1 PURPOSE

The purpose of this Secretary's Memorandum is to reaffirm the Department of Agriculture's policy regarding sexual harassment.

2 POLICY

In the Department of Agriculture, sexual harassment is unacceptable and will not be tolerated. Sexual harassment is detrimental to morale, employee performance, and the conduct of government business. Certain forms of sexual harassment constitute sex discrimination prohibited by Section 703 of Title VII of the Civil Rights Act of 1964, as amended.

This Departmental policy applies to USDA employees in their working relationships with non-Federal persons as well as in their working relations with all Federal employees.

3 DEFINITIONS

Sexual harassment may consist of deliberate or repeated unsolicited and 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 employment, (2) submission to or rejection of such conduct is used as the basis for employment decisions, or (3) when such conduct have the purpose or effect of unreasonably interfering with work performance or creates a hostile or abusive working environment.

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SERVICE
Sexual harassment is also prohibited conduct pursuant to USDA Employees Handbook, Appendix I, Employees Responsibilities and Conduct, Part B, July 1982 - [7 CFR 0.735-11(b)(14)].

4 RESPONSIBILITIES

Department of Agriculture employees must maintain high standards of personal conduct at all times. Any employee who engages in sexually harassing activities will be subject to disciplinary action, which may include removal from Federal Service (DPM-751, App. A). Managers and supervisors who tolerate such behavior, or who fail to take appropriate action on reports of sexual harassment, are also subject to disciplinary action for failure to perform their supervisory or managerial duties.

Employees who believe they are being sexually harassed should:

a tell the offending person that his or her conduct is offensive and unwanted;

b report the conduct to his or her immediate supervisor;

c report the incident to the offender's supervisors.

An aggrieved employee may also file a complaint through the EEO complaint system established by 29 CFR Part 1613.

Employees who believe they are being sexually harassed should seek advice and counsel from their supervisors, from their servicing personnel offices, EEO counselors, or Federal Women's Program Managers. Employees in the Washington, D.C. area may report incidences of sexual harassment anonymously by calling the OIG Hotline, 472-1388. Employees outside Washington, D.C. may call toll-free 800-424-9121.

[Signature]

SECRETARY OF AGRICULTURE
SEXUAL HARASSMENT

(a) Introduction - The EEOC has long recognized that sexual harassment—like harassment on the basis of race, color, religion, or national origin—is an unlawful employment practice in violation of §703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2 (1976 & Supp. II 1977). In order to reaffirm its position that sexual harassment is sex discrimination, the Commission amended its existing Guidelines on Discrimination Because of Sex, 29 C.F.R. §1604.1 et seq. (1980), to add a new section, §1604.11, dealing specifically with sexual harassment. The Guidelines were amended on an interim basis, effective April 11, 1980. With minor modifications and one addition, the amended Guidelines were adopted in final form by the Commission and became effective upon publication in the Federal Register on November 10, 1980.

(b) Recognizing Sexual Harassment - A finding of sexual harassment does not depend on the existence of any one given set of facts. Sexual harassment can occur in a wide variety of circumstances and encompass many variables. Although the most widely recognized fact pattern is that in which a male supervisor sexually harasses a female employee, this form of harassment is not the only one recognized by the EEOC. The Commission’s view of sexual harassment includes, but is not limited to, the following considerations:

1. A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.

2. He may also be an agent of the employer, a supervisory employee who does not supervise the victim, a non-supervisory employer (co-worker), or, in some circumstances, even a non-employee.

3. Since sexual harassment is a form of sex discrimination, the crucial inquiry is whether the harasser treats a member or members of one sex differently from members of the other sex. The victim and the harasser may be of the same sex where, for instance, the sexual harassment is based on the victim’s sex (not on the victim’s sexual preference) and the harasser does not treat employees of the opposite sex the same way.

Example 1 - If a male supervisor of male and female employees makes unwelcome sexual advances toward a male employee because the employee is male but does not make similar advances toward female employees, then the male supervisor’s conduct may constitute sexual harassment since the disparate treatment is based on the male employee’s sex.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1604

Discrimination Because of Sex Under Title VII of the Civil Rights Act of 1964, as Amended; Adoption of Final Interpreting Guidelines


ACTION: Final Amendment to Guidelines on Discrimination Because of Sex.

