

How to Report an Allegation of Sexual Harassment

Any of the following processes can be used to report and/or file a complaint of sexual harassment:

I. Hotline Complaints

One of the allegations often filed through a hotline is that of sexual harassment. Often, the complainant will anonymously report the alleged harasser. Management should cooperate fully in any investigation of those complaints-- they are normally referred to the Inspector General (IG) for investigation.

II. Inspector General Investigations (IG)

Employees are usually aware of the functions of the IG and often think first of contacting this office rather than supervisors at the local level. Many employees also feel this may appear safer or it may appear that someone higher up in the chain will take care of the matter a lot faster.

III. Grievance

Employees have access to two different grievance systems (a) the **negotiated grievance** found in collective bargaining agreements where unions have exclusive representational rights, and (b) the agency **administrative grievance** procedure.

Employees may raise claims of sexual harassment under either procedure unless such claims or the employees by virtue of their employment status are excluded from the procedure.

IV. Equal Employment Opportunity (EEO)-- (Complaints process under Title VII and 20 C.F.R.. 1614)

Charges may be filed in person, by mail or by telephone by contacting the nearest EEOC office or your local EEO Office (for federal employees). If there is not an EEOC office in the immediate area,

call toll free 800-669-4000 or 800-669-6820 (TDD) for more information. To avoid delay, call or write if you need special assistance, such as an interpreter, to file a charge.

To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, **adhere to the strict time frames** in which charges of employment discrimination must be filed.

Upon notification of a Sexual Harassment complaint, the agency can take immediate action against a suspected offender and is not obligated to wait until an employee has filed a complaint under Title VII.

The right of the complainant to seek redress under Title VII has no bearing on the right of the employer to enforce reasonable rules governing the workplace.

EEO counseling and complaint processing may be done concurrently with an agency investigation of the allegations.

V. The Employee Assistance Program (EAP)

Employees may bring sexual harassment claims to EAP counselors because the employee's work or conduct is being affected by the perceived harassment. The employee seeks counseling or is referred by the supervisor who may be unaware of the source of the problem.

The EAP counselor is bound by the confidentiality of the program; however, if an allegation of sexual harassment is made the counselor needs to explain that management needs to know about the problem so the allegation can be investigated.



Everyone has a right to an environment that allows optimum performance. Persons who believe they are being sexually harassed should seek help for not only their benefit but that of the workplace.

FEDERALLY EMPLOYED WOMEN

"Working for the advancement of women in government"



SEXUAL HARASSMENT

(a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964).

WHAT YOU NEED TO KNOW

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WHAT IS SEXUAL HARASSMENT?

The Equal Employment Opportunity Commission (EEOC) regulation 29 C.F.R. 1604.111 defines sexual harassment as unwelcome advances, requests for sexual favors, or verbal or sexual conduct of a physical nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

DISPELLING THE MYTHS

Sexual harassment, like rape, is not a sexual crime. It is a crime of power. When an individual makes sexual advances, he or she is displaying dominance over someone who is often not in a position to effectively reject advances. It is especially important to understand the nature of the offense in order to dispel associated myths.

Myth: Women "ask" to be sexually harassed.

Reality: Often, the harasser is in a position to punish the victim by withholding a promotion or giving a bad evaluation. In this society, men often rationalize their behavior by thinking that a woman's "no" actually means "yes." In these cases, it is difficult to persuade a harasser that the attentions are unwanted. *Note:* Men have also experienced sexual harassment by female supervisors.

Myth: Sexual harassment is "inevitable" when men and women are working together.

Reality: While interaction between the sexes might be inevitable, *uninvited* sexual overtones are not.

Myth: If you ignore the harassment, it will go away.

Reality: In a Merit Systems Protection Board (MSPB) case, only 29 percent of the women who said they tried to ignore the behavior said it "made things better." In contrast, 61 percent said that telling the person to stop made things better.

STEPS FOR PREVENTION

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. This can be done by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

Sexual harassment is best prevented in a low harassment threshold--take action at the first sign of a problem. As mentioned earlier, if there is a general lack of respect for women in the office, write a memo about it or ask your supervisor to institute a training program dealing with the problem.

What to do when you are Sexually Harassed

While it is generally advisable not to ignore the behavior, each incident is different and may require careful assessment of both the people involved and the situation. The decision to take or not take action is a very personal one.

Informal Action

Many informal steps can be taken depending on the seriousness of the harassment. While some actions might work in certain situations, they may not be appropriate for others. Most importantly, don't delay no matter what you decide to do. The sooner you take steps to stop harassment, the better.

Formal Action

When informal responses are inadequate or inappropriate, it is time to take formal action. Several processes are available: use the agency's internal grievance procedure, file a grievance with your union, or file an Equal Employment Opportunity (EEO) complaint (keep in mind that this process is incredibly lengthy and may require the assistance of an attorney).

SEXUAL ORIENTATION.

On May 28, 1998, President Clinton issued **Executive Order 13087**, providing a uniform Executive Branch policy for the Federal Government to prohibit discrimination based on sexual orientation in the Federal civilian workforce.

The Civil Service Reform Act of 1978 (CSRA), as amended, prohibits federal employees who have authority to take, direct others to take, recommend or approve any personnel action from discriminating against applicants and employees on the bases of race, color, sex, religion, national origin, age, disability, marital status or political affiliation and from discriminating against an applicant or employee on the basis of *conduct* which does not adversely affect the performance of the applicant or employee. The Office of Personnel Management (OPM) has interpreted the prohibition of discrimination based on "conduct" to include discrimination based on sexual orientation. See *"Addressing Sexual Orientation Discrimination in Federal Civilian Employment: A Guide to Employees' Rights,"* at:

www.opm.gov/er/address2/guide01.asp.

The purpose of the guide is to ensure Federal employees are aware of how to obtain help if they believe they have been discriminated against based upon their sexual orientation. It outlines existing avenues available to employees to redress violations of the policy set forth in the Executive Order.