The Equal Employment Opportunity Commission defines “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s 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 effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or sexually offensive work environment.

FACTS:
- The victim as well as the harasser may be a male or female.
- 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.
- An employer is always liable for harassment by a supervisor that results in a tangible employment action.
- Anyone in the workplace may create a hostile work environment: Supervisor, Co-worker, or Non-employee.
- Intentions do not matter if a person feels harassed or humiliated.
- Different people have different reactions to the same behavior and different interpretations.

ELEMENTS OF CLAIM OF SEXUAL HARASSMENT:
- Conduct is unwelcome,
- May be, but is not limited to members of a protected class,
- Conduct results in tangible employment action or creates a hostile work environment, and,
- There is legal basis upon which to hold the employer liable.
TWO TYPES OF SEXUAL HARASSMENT:

“Quid pro Quo”  

“Quid pro Quo” occurs when an individual’s submission to or rejections of unwelcome sexual conduct is used as a basis for employment decisions affecting the individual (such as hiring, firing, promotions, awards, transfers, or disciplinary action). Typical examples of “Quid pro Quo” harassment are when a supervisor coerces an employee into sexual relationship and then rewards the employee with a promotion, or when a supervisor takes disciplinary action or denies a promotion to an employee because he or she rejected sexual advances from the supervisor.

“Hostile Environment”  

“Hostile Environment” occurs when unwelcome sexual conduct unreasonably interferes with an individual’s job performance or creates an intimidating, hostile, or offensive working environment. This form of harassment, whether engaged in by a manager or an employee, can constitute discrimination, even if there are no tangible economic job consequences. Typical examples of misconduct which may constitute evidence of a hostile environment are: displaying “pinup” calendars or sexually demeaning pictures; making sexually oriented jokes or offensive remarks; or subjecting another employee to unwelcome sexual advances or touching.

This form of harassment, whether engaged in by a manager or an employee, can constitute discrimination, even if there are no tangible economic job consequences.

SEXUAL HARASSMENT LIABILITY:

Liability for Hostile Environment Harassment by a co-worker:

Employer is liable if management knew or should have known about the harassment and failed to take immediate and appropriate corrective action.

Liability for Hostile environment harassment by a non-employee:

Employer is liable if management knew or should have known about the harassment and failed to take immediate and appropriate corrective action within its control.

If you think that you or someone else may have been a victim of sexual harassment, you should immediately notify the office supervisor, or other appropriate management official. You may also contact the NRCS, Civil Rights Staff at (301) 504-2181 or (301) 504-2439 TTY.