SUMMARY: On April 11, 1980, the Equal Employment Opportunity Commission published the Interim Guidelines on sexual harassment as an amendment to the Guidelines on Discrimination Because of Sex. 29 C.F.R. Part 1604, § 1604.1, 45 FR 25024. This amendment will re-affirm that sexual harassment is an unlawful employment practice. The EEOC received public comments for 60 days subsequent to the date of publication of the Interim Guidelines. As a result of the comments and the analysis of them, these Final Guidelines were drafted.

EFFECTIVE DATE: November 10, 1980.


SUPPLEMENTARY INFORMATION: During the 60-day public comment period which ended on June 10, 1980, the Commission received over 160 letters regarding the Guidelines on sexual harassment. These comments came from all sectors of the public, including employer, private individuals, women's groups, and local, state, and federal government agencies.

The greatest number of comments, including many from employees, were those commenting on the Commission for publishing guidelines on the issue of sexual harassment as well as for the content of the guidelines.

The second highest number of comments specifically referred to § 1604.11(c) which defines employer liability with respect to acts of supervisors and agents. Many commenters, especially employers, expressed the view that the liability of employers under this section is too broad and unsupported by case law. However, the strict liability imposed in § 1604.11(c) is in keeping with the general standard of employer liability with respect to agents and supervisory employees. Similarly, the Commission and the courts have held for years that an employer is liable if a supervisor or an agent violates the Title VII, regardless of knowledge or any other mitigating factor. Anderson v. Methodist Evangelical Hospital, Inc., 3 F.Supp. 1d 282 (D.C. Ky. 1971), aff'd 464 F.2d 723, 4 EPD ¶ 70901 (6th Cir. 1972); Commission Decision No. 71-969, CCH EEOC Decisions (1973) ¶ 6193; Commission Decision No. 71-1442, CCH EEOC Decisions (1973) ¶ 6216.

Furthermore, a recent 6th Circuit case on sexual harassment imposed strict liability on the employer where a supervisor harassed an employee without the knowledge of the employer. Miller v. Bank of America, 600 F. 2d 211, 22 EPD ¶ 30,006 (6th Cir. 1979). In keeping with this standard, the Commission, after full consideration of the comments and the accompanying concerns, will let § 1604.11(c) stand as it is now worded.

A number of people asked the Commission to clarify the use of the term "agent" in § 1604.11(c). "Agent" is used in the same way here as it is used in § 701(b) of Title VII where "agent" is included in the definition of "employer." A large number of comments referred to § 1604.11(e) in which the Commission defines sexual harassment. These comments generally suggested that the section is too vague and needs more clarification.

More specifically, the comments referred to subsection (3) of § 1604.11(e) as presenting the most troublesome section which constitutes sexual harassment. The Commission has considered these comments and has decided that subsection (3) is a necessary part of the definition of sexual harassment. The courts have found sexual harassment both in cases where there is concrete economic detriment to the plaintiff, Howland v. John-Manville Corp., 451 F. Supp. 1350 (D. Colo. 1978), Barnes v. Costle, 561 F.2d 963, 14 EPD ¶ 7755 (D.C. Cir. 1977), Gerber v. Saxon Building Products, 552 F.2d 1032, 14 EPD ¶ 7587 (4th Cir. 1977), and where unlawful comments are creating an unproductive or an offensive working atmosphere, Kryzioti v. Western Electric Co., 461 F. Supp. 894, 18 EPD ¶ 7600 (D.N.J. 1978). For analogous cases with respect to race discrimination see Rogers v. EEOC, 454 F.2d 234, 4 EPD ¶ 7597 (5th Cir. 1971); EEOC v. Murphy Motor Freight Lines, Inc., 488 F.Supp. 381, 22 EPD ¶ 30,888 (D. Md. 1980).

The word "substantially" in § 1604.11(a)(3) has been changed to "unreasonably." Many commenters raised questions as to the meaning of the word "substantially." The word "unreasonably" more accurately states the intent of the Commission and was therefore substituted to clarify that intent.

