

# **From Hugger to Harasser: The True Story Behind Sexual Harassment**

Participant Guide



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# Table of Contents

<b>Welcome</b> .....	<b>1</b>
<b>Course Overview</b> .....	<b>2</b>
<i>Why a From Hugger to Harasser: The True Story Behind Sexual Harassment</i> <i>program?</i> .....	2
Target Audience .....	2
Program Timing.....	2
Learning Objectives.....	2
Site Point-of-Contact Responsibilities.....	2
<i>From Hugger to Harasser: The True Story Behind Sexual Harassment Course</i> <i>Map</i> .....	3
<b>Legal Authorities</b> .....	<b>4</b>
<b>Definition of Sexual Harassment</b> .....	<b>5</b>
<i>Exercise: Personal Definition of Sexual Harassment</i> .....	5
5 Elements of Sexual Harassment .....	5
<i>Exercise: Of a Sexual Nature</i> .....	6
<i>Exercise: Is It or Isn't It?</i> .....	7
2 Types of Sexual Harassment .....	8
<i>Exercise: Is It or Isn't It? (Part 2)</i> .....	8
<b>Tips for Preventing Sexual Harassment: Be Proactive!!</b> .....	<b>10</b>
<i>Exercise: Room for Improvement?</i> .....	10
<b>How To Handle an Allegation of Sexual Harassment</b> .....	<b>11</b>
Responsibilities for Preventing and Resolving Sexual Harassment.....	11
“Intent vs. Impact” .....	12
DOI Hotline.....	12
<b>Sexual Harassment Case</b> .....	<b>13</b>
<i>Exercise: You Be the Judge</i> .....	15
<b>Wrap-Up</b> .....	<b>16</b>
Key Points To Remember .....	16
Want More Information About This Topic? .....	16
To Receive Credit for this Course .....	16

**Appendix A: Where to Get Assistance..... 17**  
**Appendix B: NPS Personnel ..... 19**  
    Equal Opportunity Managers..... 19  
    CORE Program Manager ..... 19  
**Appendix C: NPS Sexual Harassment Policy ..... 20**  
**Appendix D: Sample Interview Form ..... 22**



# Welcome

Welcome to this TEL (Technology Enhanced Learning) training event. We are excited that you will be joining us today for *From Hugger to Harasser: The True Story Behind Sexual Harassment*, and we look forward to helping you to get as much out of this time as possible.

Your classroom today is not very large, 125 or fewer students from as many as 40 different locations across the NPS. We purposely keep the class size small to assure that if you have a question, there is time to get it answered. Don't hesitate to ask – if you have a question, there are probably several others in the class who have the same question – you might as well be the one to ask! It is our goal that you leave class today with no unanswered questions.

## How To Interact with the Instructor

We encourage you to ask questions and share your comments with the instructors throughout this TELNPS course.

If you were physically in the classroom with the instructor, you would raise your hand to let her/him know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that “protocol” for asking questions or making comments.

With TELNPS courses there is also a “protocol” to follow to ensure that you can easily ask questions and others can participate as well. It may seem a little strange at first asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more TELNPS courses, you will soon be focusing only on the content of your question and not the equipment you are using to ask it.

As part of the TEL station equipment at your location, there are several push-to-talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

**When you have a question, press and hold down the push-to-talk button, maintaining a distance of 12-18 inches, and say,**

*“Excuse me [instructor’s first name], this is [your first name]*

*at [your location]. I have a question (or I have a comment).”*

Then release the push-to-talk button. This is important.

Until you release the button, you will not be able to hear the instructor.

The instructor will acknowledge you and then ask for your question or comment. Stating your name and location not only helps the instructor, but also helps other students who are participating at different locations to get to know their classmates.



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# Course Overview

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## **Why a *From Hugger to Harasser: The True Story Behind Sexual Harassment* program?**

Because of the inherently personal nature of sexual harassment, it is sometimes difficult for supervisors and employees to discuss. As a result, misinformation and confusion often surround this topic. Today's course is intended to explain how to recognize sexual harassment, how to prevent it, and how to deal with complaints. Actual case examples will be examined as part of this course.

