

- ◆ Requesting or coercing sexual intercourse or sexual favors.
- ◆ Continuing to ask someone for a date after being told “no.”
- ◆ Continuing in any of the conduct described above after being told or otherwise made aware that the conduct is unwelcome.
- ◆ Continuing in any of the conduct described above after being disciplined for engaging in such behavior.

IF YOU ARE A VICTIM OF SEXUAL HARASSMENT YOU SHOULD:

If possible, tell the person whose actions you find offensive that you want the behavior to stop and/or that the behavior is unwelcome.

Tell your supervisor or next level of management of the offensive behavior.

If the alleged harasser is your supervisor, or in your supervisory chain of reporting, report the behavior to his/her supervisor.

Contact OEO, 115 S. Andrews Avenue, Suite A680, 954-357-6500. OEO is responsible for investigating all complaints of sexual harassment. Individuals are encouraged to file internal complaints with OEO within 180 days of the alleged discriminatory act. However, employees should report all incidents of alleged sexual harassment regardless of the date of the incident.

SUPERVISORS' AND DIRECTORS' RESPONSIBILITIES

- ◆ Take every complaint of sexual harassment seriously.
- ◆ Listen attentively to the complaint, ask questions and respect the employee's statements and feelings.
- ◆ Document everything that is said.
- ◆ Explain Broward County's sexual harassment policy and procedure to the employee.
- ◆ Notify the Division or Office Director of the Broward County Agency in which the complainant works within 24 hours of receiving the complaint.
- ◆ The Broward County Agency Director will immediately notify the Department Director, who will in turn advise OEO of the complaint.

WHAT HAPPENS WHEN YOU FILE A COMPLAINT

- ◆ Any employee who believes that he/she has been the victim of sexual harassment may file a formal complaint with OEO within 180 calendar days after the alleged incident. The employee may do so in person by contacting OEO office located at 115 S. Andrews Avenue, Suite A680, Fort Lauderdale, FL 33301, or by phone at 954-357-6500 to schedule an appointment.
- ◆ The employee will be given the opportunity to explain to a Compliance Officer the details of the alleged sexual harassment.
- ◆ OEO will notify the Division/Office Director and/or Department Director within 24 hours of receipt of the complaint.
- ◆ The accused will be apprised of the allegations, and will be afforded the opportunity to offer and present information in their defense.
- ◆ The Compliance Officer will determine whether the nature of the alleged incident falls into the category of unlawful discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.
- ◆ An employee who is found to have committed sexual harassment may be subject to disciplinary action.



Broward County Board of County Commissioners

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An equal opportunity employer and provider of services.

Office of Equal Opportunity

115 S. Andrews Avenue, A680 • Fort Lauderdale, FL 33301
954-357-6500 • FAX 954-357-7817 • TTY 954-357-6181
www.broward.org/eoo

If you require auxiliary aids for communication, and/or for an alternative format, please call our office in advance of your visit.

This public document was promulgated at a cost of \$675.36 or \$.068 per copy, to inform County employees about sexual harassment in the workplace.

Revised June 2004



Solving the “Puzzle” of

SEXUAL HARASSMENT IN THE WORKPLACE

A Guide to Reporting and Preventing
Sexual Harassment
in Broward County Government



Office of Equal Opportunity



BROWARD COUNTY'S POLICY ON SEXUAL HARASSMENT

It is the position of Broward County Government that sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. Employees have the right to work in an environment free from all forms of prohibited discrimination that can be considered harassing, including sexual harassment. **No employee-either male or female-should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.** Such conduct, whether committed by supervisors or non-supervisors, vendors, clients, and members of the public is prohibited and will not be tolerated. Any employee engaging in harassing conduct will be addressed based on County's control over and business relationship with the alleged harasser.

Sexual harassment is defined as any unwelcome, unwanted physical and verbal sexual advances, and/or requests for sexual favors, which is objectionable to the recipient, including, but not limited to, epithets, derogatory or suggestive comments, slurs, gestures, offensive posters, cartoons, pictures or drawings. It refers to behavior which is unwelcome, which is offensive, and which debilitates morale, and thereby interferes with work effectiveness. Actions that are not "sexual" but nonetheless create a hostile environment because of an individual's gender are also strictly prohibited. This includes, but is not limited to, using derogatory language directed toward a person's gender, or engaging in conduct such as talking about sexual behavior or activities that would make someone feel uncomfortable. Sexual harassment does not refer to occasional compliments of a socially accepted nature.