It should be emphasized that the appropriate course for further clarification and guidance on the meaning of § 1604.11(a)(3) is through future Commission decisions which will deal with specific facts presented. Since sexual harassment allegations are reviewed on a case-by-case basis, any further questions will be answered through Commission decisions which will be fact specific.

A fair number of comments were received on § 1604.11(d) which defined employer liability with respect to acts of persons other than supervisors or agents. Again, as in § 1604.11(c), the traditional Title VII concept prevails regarding employer liability with respect to those other people than agents and supervisory employees. Many commenters asked the Commission to clarify the meaning of "others." As a result, § 1604.11(d) has been separated into two subsections. The new § 1604.11(d) refers to sexual harassment among fellow employees and the liability of an employer in such a situation.

The new § 1604.11(e) refers to the possible liability of employers for acts of non-employees towards employees. Such liability will be determined on a case-by-case basis, taking all facts into consideration, including whether the employer knew or should have known of the conduct, the intent of the employer's control and other legal responsibility of respect to such individuals.

A number of people also raised the question of what an "appropriate action" might be under § 1604.11(d). What is considered to be "appropriate" will be seen in the context of specific cases through Commission decisions.

Section 1604.11(e) of the Interim Guidelines, which sets out suggestions for programs to be developed by employers to prevent sexual harassment, now becomes § 1604.11(f).

The Commission has received many comments which state that this section is not specific enough. The Commission has decided that the provisions of this section should illustrate several kinds of action which might be appropriate. Depending on the employer's circumstances. The emphasis is on preventing sexual harassment, and § 1604.11(f) intends only to offer illustrative suggestions with respect to possible components of a prevention program. Since each workplace requires its own individualized program to prevent sexual harassment, the specific steps to be included in the program should be determined by each employer.

Several commenters raised the question of whether a third party who was denied an employment benefit would have a charge cognizable under Title VII where the benefit was received...
SEXUAL HARASSMENT GUIDELINES

For purposes of the following discussion, the term "Guidelines" refer specifically to §1604.11 of the Commission's amended Guidelines on Discrimination Because of Sex. The Guidelines establish the criteria for determining when unwelcome sexual conduct, whether verbal or physical, constitutes sexual harassment and define the circumstances under which an employer is liable for such conduct. The Guidelines also describe how the Commission will review charges of sexual harassment. Because the Commission considers prevention to be the best means of elimination sexual harassment, the Guidelines suggest affirmative steps an employer should take to prevent the occurrence of this unlawful employment practice. Finally, the Guidelines address an issue which is related to sexual harassment: how an employment decision based on sexual favors provided by one person may affect the employment rights of other persons. The provisions of each of the seven sections of the Guidelines are discussed in turn.

(a) Section 1604.11(a) - The first section of the Guidelines states that harassment on the basis of sex is a violation of §703 of Title VII. Sexual harassment is sex discrimination not because of the sexual nature of the conduct to which the victim is subjected but because the harasser treats a member or members of one sex differently from members of the opposite sex. However, it is the sexual nature of the prohibited conduct which makes this form of sex discrimination sexual harassment.

This section further states that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one of three criteria is met:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

Example - If a female laborer complains to her foreman that the male workers on the job direct sexually suggestive remarks and gestures at her and the foreman tells her that such conduct is to be expected as part of the job, then her submission to the sexually harassing conduct is made an explicit term or condition of her employment.

No such overt statement is necessary to show that submission to sexual harassment is a term or condition of employment where a connection between employment and submission can be inferred. Such an inference could be made where, for example, other women workers had complained to the employer, either directly or through an agent or supervisor, and had been told that if they did not like the conduct they could find other jobs. Because submission to each sexual conduct is an additional term or condition of employment, one not imposed on employees of the opposite sex, it is sex discrimination and, specifically, sexual harassment.
It should be noted that the conduct described in a charge of sexual harassment may meet more than one or even all three of the criteria established in 1604.11(a). For example, the act or acts alleged may be found to constitute an unlawful term or condition of employment and also to create an intimidating, hostile, or offensive work environment and/or to underlie an employment decision based on the victim's response to the conduct. By the same token, a specific example given in this section to illustrate one criterion may also overlap and serve to illustrate another criterion.

