

CHAPTER 7. PREVENTION OF SEXUAL HARASSMENT

7-1. Legal Authority.

Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964. There may be other courses of action under state law in addition to those found under Federal civil rights laws. These include: assault and/or battery, intentional infliction of emotional distress, wrongful discharge, and negligence.

7-2. Role of the FWP Manager/Coordinator.

Merit system principles require that all employees be allowed to work in an environment free from sexual harassment. Sexual harassment carries with it an implied threat, whether it be a job action from a supervisor or withheld cooperation from coworkers, thereby having a negative impact on an individual's work environment. The FWP Manager/Coordinator's role is to work with management in educating the work force by periodically reminding all employees of their responsibility for maintaining compliance with Federal law and agency policy prohibiting sexual harassment in the work place. This can be accomplished through workshops or printed literature.

7-3. HUD's Responsibility.

The Department is responsible for creating a working climate free from unsolicited and unwelcome sexual overtures. The law states, "... an employer is responsible for acts of sexual harassment in the work place where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action. An employer may also be responsible for the acts of non-employees, with

respect to sexual harassment of employees in the work place, where the employer (or its agents or supervisory employees) knows or should have known of the

conduct and fails to take immediate and appropriate corrective action."

7-4. Plan for Prevention of Sexual Harassment.

Under EEOC Management Directive 714 the Department is held responsible for developing a comprehensive plan of action to prevent sexual harassment in the work place. This responsibility has been delegated to the National Federal Women's Program Manager.

The plan must contain the following information:

- A. Specific steps to inform employees that complaints of sexual harassment are cognizable under Title VII.
- B. Training, directives, or other programs designed to inform supervisors and other agency personnel of their responsibilities to discourage explicit or implicit unwelcome advances or physical conduct of a sexual nature in order to maintain a work place free of sexual harassment.
- C. Amendments to agency codes of conduct or other policy directives/materials designed to curtail inappropriate conduct.
- D. Method(s) to ensure accountability within the agency for maintaining a work place free of sexual harassment.
- E. Any other initiatives already undertaken to educate employees of their rights and responsibilities. Such as:
 1. Assuring that sexual harassment is included in the training manual used to train all new managers and supervisors.

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2. Developing a Sexual Harassment Fact Sheet to disseminate to all employees. The fact sheet should define sexual harassment and provide information on the avenues that are available to assist individuals who feel they are being sexually harassed. The fact sheet should be made a part of orientation material provided to all new employees. (See

Appendix 1.)

3. During observances of National Women's History Month, develop workshops, establish information booths, or arrange for the viewing of films on sexual harassment.
4. Advertising grievance procedures and the names of individuals responsible for counseling or receiving complaints of sexual harassment.
5. Researching, developing, and submitting articles and/or court cases dealing with sexual harassment to all staff periodically. This information can be published in organizational newsletters.
6. Monitoring and evaluating the types of Equal Employment Opportunity complaints filed to ascertain the number of sexual harassment complaints filed and identifying any particular target group or organization.

F. Employees' Responsibilities.

All employees are responsible for complying with Federal law and Departmental policy prohibiting sexual harassment in the work place and for maintaining high standards of honesty and integrity.