In addition, no one should imply or threaten that an employee or applicant's "cooperation" of a sexual nature (or refusal thereof) will have an effect on the individual's employment, assignment, compensation, advancement, career development or any other term or condition of employment.

What you should do if you are sexually harassed? If you feel that you have been the recipient of sexually harassing behavior, by a supervisor, coworker or anyone doing business with Broward County, you should report it immediately to your supervisor, someone in your supervisory chain or contact the Office of Equal Opportunity (OEO), 115 S. Andrews Avenue, Suite A680, Fort Lauderdale, or you may reach the office by calling 954-357-6500. If your supervisor is the source of the harassing conduct, report the behavior to that person's supervisor or to OEO. OEO will promptly investigate your complaint and take the appropriate steps necessary to remedy the situation.

Retaliation is prohibited: Broward County Government does not condone employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment. Any person who feels they have been retaliated against for exercising their rights under this policy should report such actions to OEO immediately.



Roger J. Desjarlais
County Administrator



BACKGROUND

Broward County believes in the dignity of the individual and recognizes the right of equal employment opportunity. It is the policy of Broward County Government that all employees should be able to enjoy a work environment free from all forms of prohibited discrimination, including sexual harassment and retaliation. It is also the County's expectation that County employees will treat one another with respect.

Broward County Government desires a work environment free of sexual harassment. Sexual harassment and retaliation are specifically prohibited as unlawful and constitute a violation of County policy. Broward County Government is committed to efforts for preventing sexual harassment in the workplace, for taking immediate corrective action to stop sexual harassment in the workplace, and for promptly investigating any allegation of work related sexual harassment.



WHAT IS SEXUAL HARASSMENT

Sexual Harassment refers to unwanted and unwelcome, physical and verbal sexual advances and/or requests for sexual favors, which is objectionable to the recipient. Sexual harassment may include, but is not limited to, epithets, derogatory or suggestive comments, slurs, gestures, offensive posters, cartoons, pictures or drawings. It refers to behavior that is unwelcome, that is offensive, and which debilitates morale, thereby interfering with work effectiveness. Actions that are not "sexual" but nonetheless create a hostile environment because of gender are strictly prohibited. This includes, but is not limited to, using derogatory language directed toward a person's gender, or engaging in conduct such as talking about sexual behavior that would make someone feel uncomfortable. Sexual harassment does not refer to occasional compliments of a socially accepted nature.

Unwelcome sexual advances, either verbal or physical, requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- ◆ submission to such conduct is either explicitly or implicitly used as a term or condition of employment (e.g. promotion, training, overtime assignments etc.)
- ◆ submission to or rejection of the conduct is used as a basis for making employment decisions (e.g. hiring, promotion, termination)
- ◆ the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.



THE FOLLOWING ACTIONS ARE PROHIBITED:

- ◆ Sexual harassment by or between any County employee regardless of the gender or the job classification of the initiator of the harassment of the gender or job classification of the person being harassed.
- ◆ Sexual harassment by any vendor, client, volunteer or individual external to Broward County during the transaction of business with Broward County.
- ◆ Retaliation by any manager and/or supervisor against an individual who, in good faith, has made any allegation of sexual harassment, or who has testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this policy or any federal or state law.
- ◆ Knowingly making false accusations or allegations of sexual harassment, or making false statements in any inquiry or investigation of alleged sexual harassment.



EXAMPLES OF PROHIBITED CONDUCT:

- ◆ Displaying or telling of sexually oriented jokes, statements, photographs, drawings, computer images, videos, slides, graphics, calendars, cartoons, e-mails or other communication.
- ◆ Unwelcome leering, whistling, brushing against the body, suggestive or insulting comments.
- ◆ Written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about on individual's sexual activity, deficiencies or prowess.
- ◆ Discussion of one's sexual activities.
- ◆ Inquiries into one's sexual experiences.
- ◆ Making sexually explicit suggestive gestures or sounds.
- ◆ Making actual or implied promises of an employment opportunity or benefit in exchange for sexual favors.
- ◆ Making actual or implied threats to impede or interfere with employment opportunities or benefits for failing to agree to or engage in sexual activity.
- ◆ Inappropriate and unwelcome touching of a sexual nature, including, but not limited to, patting, fondling, attempted or actual kissing.