(b) Section 1604.11(b) - This section provides that, in reviewing a charge of sexual harassment, the Commission will examine the record in its entirety, considering the allegations in light of the total evidence presented. The final determination of whether the alleged conduct constitutes sexual harassment will be based on the specific facts of each case. The section recognizes that an action which is sexual harassment in one set of circumstances may, in another context, not be.

Example - A female secretary works for two male supervisors, and each man invites her on repeated but separate occasions to go out for a drink or dinner after work. She considers the invitations of the first supervisor to be unwelcome and does not accept them, although he indicates that her job depends on her having a sexual relationship with him. However, she gladly accepts the invitations of the second supervisor, with whom she has an outside social relationship unrelated to their business relationship in the office.

As in the example, submission to a specific form of sexual conduct may be an unlawful condition of continued employment in one case. In another case, similar submission may be part of a voluntary personal relationship having no employment consequences. For this reason, the legality of a particular action will be determined on a case-by-case basis.

(c) Section 1604.11(c) - This section of the Guidelines specifies that the term "employer" refers to an employer, employment agency, joint apprenticeship committee, or labor organization. This section provides that if the employer is responsible for its own acts of sexual harassment and the acts of its agents and supervisory employees. The responsibility exists regardless of whether the specific acts complained of were authorized or even prohibited by the employer and regardless of whether the employer knew or should have known of their occurrence. In sum, the section imposes strict liability on the employer for sexual harassment committed by it, its agents, or supervisory employees. The strict liability standard applied here is in keeping with Title VII principles and the general standard of employer responsibility for acts of agents and supervisors.
(e) **Section 1604.11 (e)** - This section provides that an employer may also be responsible for the sexual harassment of an employee by a non-employee. The basic standard applied by this section is similar to that in the preceding section defining employer responsibility for co-worker sexual harassment. The employer may be responsible where the employer, or its agents, or its supervisory employees knew or should have known of the unlawful conduct and the employer failed to take immediate and appropriate corrective action. However, the difference between the two sections is that an employer is liable for co-worker sexual harassment if the two conditions (knowledge and failure to take remedial action) are met. An employer is potentially liable for non-employee sexual harassment in the same circumstances, but actual liability depends upon additional factors as well.

This section identifies these additional factors as the extent of the employer's control over the non-employee and any other legal responsibility which the employer may have with respect to the non-employee's conduct. The Commission will determine an employer's liability for non-employee sexual harassment on the basis of the total facts and circumstance of each case, including employer knowledge, corrective action, control, and other legal responsibility.

Example 1 - When the waitress asked if the four male customers seated at the table were ready to order, one man put his arm tightly around her waist and told her that what he wanted was not on the menu, prompting his companions to laugh and comment in the same vein. When she was finally able to finish taking their orders, the man removed his arm and patted her as she turned to leave. She went directly to the restaurant manager and reported the unwelcome sexual conduct. The employer may be responsible if, on learning of the sexual harassment, it failed to take immediate and corrective action within its control. Depending on the circumstances, such action might be as relatively simple as switching table assignments to have a waiter finish serving that table and making whatever arrangement might be necessary so that the waitress would not be financially or otherwise harmed by the substitution (for instance, by losing the amount of tip she could have earned).

Example 2 - An employer contracted to have the office duplicating machine serviced, which was frequently necessary. The female employee who was responsible for operating the machine dreaded service calls because the male service representative who repaired and maintained the machine made sexual advances toward her whenever he was in the office and she found his unwelcome behavior increasingly disturbing. When he
sex discrimination may also be made by an eligible and qualified female employee who was likewise denied the promotion opportunity.

Example - If such a female employee were to show, for instance, that sex is a factor in getting a promotion and that the employer traditionally only promotes male employees (this particular promotion notwithstanding because of the circumstances), then the fact that a woman was promoted would not preclude a finding of sex discrimination against the female employee who was denied the promotion.