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## **Target Audience**

Any NPS employee with supervisory responsibilities, or who serves as an advisor to supervisors, such as an HR Specialist. This course has been approved as counting towards the mandatory annual 40-hour NPS supervisory training requirement.

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## **Program Timing**

*From Hugger to Harasser: The True Story Behind Sexual Harassment* is a 2-hour TELNPS course.

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## **Learning Objectives**

After completing this course, you will be able to:

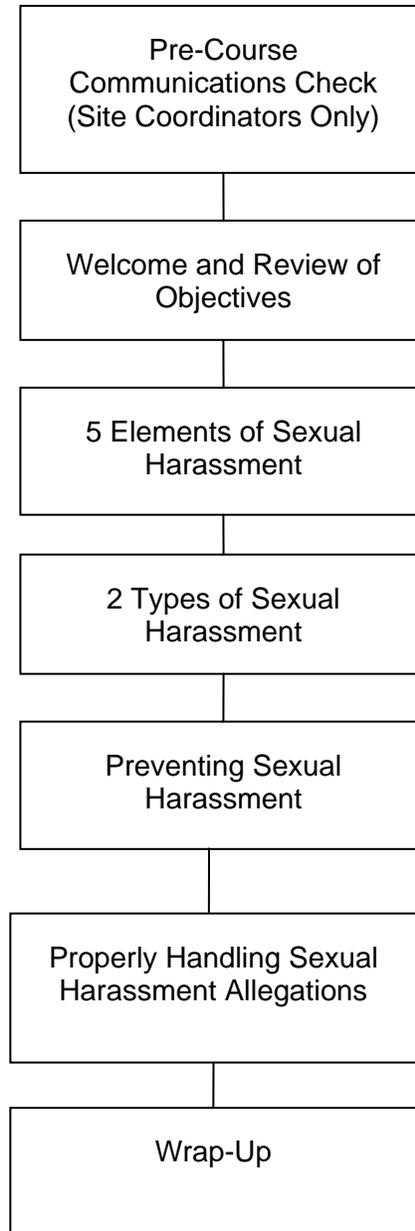
- Recognize the 5 elements of sexual harassment
- Distinguish between the 2 types of sexual harassment
- Identify ways to prevent sexual harassment
- Determine how to appropriately handle an allegation (complaint) of sexual harassment

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## **Site Point-of-Contact Responsibilities**

The TEL Station Site Point-of-Contact must reserve the training room, notify employees that the park will be participating in this TEL training event, make sure the Participant Guide is available to students, set up the TEL Station on the day of the training, make sure students sign in on the Student Roster form, and finalize the roster in My Learning Manager.

# ***From Hugger to Harasser: The True Story Behind Sexual Harassment Course Map***



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# Legal Authorities

- **DOI Secretary's Letter (8/24/01)**, Policy on Equal Opportunity and Zero Tolerance of Discrimination
- **DOI Equal Opportunity Directive #2002-16 (4/16/02)**, Departmental Sexual Harassment Policy
- **NPS Director's Order #16D (10/16/01)**, Equal Employment Opportunity and Zero Tolerance of Discrimination
- **NPS Director's Order #16E (10/16/01)**, Sexual Harassment
- **29 CFR 1614**, Equal Employment Opportunity Commission (EEOC) regulations prohibiting discrimination in the Federal workplace
- **EEOC Notice #915.002 (6/18/99)**, Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors

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# Definition of Sexual Harassment

## ***Exercise:* Personal Definition of Sexual Harassment**

What's YOUR definition of "sexual harassment"?

Be ready to share!



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## **5 Elements of Sexual Harassment**

Five elements must be present:

1. Deliberate or r\_\_\_\_\_
2. U\_\_\_\_\_
3. V\_\_\_\_\_ comments, gestures, or physical  
c\_\_\_\_\_
4. S\_\_\_\_\_ nature
5. Unwelcome

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# Definition of Sexual Harassment, cont'd.

## ***Exercise: Of a Sexual Nature***

Review the examples the instructor gave of a verbal comment, gesture, and physical contact.

- |  |
|--|
| <p>Comments, Gesture, Contact</p> <ul style="list-style-type: none"><li>• Talking to someone</li><li>• Whistling</li><li>• Looking at someone</li><li>• Hugging someone</li><li>• Bumping into someone</li></ul> |
|--|

Can you think of an example of how each of those actions could change from appropriate to inappropriate?

