

## Cooperative Extension Service Policy

It is the policy of the Cooperative Extension Service that sexual harassment in any form is inappropriate and unacceptable conduct and will not be tolerated. Sexual harassment is illegal, undermines the employee/employer relationship, interferes with productivity and threatens the mental, emotional and physical well-being of employees.

Any employee engaging in sexual harassment is subject to disciplinary action.

Supervisors are subject to disciplinary action if they tolerate sexual harassment, fail to take appropriate action on allegations or findings of sexual harassment or retaliate against employees who report or file complaints of sexual harassment.

### What Is Sexual Harassment?

Sexual harassment is a violation of **Title VII of the Civil Rights Act of 1964** (as amended) which prohibits discrimination on the basis of sex. Sexual harassment is a **prohibited personnel practice** when it results in personnel decisions for or against an employee on the basis of conduct not related to performance, e.g., sex discrimination. The Equal Employment Opportunity Commission (EEOC) has defined sexual harassment as –

#### **Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when –**

- Submission to or rejection of such conduct is made either explicitly or implicitly **a term or condition of employment;**
- Submission to or rejection of such conduct is **used as a basis for employment decisions** affecting an individual; or
- Such conduct **interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.**

Sexual harassment is also defined as:

Participating in coercive or repeated unsolicited and unwelcome verbal comments, gestures or physical contacts of a sexual nature OR using implicit or explicit coercive sexual behavior in the process of conducting agency business or to control, influence or affect the career, salary or job of an employee.

**Virtually any sexually-oriented language, conduct or behavior can be viewed as sexual harassment if it is unwelcome.** Remember, it is the **impact** of the conduct or behavior on the recipient (or on observers) **not the intent** of the harasser which determines findings of sexual harassment.

### What Type of Conduct or Behavior Constitutes Sexual Harassment?

Sexual harassment takes many forms and may include any or all of the following:

- **Verbal** – unwelcome teasing, insults, innuendos, jokes, remarks, comments, questions or stories of a sexual nature; pressure for dates or sexual favors; promises of career advancement in return for sexual favors; turning work discussions to sexual topics; whistling at someone; kissing sounds; referring to an adult as “baby,” “honey,” “doll” or “hunk” or asking about another person’s sexual history or preferences.
- **Physical** – unwelcome touching, leaning over, cornering, pinching, patting, rubbing against, stroking, neck massages or other physical contact of a sexual nature.
- **Visual** – posters, calendars, cartoons or other material of a sexual nature.
- **Other behavior or conduct** – sexually suggestive looks and staring; gesturing; letters, telephone calls or giving of gifts or other material of a sexual nature; communicating in any manner that an employee will be adversely affected if sexual demands are not met.

### Where Can Sexual Harassment Occur?

**Sexual harassment can occur anywhere and anytime.** It can occur at, near or away from the workplace, at meetings, conferences, on business trips, over the telephone and at work-related activities or social functions held during or outside of regular working hours.

### Who Can Be a Target of Sexual Harassment and Who Can Be Charged with Allegations of Sexual Harassment?

- **Anyone can be a target of sexual harassment or can have allegations of sexual harassment brought against them.**
- Targets of sexual harassment and harassers are both male and female. Sexual harassment is not just a women’s issue – both men and women suffer from sexual harassment. In fact, one in three employees harassed is a man.
- Targets of sexual harassment and harassers are married, single, divorced and of all races and ages. They are in positions at all grade levels, in all types of appointments and at all organizational levels. They are from all socioeconomic backgrounds, at all educational levels and in all geographical locations. They are supervisors, nonsupervisors and co-workers.
- Frequently, harassers have a history or pattern of sexual harassment.

Sexual harassment may extend beyond the target of the harassment to other employees. Sexual harassment of one employee may create an intimidating, hostile or offensive working environment for others or deny another employee a promotion or other career-related benefits. This type of sexual harassment is referred to as third-party liability.

### Who Is Responsible for the Prevention of Sexual Harassment?

Every employee of the Cooperative Extension Service must share the responsibility for preventing sexual harassment. Employees are responsible for their own conduct and must know and support the organization’s policy on sexual harassment. Employees are to become familiar with their rights and responsibilities in preventing and reporting sexual harassment.

Although employees have an important role in preventing sexual harassment, supervisors carry a larger burden of responsibility for ensuring a workplace free from sexual harassment.

Supervisors must:

- Know and enforce the Cooperative Extension Service’s policy on sexual harassment;
- Set a clear example of appropriate workplace behavior and communicate zero tolerance for sexual harassment;
- Be aware of what is going on in the workplace and actively monitor for signs of sexual harassment;
- Ensure that employees know Extension’s policy on the prohibition against sexual harassment and the proper reporting procedures;
- Take seriously all allegations of sexual harassment and be aware that claims of sexual harassment are not limited to women;
- Take swift and appropriate action against harassers;
- Follow up with employees who have reported sexual harassment to advise them of actions taken; and
- Ensure that an employee reporting sexual harassment is protected from any form of reprisal.