In accordance with the provisions of this section, employer liability, if any is found to exist, is based on sex discrimination--which can affect males or females, employees or non-employees. The Commission will determine the liability issue involved in such charges on a case-by-case basis, closely examining the entire factual record. In sum, the Commission will follow the same procedure in this area as it follows in resolving questions which arise in the related area of sexual harassment.
Policy Statements and Complaint Form

Sexual Harassment

PURPOSE

To provide a work environment free from all forms of sexual harassment or intimidation.

POLICY

It is the policy of ___ to regard sexual harassment of its employees as a very serious matter and to prohibit it in the workplace by any person and in any form.

PROCEDURE

1. Each supervisor has an affirmative duty to maintain his or her workplace free from sexual harassment. This duty includes discussing this Policy with all employees and assuring them that they are not required to endure insulting, degrading or exploitative sexual harassment.

2. Specifically, no supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.

3. Other sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited. Such conduct includes:
   a) Unwelcome sexual flirtations, advances or propositions;
   b) Verbal or written abuse of a sexual nature;
   c) Graphic verbal comments about an individual's body;
   d) Sexually degrading words used to describe an individual; and
   e) The display in the workplace of sexually suggestive objects or pictures.

4. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to the Employee Relations Manager. The complaint will be investigated by the Employee Relations Manager and the employee will be advised of the findings and conclusion.
5. There will be no discrimination or recrimination against any employee for making a report of sexual harassment.

6. All actions taken to resolve complaints of sexual harassment through internal investigations shall be conducted confidentially.

7. Any supervisor, agent or other employee who is found after appropriate investigation to have engaged in sexual harassment of another employee will be subject to appropriate disciplinary action depending on the circumstances, up to and including discharge.

Complaint Procedure

PURPOSE

To establish a complaint procedure to fairly address employee claims of discriminatory treatment and sexual harassment.

POLICY

It is the policy of ___ to encourage employees who feel they have been subjected to discriminatory treatment or sexual harassment to bring these problems immediately to the direct attention of management. There is no need for any ___ employee to file a complaint with an outside third party to receive fair treatment.

PROCEDURE

1. ___ treats all employees and applicants for employment without regard to race, color, religion, sex, age, national origin, ancestry, marital status, non-job related handicap/disability or liability for service in the U.S. armed forces.

2. Any employee who feels he or she has been discriminated against in employment with ___ or has been subject to sexual harassment of any kind, may file a complaint with the Employee Relations Manager. The complaint must be in writing and set forth all of the material facts. All such complaints will be held in the strictest of confidence.

3. Upon receipt of a written complaint, the Employee Relations Manager will immediately conduct a complete and thorough investigation. This investigation will be completed within three (3) working days after receipt of the written complaint and the employee will be advised of the findings and conclusion.
## RESOLUTION PROCESS FACT FINDING FORM

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1. What happened? (Objectively state details)

   
   
   
   
   
   
   
   
   

2. Who was involved? (Include witnesses)

   
   
   
   
   
   
   
   
   
   
   
   
   
   

3. Where did it take place?

4. When did it take place? (Date and Time)

5. Why do you think this situation constitutes a complaint? (Policy violation, unjust treatment, other management decision.)
Policy Statement

SEXUAL HARASSMENT

1. POLICY

______________ is committed to a working and learning environment that is free of discriminatory intimidation. The exploitation of institutional academic or supervisory authority to sexually harass students, faculty, or staff members is a form of illegal sex-based discrimination in violation of Title IX of the Education Amendments Act of 1972 and of Title VII of the Civil Rights Act of 1964. Such conduct will not be tolerated on this campus.

To avoid the potential for sexual harassment and conflict of interest, it is ___________ that no sexual relationship should exist between supervisor (or evaluator) and subordinate or between teacher and student. If a sexual relationship develops in such a situation, the supervisory authority and/or responsibility for grading, evaluation, etc. should be transferred promptly to another individual.

II. DEFINITION

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or learning situation. Often, sexual harassment involves relationships of unequal power, and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work in the academic setting.

