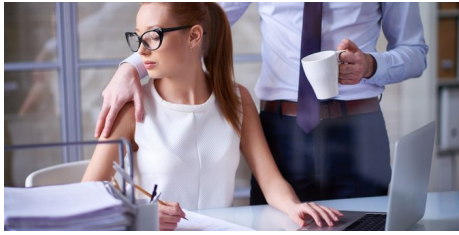


# Is 'That' Sexual Harassment? How to Tell, Using 'Cooper's 6 Levels.'

*Sure, outright groping is obviously prohibited behavior. But what about 'aesthetic appreciation'? Can't a guy compliment a girl anymore?*



[Ken Cooper](#) January 10, 2018 <https://www.entrepreneur.com/article/307220>

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Combine the impact of the [#MeToo](#) and [#TimesUp](#) movements with the dramatic speeches at Sunday's [Golden Globe Awards](#), and two things about sexual harassment become abundantly clear: First, allegations about, and acknowledged instances of, bad behavior -- or worse -- are likely to generate massive negative publicity for the employer involved. Second, they're a career ender for the offender.

As a result, alarm bells have been going off for everyone, from the executive suite to the front lines.

And yet, some level of confusion remains: Offenders and targets alike are asking, *What exactly constitutes sexual harassment?* Targets in particular are struggling to categorize their experiences when those scenarios sound minor compared to those scandals in the headline news.

So, business owners, how do your employees know where to draw the line? How do you make sure no one crosses the line? For that matter, how do you make sure that everyone in your extended enterprise doesn't even go *near* the line? And, how do you communicate about incidents when the line has been crossed?

The severe cases are easy. It's the borderline incidents that have caused the confusion. The offender says one thing and makes it sound so innocent. The target says something else and tries to explain why she found it offensive. The whole issue seems so subjective, and nothing gets resolved.

One solution for making these distinctions easier across a variety of organizations is a conceptual tool I created called [Cooper's 6 Levels of Harassment](#). This tool clearly outlines the spectrum of sexual harassment and what falls into it, allowing everyone involved to pinpoint exactly what happened in a given incident and understand its severity. Importantly, *every* level here constitutes harassment.

"Aesthetic appreciation" encompasses so-called innocent behavior in the form of a seemingly non-aggressive compliment about a woman's (or man's) physical or sexual features. It's the "Boooyyy, you sure look GREAT today!" kind of comment. Offenders are the type of men Jerry Seinfeld labels "knuckleheads whistling at women out of car windows."

It's the lifted eyebrow, the wink, the wolfish smile or the slyly sexual joke. Individually, such comments merely sound rude. But, they can be offensive, too, particularly when they're constant over time.

**Example:** *Entrepreneur.com* contributor Heather Huhman recently wrote about [gender intelligence](#), citing an exchange author [Kim Scott](#) had when she was interning at a bank after college. "One of the executives was a family friend who she knew to be a good man," Huhman wrote. "Yet, she was still shocked by his response when she told him where she was going to college."

"When I told him," Scott told Huhman, "he exclaimed, 'I didn't know they let pretty girls into Princeton. Why, you're pretty enough to go to Ole Miss, and that is where you want to find a husband, now, isn't it?' He didn't realize how belittling what he was saying felt [to me]."

## Level 2: Active Mental Groping

"Mental Groping" is where the visual and verbal behavior gets more invasive. It's undressing someone with your eyes. It's staring at certain body parts. It's the more vicious, crude or insulting joke or innuendo. There's been no physical contact yet, but it almost feels the same.

**Example:** An *Entrepreneur.com* editor recounted an incident when she was a newspaper reporter covering the North Carolina State Assembly. A state senator agreed to an interview about a highway bill but, once alone with the reporter told her, "Let's not talk about the bill; let's talk some trash. It's a long time between Sunday night, when I last see my wife, and Friday night."

**Example:** Remember former [Senator Al Franken's infamous picture](#) of his raising his hands to look as though he was groping a sleeping fellow entertainer? If in fact touching did occur see Level 5.

