



SEXUAL HARASSMENT IN THE WORKPLACE

What do you need to know?



What is Sexual Harassment?

- Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. It is the same law that prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.
- Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when the conduct explicitly or implicitly:
 - affects an individual's employment,*
 - unreasonably interferes with an individual's work performance, or*
 - creates an intimidating, hostile, or offensive work environment.*
- The victim does not have to be of the opposite sex.

What is Sexual Harassment (cont'd)

- The harasser may not necessarily be the victim's supervisor. It might be a supervisor in another area, a co-worker, an agent for the employer, or a non-employee.
- An employer is absolutely liable for sexual harassment committed by a supervisory employee, regardless of whether the employer knew or should have known of the misconduct. For other harassment, such as by co-workers, an employer will generally be held liable if they knew of or should have known about the misconduct, and did not take action to stop it.

What is Sexual Harassment (cont'd)

- A victim could be anyone affected by the offensive conduct, not just the harassed person.
- Unlawful harassment may occur without economic injury to or termination of the victim's employment.
- The harasser's conduct must be unwelcome. But be aware that what is welcome in a consensual relationship may not seem welcome if the relationship turns sour.

What to Do:

- Review your institution's sexual misconduct/harassment policy.
- Ensure that your institution conducts regular training regarding discrimination and sexual harassment. See Texas Labor Code § 21.101 and TAC Title 40, § 819.24.
- Ensure that there are clear and appropriate channels for any employee to report sexual harassment. This may include an anonymous reporting portal for employees that are not comfortable reporting harassment to their supervisor.

What Not to Do:

- DO NOT IGNORE reports of sexual harassment.

Instead, know how to direct a complainant to the appropriate responsible employee with authority to properly investigate the allegation.

- DO NOT unilaterally try to determine the credibility of a report of harassment.

Again, direct the complainant to the appropriate responsible employee with authority to properly investigate the allegation.

Signs That Might Indicate You Have a Problem:

- Employee puts a bed on the floor of his office.
- An employee presses another's head between her breasts for fun.
- Faculty member insists that their graduate advisees can only get advice over a glass of wine.
- Employee asks for a button to be installed under their desk to lock the door remotely, so no one can intrude on their meetings.
- Supervisor offers free massages as he walks through the office.
- Office Parties! They seem to be social but really they are work-related. The combination of alcohol, holiday spirit, and trying to be the life of the office can make for a dangerous combination. Sexual harassment doesn't need to occur with the confines of the office or during "office hours" to be considered unlawful.