Activities such as:

- comments repeatedly emphasizing the sexuality or sexual identity of an individual
- persistent requests for social-sexual encounters and favors
- physical contact of a lewd type
- Indecent exposure
- realized sexual encounters
- sexual crimes and rape

constitute sexual harassment when they are accompanied by one or more of the following terms or conditions:

1. Explicit or implicit promises of rewards for cooperation via misuse of institutional authority, e.g. to affect a subordinate's admission/employment, academic/professional advancement, financial aid/salary, grades/performance ratings, graduation/tenure, etc.
2. Explicit or implicit threats of punishment for non-cooperation via misuse of institutional authority, e.g. to affect a subordinate's admission/employment, academic/professional advancement, financial aid/salary, grades/performance ratings, graduation/tenure, etc.

3. Intimidation which creates a hostile or offensive academic/working environment; interferes with an Individual's scholastic/work performance; prevents an individual's full enjoyment of educational/professional opportunities; or induces conformance, stress, anxiety, fear, or sickness on the part of the harassed person.

Implicit in the legal definition of sexual harassment is the assumption that sexual harassment prevents the realization of the victim's full potential as a student or employee. A person in a responsible office sexually harassing another who reports to him/her is thus robbing the victim of the freedom to do his/her job (whether as a student or employee). Sexual harassment, then, is considered unethical and unprofessional as well as illegal behavior.

III. PROCEDURES

The formal procedure for filing a complaint of sexual harassment is to meet with the Director of Equal Opportunity/Affirmative Action (EO/AA) and to follow the established steps in the ___________________________. However, because of the emotionally debilitating effect of sexual harassment, some individuals may be hesitant to use the administrative process and continue to suffer from a real or perceived discrimination. To offer another option — has structured a Support Group consisting of members of the — community who have received training on the subject of sexual harassment, its forms and consequences.

The Support Group consists of representatives from the faculty, exempt and non-exempt staff, graduate and undergraduate student bodies. Members of the Support Group are appointed by the President after recommendations are received from the Director of EO/AA, the Affirmative Action Advisory Committee (AAAC) and appropriate student leaders.

Role of the Support Group

Individual members of the Support Group are available to provide general information and advice to members of the faculty, staff, and students who might contact them with questions about sexual harassment. In order to serve in this advisory capacity, Support Group members receive training so that they understand the definition of sexual harassment, know alternative ways of formally or informally dealing with sexual harassment, and can deduce possible consequences of the alternatives. Group members meet jointly at least twice yearly to share general insights in dealing with individual cases.

Persons who perceive themselves to be victims of sexual harassment may consult any member of the Sexual Harassment Support Group on a fully confidential basis regarding their specific cases. A Support Group member may be consulted either before or instead of the victim's filing a complaint of discrimination with the Director of EO/AA. The Support Group member
will advise the individual regarding possible solutions which might be tried by victims themselves, as well as options available for pursuing a complaint. If the victim wishes, the Support Group member may act as a liaison with the Director of EO/AA to discuss the case with the names of the victim and alleged harasser being kept strictly confidential. The Support Group member serving in this liaison role can thus obtain from the Director of EO/AA information regarding the adequacy of evidence, possible consequences of the victim's filing a complaint, and steps that will be taken to protect the victim against retaliation if a complaint is filed, with the victim remaining anonymous at this stage. Thus the victim, without feeling jeopardized, could obtain information from the Director of EO/AA which would be of use in deciding whether to come forward with a formal complaint.

Once an individual comes forward to the Director of EO/AA with a complaint of sexual harassment, the Institute procedure for processing complaints of discrimination is used as for other discrimination complaints.

**IV. SANCTIONS**

Appropriate sanctions will be imposed on individuals found to be engaging in sexual harassment. Examples of possible sanctions are warning letters to Personnel/Provost files; poor job performance ratings impacting upon salary, work assignment, promotion, and contract renewal; or job termination.

**V. PROTECTION OF COMPLAINANTS AGAINST RETALIATION**

Retaliatory action against anyone filing a complaint of any type of discrimination, including sexual harassment, is strictly prohibited. The Director of EO/AA, while attempting to mediate any sexual harassment complaint, will establish mutually agreed upon safeguards against retaliation as a part of the settlement. For example, protection against retaliation in individual cases might include recommending permission for a student to drop a course or change a course to pass/fail status or assigning an appropriate administrator to monitor future course grades, salary raises, or performance ratings, etc.