## What Are the Consequences of Sexual Harassment to the Individual and to the Cooperative Extension Service?

In human terms, sexual harassment can and does destroy lives.

Those who become the target of sexual harassment often experience feelings of fear, anger, guilt, intimidation, frustration, anxiety, shame and powerlessness. They may suffer a loss of self-esteem and self-confidence which affect performance and attendance. Individuals who are sexually harassed frequently blame themselves and become depressed. Many are affected physically and experience high levels of stress, headaches, irritability, loss of sleep and other physical problems. Equally devastating are the financial, career and other personal hardships often experienced by those who are sexually harassed.

The loss to Extension in terms of financial and human resources can be substantial in several areas – sick leave usage, reduced individual and group productivity, training costs and other costs related to turnover of personnel. Sexual harassment reflects poorly on the integrity of Extension and adversely affects the morale of employees and supervisors who strive to promote ethical standards of conduct in the performance of their official duties.

The consequences to individuals accused of sexual harassment are significant. An employee can be disciplined up to and including removal from employment or found personally liable. Additionally, the Civil Rights Act of 1991 provides further remedies for intentional discrimination, including compensatory damages up to \$300,000 and jury trials. Traditional remedies such as back-pay and reinstatement are also available.

### If Sexually Harassed, What Should You Do?

As an employee of the Cooperative Extension Service, **you have a legal and ethical right to work in a work environment free from any form of sexual harassment or unwelcome sexual attention.** Recognize sexual harassment and confront it. Know your rights and responsibilities and whom to go to for advice and assistance in stopping the harassment. Finally, know the procedures to follow in pursuing formal actions.

If you think you have been sexually harassed but are not sure, that is probably an indication that something is wrong. Even if you feel uncomfortable, ignoring or minimizing the problem will not make it go away. Indeed, ignoring the behavior may make it worse.

The decision to take action and the type of action to take is a very personal one based on the circumstances and the individuals involved. If you feel you cannot confront the harasser directly, report the conduct to your supervisor or the harasser's supervisor. You may also seek assistance or advice from an EEO counselor.

If possible, it is recommended that you confront the harasser directly to stop the behavior. This frequently will stop the harassment. **Use straight talk – simply tell the harasser to “stop” or say “no” clearly and firmly, without smiling and without apologizing.** Make it clear that the conduct or behavior is **unwelcome** and state how it is affecting you. For example, say:

**“I FEEL UNCOMFORTABLE WHEN YOU DO/SAY \_\_\_\_.”**

and/or

**“I CANNOT CONCENTRATE ON MY WORK WHEN YOU DO/SAY \_\_\_\_.”**

Then request a change in behavior:

**“PLEASE STOP DOING/SAYING \_\_\_\_, NOW.”**

If the harassment continues after you have communicated your discomfort verbally, you may want to consider writing a letter to the harasser. Be specific as to what was said/done by the harasser, what you found offensive or objectionable and how it made you feel, when and where the behavior occurred and what you said to the harasser to communicate the **unwelcome nature of the behavior.** State that you want the harassment to stop and that you consider the conduct to be sexual harassment. Keep a dated copy of the letter and tell someone that you have sent it. A copy may be sent to your supervisor, the harasser's supervisor or another Extension administrator, with or without the harasser's knowledge.

**Maintain a detailed journal documenting every incident of sexual harassment – include**

the name of the harasser; what specifically was said/done by the harasser; where and when the harassment took place (location, date and time); who, if anyone, was told about the harassment; the names of witnesses; what was said to the harasser to communicate the unwelcome nature of his or her conduct and the harasser's response when told to stop. Keep a copy of all letters or other written material received from the harasser. Document telephone calls or visits to your office, home or any other location where the harassment occurs. Be sure to document instances of sexual harassment to other individuals. During a formal inquiry or investigation, you may be asked for your written documentation. Keep documentation in a safe place.

**Seek emotional support** – talk to friends, co-workers, relatives or other individuals who may be able to provide support. Finally, support others who tell you that they are being sexually harassed.

### What Formal Actions Can Be Taken and Whom Do I Go to When Informal Actions Fail?

Formal avenues to follow in reporting sexual harassment are:

- File a complaint under existing Extension complaint procedures (Policy #CESP 2-8, Internal Complaint Procedures - EEO).
- File a complaint through the Equal Employment Opportunity complaint process (contact Extension's EEO coordinator or an EEO counselor for guidance on filing a complaint).

Acknowledgment: This material is adapted from the USDA publication “Sexual Harassment – It Could Cost You Your Job...And a Whole Lot More.”

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# Sexual Harassment Prevention

  
**UNIVERSITY OF ARKANSAS**  
**DIVISION OF AGRICULTURE**

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