1. Verbal comment (e.g., talking to someone)

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2. Gesture (e.g., whistle, looking at someone)

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3. Physical contact (e.g., hugging someone, bumping into someone)

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# Definition of Sexual Harassment, cont'd.

## ***Exercise: Is It or Isn't It?***

For each of the following scenarios, decide if each constitutes sexual harassment (if all 5 elements are present).

1. *Joe has a private office and a computer assigned to him. You are Joe's supervisor. Your IT staff informs you that the office's network management software has detected that Joe's computer has been used to visit explicit sexually-oriented web sites. Joe admits that he has visited these sites during his personal time before and after work and at lunch.*

**Sexual Harassment?     Y or N**

*What if he was printing the pictures on the office printer? Does this make a difference?*

2. *Robert is a happily married man. For their anniversary, his wife had her portrait taken at Le Scandal photo gallery. He has this photo proudly displayed on his desk.*

**Sexual Harassment?     Y or N**

3. *Suzie is a repair technician for the local office equipment company. She's noticed Pat in your office and has started hanging around his desk and flirting whenever she's in the area. She's even offered him discounts on repair services for your office if he'll go out with her. Pat isn't interested and has tried to tell her but she won't take the hints. Suzie is now leaving love notes and waiting for him at the parking lot after work.*

**Sexual Harassment?     Y or N**

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# Definition of Sexual Harassment, cont'd.

## 2 Types of Sexual Harassment

Sexual harassment can take one of 2 forms:

1. *Quid Pro Quo*—person is requested to provide sexual favors in exchange for some other benefit.
2. *Hostile Work Environment*—work environment is so offensive as to distract the person from being able to work, e.g., lewd comments, jokes, pictures, etc.

Both are equally illegal, and supervisors and employees alike have a responsibility to ensure that the workplace is completely free of both.

### ***Exercise: Is It or Isn't It? (Part 2)***

Refer back to the scenarios on page 7. For each one where sexual harassment is present, decide if it is *quid pro quo* or *hostile work environment*.

- |                                    |     |     |     |
|------------------------------------|-----|-----|-----|
| 1. <i>Joe and the Computer</i>     | QPQ | HWE | N/A |
| 2. <i>Robert and Le Scandal</i>    | QPQ | HWE | N/A |
| 3. <i>Suzie and the Love Notes</i> | QPQ | HWE | N/A |

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## Definition of Sexual Harassment, cont'd.

Let's try a couple more. Read the 2 scenarios below, and decide: (1) Is sexual harassment present?, and (2) If so, what type?

4. *Two of your employees have started flirting with each other in the office. They seem to be having a good time. They have lunch together and are sometimes seen in the copy room together for long periods of time. Others have noticed their blossoming relationship as the couple are now openly holding hands and sometimes kiss each other when they think others aren't watching.*

<b>Sexual Harassment?</b>	<b>Y</b>	<b>N</b>	
<b>If so, what type:</b>	<b>QPQ</b>	<b>HWE</b>	<b>N/A</b>

5. *A young seasonal employee has told you that she hopes to return next summer. Her supervisor has shown a special interest in her and has asked her to accompany him on long rides through the park. She feels that he wants to help her career along and has promised to call other hiring officials to get her a permanent job. She enjoys the work and has told him so. He is willing to write a glowing appraisal but she'll have to do special projects for him after hours and away from the park.*

<b>Sexual Harassment?</b>	<b>Y</b>	<b>N</b>	
<b>If so, what type:</b>	<b>QPQ</b>	<b>HWE</b>	<b>N/A</b>

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# Tips for Preventing Sexual Harassment: Be Proactive!!

1. Create a climate in which employees value and respect each other in a way that supports a harassment-free environment. Set a good example!

