

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Prevention of Sexual Harassment

SEXUAL HARASSMENT IS A FORM OF DISCRIMINATION

1. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

3. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

4. It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

5. When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination of the allegations is made from the facts on a case-by-case basis.

6. Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

Dealing with Sexual Harassment

1. Confront the harasser. The best time to halt harassment is as soon as it starts. Be calm and firm in telling the harasser you will not tolerate being harassed and that you will formally complain through channels if the harassment continues. Confronting the harasser often solves the problem.

2. Use an intermediary if you feel too intimidated to confront the harasser yourself. Find a co-worker or leader who will represent you firmly. Your representative should tell the harasser that

- the offensive behavior toward you must stop, and you will complain more formally through channels if it does not stop or if the harasser takes any reprisals against you.

3. Write a letter or memo to the harasser. In your letter, politely and objectively and without evaluation or editorial comment, describe

- the specific incident of harassment;
- your feelings now and at the time you were harassed;
- and,
- what corrective action you want the harasser to take.

4. Keep a journal where you will write down details of the harassment such as times, places, witnesses, and any action you took at the time to make the harasser stop. Keep your journal out of the office and do not show it to your colleagues. Decide within a reasonable time whether to file a complaint.

5. Request training on sexual harassment from your EEO Office for your section or unit which targets the type(s) of unwanted behavior or harassment you are experiencing.

Such training should identify the behaviors or incidents as inappropriate and, therefore, increase the harasser's awareness of wrongdoing.

6. Report any incident of sexual harassment, especially severe harassment you cannot curtail by confronting (directly or indirectly through an intermediary) or writing to the harasser. Only you can decide whether to report an incident. The EEO official will explain your options, but only you can decide whether to file an EEO complaint or resolve your problem informally through your chain of command.



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