



Definitions of Sexual Harassment

The Legal Definition of Sexual Harassment

Sexual harassment is a form of gender discrimination and violates both Title VII of the 1964 Civil Rights Act as well as State discrimination laws. The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces the federal law.

The EEOC's guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made implicit or explicit condition of employment; Submission to or rejection of such conduct affects employment opportunities; or The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

The Practical Definition of Sexual Harassment

In practical terms, there are two kinds of sexual harassment:

Quid Pro Quo: Where employment decisions or expectations (e.g., hiring decisions, promotions, salary increases, shift work assignment, performance expectations) are based on an employee's willingness to grant or deny sexual favors. Examples of quid pro quo harassment:

Demanding sexual favors in exchange for a promotion or a raise.
Discipline or firing a subordinate who ends a romantic relationship.
Changing performance expectations after a subordinate refuses repeated requests for a date.

Hostile Environment: Where verbal or non-verbal behavior in the workplace: (1) focuses on the sexuality of another person or occurs because of the person's gender, (2) is unwanted or unwelcome and (3) is severe or pervasive enough to affect the person's work environment.

The following are examples of behaviors that can create a hostile environment if they are unwanted and uninvited:

Off-color jokes or teasing

Comments about body parts or sex life

Suggestive pictures, posters, calendars or cartoons

Leering, stares or gestures

Repeated requests for dates

Excessive attention in the form of love letters, telephone calls or gifts

Touching--brushes, pats, hugs, shoulder rubs or pinches

Assault/rape