborate and customized policies drafted by an attorney. One firm reported that it borrowed language from a local government entity that it works with, which requires its contractors to have sexual harassment policies that align with its own.

The core of any sexual harassment policy is a statement of zero tolerance, Stapleton says, plus clear direction on whom to talk to if you experience something that violates the policy—the more detail, the more effective in preventing harassment.

Stapleton says that best practices should include a list of examples of inappropriate behavior; provide multiple avenues for a victim to come forward, including the option of registering a complaint with a male or female representative of the company, an external third party, or anonymously; and include clear expectations of what will happen once a complaint is made regarding confidentiality, how investigations will be carried out and by whom, and what the potential ramifications are for both victim and perpetrator.

Multiple firms reported that they’ve outsourced some of the human resources (HR) responsibilities around sexual harassment, whether to provide a neutral outlet when

difficult situations arise or simply because they’re too small to have an in-house HR department. This may take the form of a “co-employment” relationship with an HR firm at one end of the spectrum or contracting with vendors that provide hotlines for reporting workplace misconduct.

New solutions are emerging, such as Callisto, an app based on the premise that women are more likely to come forward against a perpetrator in groups rather than alone. Enter an allegation into the app’s “matching escrow” feature and voilà: If someone else makes, or has already made, an allegation about the same person, all the victims are notified and [CAN BE] put in touch with one another. In

its current incarnation, the app is designed for use by college students, though the company's website says it will soon be available in a format designed for professional settings.

THE WOMEN landscape architects I spoke with identified two main areas of work life where they and their colleagues have experienced harassment. One is with supervisors and peers who engage in jokes and banter that they seem to think is good-natured, but that women in the office find offensive. Much more of a problem, I was told, is when women employees leave the office to work with clients, other consultants, and on construction sites.

"A lot of women feel that the only way they can get work done during construction administration is to take all the BS from the people who are building the project," Born says. "It's a calculus of, do I just pretend that

didn't happen and move on with my life, or do I fight it and prolong the whole experience? It's exhausting to have to negotiate that every day."

Employers are obligated by federal law to provide a safe and harassment-free environment for all work-related activities, including travel, staff parties, dinners with clients, and fieldwork. An effective sexual harassment policy includes provisions for handling inappropriate behavior in any potential context, though follow-through becomes more complicated when the perpetrator is employed by another company or is a client. Avenues for recourse include registering a complaint with the EEOC (or appropriate state agency) or directly with the company in question.

Chip Impastato, ASLA, a principal with Studio Outside, a 40-person firm in Dallas, says he would not hesitate to fire a client or subcontractor who sexually harassed an employee. In the case of construction site harassment where he did not have the authority to fire, he says, "I would immediately call the site superintendent and say we have a major problem. I don't want that person

near my people anymore, and you need to reprimand him immediately; if not, we're going to escalate this."

He's also willing to admit that as a male firm owner, he likely has blind spots. "I feel like every woman here knows that we want them to come forward if there is a problem, and I'd like to think they believe us when we say that. But I don't know. I've never been in their position." He pauses for a moment. "Maybe one thing we could do better is to talk about the topic more freely so people feel comfortable saying something if a situation were to arise."

RAINING IS a significant aspect of harassment prevention, and companies can hire consultants to conduct sexual harassment trainings. The larger firms I spoke with provide trainings on a routine basis for prevention's sake, which is mandatory in three states. California and Connecticut require sexual harassment trainings for companies with 50 or more employees, but only

for supervisors. Maine requires them for companies with 15 or more employees, which must be attended by everyone.

Not all sexual harassment trainings are created equal, however. The simplest and cheapest are online—you sit by yourself and point and click your way through. Jane Stapleton of the Prevention Innovations Research Center regards these as "checking-the-box" trainings—good for regulatory compliance, but little else. "They might prevent a lawsuit, or reduce the damages someone is subject to in a lawsuit, but they do not change culture." She advises a buyer-beware mentality for firms seeking to hire sexual harassment consultants. "The #MeToo movement has spawned a cottage industry of people marketing things that are not necessarily evidence-based."

The center is a pioneer in developing "bystander" trainings, widely considered the gold standard in the field. These experiential seminars bring supervisors and employees together in a room; harassment scenarios are discussed, along with strategies for anyone who witnesses suspect behavior to intervene. "Hey, knock it off!" is often an effective intervention. But

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the classic, nonconfrontational bystander approach is distraction: “Hey Laura!” you might say to interrupt if you sense a colleague is uncomfortable with how a client or supervisor is invading her personal space, for example. “Can I get some help with this account statement?”

The idea is to keep at it around people who display the sort of insensitivity that could snowball into something more egregious, thus establishing a culture in which that line is clear. The burden of doing something about the problem then shifts from the victim to the community. “It’s about engaging the community to create the norms around what is acceptable behavior,” Stapleton says.

“And when what is acceptable is not adhered to, then the community responds.”

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VALYNN ROSADO at DLAND-studio says there’s one other crucial thing that can’t be ignored in the sexual harassment conversation: “The harassment is often coming from leadership.” The best training money can buy

won’t necessarily change the culture of a firm where sexism emanates from the top down, or where there is fear of reprisal. The elephant in the HR office, she adds, is that sexual harassment policies, despite pretenses, are ultimately designed to protect owners from litigation. Which is why no one in the industry should be surprised to see more salacious newspaper stories, Rosado says.

Women who are harassed by their supervisors may think they have little recourse other than resigning. In an effort to change that dynamic, the Beverly Willis Architecture Foundation has urged professional organizations to take more of a leadership role in establishing a zero-tolerance culture. It has asked that industry associations such as the AIA and ASLA not bestow awards on designers who have been found to engage in sexual misconduct, for instance. By making respectful treatment of employees a prerequisite for such recognition, the balance of power begins to shift. ●

BRIAN BARTH IS A FREELANCE JOURNALIST BASED IN TORONTO.