



Kids Central, Inc.

Orientation & Training Division

ADMINISTRATION

Module: 4

Topic: Sexual Harassment Training

The U.S. Equal Employment Opportunity Commission

Facts About Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this 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.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- Ø 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.
- Ø 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.
- Ø The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Ø Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- Ø The harasser's conduct must be unwelcome.

It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. The y can do so by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

KIDS CENTRAL, INC. POLICY

This information is taken from KCI Personnel Policies, Sexual Harassment Section.

Head Start is committed to providing a work environment that is free of unlawful discrimination and unlawful harassment. Actions, words, jokes, comments based on an individual's sex, race, ethnicity, age, religion, disability, or any other legally protected characteristic will not be tolerated.

Sexual harassment is a form of unlawful sex discrimination. Head Start will not tolerate any form of sexual harassment in the work place.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other conduct of verbal or physical nature when:

1. submission to such conduct is made either explicitly or implicitly a term of condition of a person's employment.
2. submission to or rejection to such conduct by an individual is used as the basis for an employment decision affecting the person, or
3. such conduct has the purpose of effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

For example, sexual harassment can include, among other things, unwelcome propositions, flirtations and requests, whether express or implied, for sexual favors. It can also include other unwelcome verbal, visual or physical conduct of a sexual nature, such as unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading verbal abuse, a display in the workplace of sexually

suggested objects or pictures, placement, transmission or use of sexually suggested materials on Agency computers, sexually explicit or offensive jokes, and physical assault.

Complaint Procedures

No supervisor or other Employee shall threaten or insinuate that another Employee's or applicant's refusal to submit to sexual advances will adversely affect any condition or privilege or that person's employment. Similarly, no Employee shall promise, imply or grant any preferential treatment to another employee or applicant in exchange for engaging in sexual conduct.

Any Employee who feels that he or she is a victim of sexual harassment, or other unlawful harassment, including but not limited to, any supervisor, management official, other Employee, customer, supplier, or any other person in connection with employment at Head Start, should bring the matter to the immediate attention of his or her Supervisor. If that would prove to be uncomfortable (as, for example, if the supervisor is the alleged harasser), an Employee should directly contact his or her department head and the Executive Director. Likewise, Employees witnessing unlawful harassment directed at other Employees should immediately report any such incidents to their supervisor, their department head and the Executive Director.

Under no circumstances will an Employee who in good faith reports alleged incidents of unlawful harassment, or who cooperates in an investigation of any such report, be subjected to any form of reprisal or retaliation on account of his or her having made such a report or cooperated in such investigation. Any Employee who feels that he or she has been subjected to such reprisal or retaliation should report the reprisal or retaliation to his or her supervisor, department head and the Executive Director.

All allegations of unlawful harassment or retaliation will be taken seriously and will be promptly investigated in as confidential a manner as possible. Appropriate corrective action will be taken if warranted. Any Employee who, after an investigation, is determined to have engaged in any form of discrimination, harassment, or retaliation in violation of this policy will be subject to appropriate disciplinary action, up to and including discharge.

While Head Start is committed to preventing and punishing unlawful discrimination harassment and retaliation, it also recognizes that false accusations of unlawful harassment or retaliation may harm an innocent party who is falsely accused. Accordingly, any Employee who, after an investigation, is found to have knowingly made a false accusation of unlawful harassment or retaliation may be subject to appropriate disciplinary action. However, if any Employee makes a report of what he or she in good faith believes to be unlawful harassment or retaliation, the Employee will not be subjected to disciplinary action even if the Employee turns out to be mistaken.