

# What is Sexual Harassment?



Unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature constitutes sexual harassment when any one of three criteria are met:

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

The Equal Employment Opportunity Commission amended its sex discrimination guidelines under Title VII to include sexual harassment in 1980, and in 1986, the U.S. Supreme Court determined that sexual harassment constituted a violation of Title VII.



**Sexual Harassment is a form of misconduct which is demeaning to another person and undermines the integrity of the employment relationship.**

## Examples of Sexual Harassment:

- Subtle pressure for sexual activity
- Sexist remarks about a person's clothing, body, or sexual activities
- Unwanted touching, patting, or pinching
- Leering or ogling at a person's body
- Brushing up against another's body
- Demanding sexual favors accompanied by implied or overt threats concerning one's job, grades, promotion, pay, letters of recommendation, etc.
- Physical assault
- Inappropriate display of sexually suggestive or pornographic materials
- Verbal harassment or abuse of a sexual nature

**Sexual harassment ranges from unwelcome sexual comments to unwanted physical contact and is a violation of Federal, State, and Local law!**

# What do I do if I believe I am being sexually harassed?

## If the harasser is a co-worker:

- Make sure the harasser knows the conduct is **UNWELCOME** on your part.
- Report the incident(s) to your Supervisor immediately.
- Give your employer ample time to remedy the situation.
- If no action is taken by your employer, contact the Human Rights Commission to discuss filing a charge of sexual discrimination.

## If the harasser is a Supervisor or Owner:

- Make sure the harasser knows the conduct is **UNWELCOME** on your part.
- Contact the Human Rights Commission immediately to discuss filing a charge of sexual discrimination.

## How do I file a charge of sexual harassment?

- You can call the Commission and speak with an intake worker over the phone, or visit our office and speak one on one with an intake worker.
- The intake worker will take all the necessary information to get the official papers ready for you to sign. This usually can be done while you wait.
- The Respondent will be notified by certified mail that a complaint of discrimination has been filed against them. They have 20 days to file a formal response.
- All inquiries are kept confidential.

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## A Warning About Retaliation:

It is unlawful for an employer to retaliate against an individual for filing a discrimination complaint. It is also unlawful for an employer to retaliate against any employee for participating in an investigation of a discrimination complaint.

### Common forms of retaliation:

- "Suspending" charging party during investigation
- Moving complainant/and or witnesses to another shift/location during the course of or after an investigation.
- Giving complainant/witnesses bad evaluations as a result of filing a discrimination complaint or participating in the investigation of a discrimination complaint.
- Reducing scheduled working hours for complainant or witnesses.
- Laying off complainant/witnesses.

**If you feel you or your witnesses are being retaliated against, please contact the Commission office immediately to discuss filing a formal charge. Acts of retaliation are actionable under the law!**

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**Lexington-Fayette Urban County Human Rights Commission**

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## Sexual Harassment



**An Informational  
Brochure for  
Employees**

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