## Level 3: Social Touching

"Social Touching" is physical contact that carefully stays within the bounds of acceptable behavior. It's the hand on the shoulder, on the small of the back or around the waist. It's giving someone -- usually a female lower on the corporate ladder -- an unasked-for backrub, and saying, "I bet this feels good." It's a constant soft and creepy touch.

**Example:** Comedian [Adam Sandler](#) was criticized for repeatedly touching (*The Crown* star) Claire Foy's knee during an interview on the *Graham Norton* talk show. While Foy said she wasn't offended, she looked uncomfortable and many others were put off. For his part, Sandler said his action was only a "friendly gesture." In reality, it was Level 3 Social Touching harassment, which tends to make targets squirm.

#### **Level 4: Foreplay Harassment**

"Foreplay harassment" is where the touching starts to push the boundaries. The offender escalates the touching into more sensitive areas. The hand moves farther down the small of the back or is wrapped around the waist onto the stomach. A hand is draped over the shoulder. A woman is ushered around by the top of her arm, allowing the offender's hand to brush up against her breast.

This behavior also occurs when the offender stands closely behind someone who's seated so she's eye-to-zipper should she swivel around. It's bar-level pickup lines said jokingly, but actually aimed at asking for sexual favors.

**Example:** A *Prairie Home Companion* host [Garrison Keillor](#) admitted to putting his hand about 6 inches up a woman's open shirt onto her bare back, as he attempted to console her about something. Although he said he found the public backlash and the resulting complaint of sexual harassment "bewildering," his action was an example of Level 4.

#### **Level 5: Sexual Abuse**

"Sexual abuse" constitutes clear sexual harassment. It's touching of a sexual nature, such as pinching, grabbing or brushing up against sexual areas of the body. It's outright sexual propositions and threats -- classic quid pro quo harassment that demands, "Comply, or else."

**Examples:** They occur when men behave *very* badly. Comedian [Louis CK](#) admitted exposing himself and pleasuring himself in front of women. Broadway star [Ben Vereen](#) apologized for his "inappropriate conduct" while directing a community theater production of the musical *Hair*, which included his getting naked with the cast members -- among other allegations. Clearly, the increased severity of these stories pushes them into Level 5 territory.

#### **Level 6: Ultimate Threat**

"Ultimate Threat" means outright sexual assault that causes physical harm, or the threat of assault unless there is compliance. It's criminal. Think: the allegations against comedian [Bill Cosby](#), charged by dozens of women with rendering them unconscious with drugs they never agreed to, then raping them. Think about movie executive [Harvey Weinstein](#) and the many actresses who have come forward to accuse him of inappropriate "business" meetings in hotel rooms where, uninvited, he disrobed and tried to initiate undesired massages and oral sex.

#### **How to Use the 6 Levels**

The 6 Levels' first purpose is to show the continuum of sexual harassment. But that continuum doesn't exclude lower-level behaviors, despite what actor Matt Damon suggested in his infamous [interview](#). It's just the opposite. The six levels include even borderline behaviors that are often dismissed as unimportant. All six levels are variations of the same behavior: It's all sexual harassment, from the appreciative comments to sexual assault.

The levels' second purpose is to illustrate how offenders often treat sexual harassment as an escalating campaign. They may take weeks to go from making silly comments to pushing the boundaries with Foreplay Harassment. Third, the 6 Levels allow everyone involved -- targets, offenders and investigators -- to apply an objective standard to incidents, and to accurately communicate what has happened.

Too often, a target will tell management, "Robert is bothering me." And management's response will be, "Oh, he doesn't mean anything by it. Just ignore him." With the 6 Levels, however, a target can now tell management, "Robert is putting his hands all over me. It's Level 3 Social Touching, and I want it to stop."

Traditional training that focuses on the rules and legalities simply isn't working. Employees need additional behavioral concepts and specific tools to understand what sexual harassment is and how to communicate about incidents.

With the 6 Levels, the terminology aims to communicate the same thing to everyone, and to categorize the behavior. Its use may make it easier to explain to the offender why he (or she) has gone way over the line -- and why it's time to stop.