

**Employee Workplace Sexual Harassment Prevention Toolkit:**  
(Your guide to preventing and identifying sexual harassment in the workplace)

<b>Question:</b>	<b>Answer:</b>
<b>What is sexual harassment?</b>	<p>Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:</p> <ol style="list-style-type: none"> <li>1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;</li> <li>2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or</li> <li>3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.</li> </ol>
<b>What are unwelcome sexual advances?</b>	<p>Unwelcome sexual advances constitute sexual harassment when submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.</p>
<b>What law(s) are violated by sexual harassment?</b>	<p>Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.</p>
<b>What course of action should a victim of sexual harassment take?</b>	<ol style="list-style-type: none"> <li>1. An employee or applicant who believes that he or she has been made the target of sexual harassment should report the harassment as soon as possible to a managing official.</li> <li>2. An employee or applicant may initiate the administrative inquiry process by contacting a supervisor who will conduct an investigation intended to gather information to determine what action, if any, should be taken. This information is not intended for legal or criminal</li> </ol>

	<p>prosecution.</p> <ol style="list-style-type: none"> <li>3. If the employee or applicant feels comfortable contacting the harasser he or she should inform the harasser that the conduct is unwelcome and must stop immediately.</li> <li>4. Employees and applicants should also maintain a record of relevant events and communications between all parties involved in the event another incident arises and further action is needed.</li> </ol>
<b>What responsibilities does a witness to sexual harassment have?</b>	A witness to sexual harassment is strongly encouraged to advise the accuser of the NIH's sexual harassment policy and promptly report the behavior to a managing official.
<b>What course of action can a witness to sexual harassment take?</b>	Sexual harassment affects more than the person being targeted. A witness to sexual harassment may also be a victim of illegal harassment. If the sexual harassment is severe or pervasive enough to create a hostile, intimidating, or offensive work environment a witness may file a hostile work environment claim. A witness does not have to suffer an adverse employment action to file a hostile work environment claim.
<b>Is an employee who brings a sexual harassment claim protected from retaliation/ reprisal?</b>	Yes. The NIH is committed to promoting and maintaining a work environment free from discrimination and retaliation. Reprisal for participation in the EEO process is prohibited. If an employee wishes to file an EEO complaint of reprisal he or she may contact the EDI office within 45 calendar days of the alleged occurrence(s) of retaliation discrimination.

<b>Area:</b>	<b>Key Points:</b>
<b>Victim</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.</li> </ul>

<b>Harasser(s)</b>	<ul style="list-style-type: none"> <li>The harasser(s) can be the victim's supervisor, a supervisor in another area, a co-worker, an agent of the NIH, another NIH employee, or a non-employee who has a business relationship with the NIH.</li> </ul>
<b>Action(s)</b>	<ul style="list-style-type: none"> <li>Unlawful sexual harassment may occur without economic injury to or discharge of the victim.</li> <li>The harasser's conduct must be unwelcome.</li> </ul>

**Case Examples:**

<b>Addresses:</b>	<b>Case</b>
Substantial employment change employer automatically liable	<a href="#"><i>Faragher v. City of Boca Raton 1998</i></a>
Substantial employment change employer automatically liable	<a href="#"><i>Burlington Industries, Inc. v. Ellerth 1998</i></a>
Voluntary does not necessarily mean welcome	<a href="#"><i>Meritor Savings Bank v. Vinson</i></a>

**Contacts:**

(Who to ask about what)

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[Resolutions and Equity](#)

[Employee Relations Contacts](#)

[Identify Your Formal Complaints Specialist](#)

[Guidance Contact](#)

[NIH Ombudsman contact](#)

**Resources:**

(Where to go for more information)

[Title VII of the Civil Rights Act of 1964](#)

[29 C.F.R. Section 1604.11](#)

[EEOC Facts About Sexual Harassment](#)

[NIH Procedures for Handling Allegations of Sexual Harassment](#)

[Facts about Discrimination in Federal Government Employment Based on Marital Status, Political Affiliation, Status as a Parent, Sexual Orientation, or Transgender \(Gender Identity\) Status](#)