



Sexual Harassment Settlements: How to a Harassment Suit And What It Will Cost

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In 1991, Anita Hill accused Clarence Thomas of [sexual harassment](#). Despite her allegations, Thomas was confirmed to the Supreme Court. While Hill's complaints went unheeded by the U.S. Senate, Americans took notice of the sexual harassment suits.

Following the hearings, sexual harassment complaints filed at the Equal Employment Opportunity Commission (EEOC) doubled, and payouts from settlements also rose.

In spite of these changes, sexual harassment has gone mostly unreported and unnoticed during the past decades. But now we are witnessing a sea change, as powerful men are being accused of inappropriate sexual conduct across the country.

If you experience sexual harassment at work, what can you do about it? Attorney Jill Stanley, who also writes about legal issues on [Proof with Jill Stanley](#), sat down with SuperMoney to help us wade through this complicated issue.

If you've been sexually harassed at work, what should you do?



Make a report: Stanley suggests reporting the harassment as soon as possible within your company. “Check any policy manuals or handbooks your job has distributed and be sure to follow the reporting procedure.”

Safeguard all potential evidence: “Save emails, notes, gifts, receipts, etc.,” says Stanley. She adds, “Take careful notes of who, what, and when you are reporting.”

Secure witnesses: “Make sure you have contact information for any and all witnesses,” Stanley suggests. Also reflect on whether or not anyone else in the company has made reference to being treated this way by the person at work who you believe harassed you, Stanley advises.

Consider retaining a lawyer

Ask yourself what you want to see happen once you report the incident. Do you want the person who harassed you to be fired? Do you want to be moved to a different department?

Also, what are your damages? Are you suffering emotionally, financially, and professionally? Do you want to seek compensation for your damages? If so, then you [need a lawyer](#).

“That’s definitely the most important step after reporting it,” says Stanley. “Often, claims are reported but then nothing is done about it — that’s also when you need to call a lawyer.”

Is your complaint valid?

If you want to know whether or not you have a valid legal suit for sexual harassment, call a lawyer, tell her the facts, and get her legal opinion.”Just be sure to tell the whole story, as you know it,” says Stanley. “The more information you can provide to a lawyer, the better.”

Can I just go to the EEOC and file by myself?

Filing a complaint with the EEOC is free, and you can file by yourself, but Stanley says there are important deadlines that must be strictly adhered to and certain agencies where you can/must file. Laws vary by state, so it is often helpful to hire a lawyer to help you through the process.

“For example, in New York, there are three places that you can file a discrimination claim: the state administrative agency, the New York Division of Human Rights (DHR) or the federal administrative agency, the Equal Employment Opportunity Commission (EEOC).

If you live in New York City, you can also file a discrimination claim with the New York City Commission on Human Rights (CHR). In California, you must get a Right-to-Sue letter from either the DFEH (Department of Fair Employment and Housing) or the EEOC prior to filing a lawsuit. In CA, victims have one year from the issuance date of the right to sue letter to file suit,” says Stanley.

So you can see how complicated the matter can become.

What will it cost to hire an attorney for this type of suit?

Stanley says that most lawyers will take these types of cases on a contingency basis, which means they get a portion of the settlement or judgment, generally 33 1/3 to 40% of the total amount plus other expenses and costs.

In addition, Stanley explains that sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII allows for the

payment of [attorney's fees](#) by the defendant.

So, in addition to not paying upfront to try your case if your lawyer will work on contingency, you may also have your attorney's fees paid by the opposite side if you win.

[Here's everything you need to know about legal fee financing.](#)



Recent settlements for sexual harassment suits

\$168 million was awarded to Ani Chopourian by a California jury in 2012. The former physician assistant at Mercy General Hospital in Sacramento filed multiple complaints against Catholic Healthcare West with no results during her two years with the company before taking her case to court.

\$95 million was awarded to Ashley Alford in her 2011 sexual harassment suit against her manager at the lease-to-own retail chain Aaron's Rents.

\$20 million paid to Gretchen Carlson in her settlement with Fox News' Roger Ailes in 2016.

\$10.5 million was awarded by a state court jury to Carla Ingraham who filed suit against her manager at UBS Financial Services in 2011.

[Source](#)

What about arbitration clauses?

This is a clause in a contract that requires disputes to be settled through private arbitration rather than in court.

A case that went to US Supreme Court — [EEOC v Waffle House](#) — determined that a private arbitration agreement between an employee and his employer “does not

prevent the Equal Employment Opportunity Commission (EEOC) from initiating a federal lawsuit against the employer to recover damages for discrimination on behalf of the employee,” explains Stanley.

This means that, even if you signed an arbitration clause with your employer, if you’re harassed, the EEOC can still sue your employer on your behalf because the arbitration agreement only applies to you, not to federal or state agencies.

Of course, this is more difficult than being able to file suit on your own.

In recent news, Microsoft announced it is [removing arbitration clauses](#) from employee contracts, which prevented employees from suing the company for sexual harassment.

So things may be changing on this front as well.

Take action

If you believe you’re the victim of sexual harassment, don’t stay silent. File a complaint and find a lawyer who will work on contingency.

Stanley says, “You have to take action because time is ticking, and if you wait you may be barred from making a claim. You need to hire a lawyer right away so you can hit the deadlines.”

As for the expenses, consider getting a personal loan to help cover it. You can start by getting [personalized loan offers](#) from various lenders to see what rates you qualify for. It’s a quick process (just a few simple questions) that won’t have any impact on your credit score.

You can then [compare each lender side-by-side](#) to find your best option.