**Ask yourself:**

- Would I want my behavior broadcast on inside.nps.gov or on the local TV news?
  - Is there equal power between me and the person I'm interacting with?
  - Would I act this way if my spouse or significant other was next to me?
  - Would I want someone to act this way to my spouse or significant other?
  - Is there equal initiation and participation between the other person and me?
2. Monitor the work environment and encourage employees to talk with you so that you may recognize sexual harassment situations as they develop. Use and recommend that others use the resources available (see Appendix A).
  3. Ensure that employees are aware of the Service's sexual harassment policy and procedures.
  4. Take all sexual harassment complaints seriously.
  5. Investigate every complaint of sexual harassment.
  6. Maintain a confidential written record of each complaint and your inquiry into it (see Appendix D for a sample form you can use).
  7. Determine appropriate disciplinary action based on the findings of an investigation. Appropriate action may include counseling, a permanent written warning, suspension, demotion, or termination.
  8. Ensure employees protection against retaliatory action for reporting behavior that they believe is sexual harassment.

## ***Exercise:* Room for Improvement?**

Think for a moment about your own workplace. Based on what we've covered so far, what are some things that you could do to better prevent sexual harassment.



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# How To Handle an Allegation of Sexual Harassment

Knowing how to handle an allegation of sexual harassment is very important. Employees who report allegations of sexual harassment and supervisors who take prompt action to address these allegations can and do successfully resolve these issues and minimize their negative impact in the workplace.

## Responsibilities for Preventing and Resolving Sexual Harassment

### Agencies/Employers:

Recent Supreme Court rulings have held that agencies and employers are responsible for their supervisors' actions and must take action to prevent harassment.

An excerpt from the Equal Employment Opportunity Commission Guidance issued after these rulings follows:

*"an employer is liable if it knew or should have known of the misconduct, unless it can show that it took immediate and appropriate corrective action..."*

Specifically, the Court ruled that agencies and employers:

- Must take a \_\_\_\_\_ to prevent sexual harassment
- Must have an a \_\_\_\_\_ -h \_\_\_\_\_ p \_\_\_\_\_, which:
  - Guarantees protection from retaliation
  - Explains the complaint process
  - Maintains confidentiality
  - Recommends corrective actions, as appropriate
- Must train supervisors to r \_\_\_\_\_ and r \_\_\_\_\_ to allegations of sexual harassment.

**See Appendix C for an example of an anti-harassment policy.**

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# How To Handle an Allegation of Sexual Harassment, cont'd.

## Supervisors:

- Must take a \_\_\_\_\_ in response to allegations of sexual harassment. See Appendix D for a sample form that you can use to help guide your investigation.

**Supervisors who harass (or do nothing to resolve complaints of sexual harassment) may be sued personally for their actions!** The Government will neither take their place in court nor defend them.

## Employees:

- Must be aware of a \_\_\_\_\_ vs. i \_\_\_\_\_ behavior
- Must r \_\_\_\_\_ harassment

## “Intent vs. Impact”

**“Intent vs. Impact”** – it does not matter what a person’s intent was in making the comment, gesture, etc. It is the impact on the other person that matters. **Once you have made it clear that the message received is unwelcome, it should no longer continue.** Otherwise, it becomes sexual harassment.

## DOI Hotline

The Department of the Interior has set up a Sexual Harassment Hotline for employees to report allegations of sexual harassment. The toll-free number is **1-800-527-8987**, or you can send an e-mail to **Sexual\_Harassment\_Hotline@ios.doi.gov**.

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# Sexual Harassment Case

A female NPS firefighter found a condom filled with white fluid in the pocket of her turnout jacket. She was very upset and complained to her supervisor.

## **Facts:**

- She is the only female in the entire firefighting crew that worked 24-hour shifts for days and took multiple days off.
- She and other slept in the same area. No private area provided to her but there had been no problems stated by her or the men.
- The crew had engaged in a lot of practical jokes and horseplay with each other.
- There had been some concern expressed about her ability to do the work because of previous on-the-job injuries. There may have been some problems between her and some of her co-workers, but she also had her supporters.

## **Management responded by:**

- Hiring a contractor to conduct the inquiry into this incident. This contractor was an attorney and a Merit Systems Protection Board member. We felt an outside inquiry would provide more neutrality and relay to the firefighters the severity of the allegation. The Contractor interviewed all firefighters the following week. A written report was submitted to the park management a few weeks later.
- She was reassigned to another position until it was determined that it was appropriate.
- Upon receipt of the report, park management re-issued the sexual harassment policy to all firefighters. Some schedules were changed to separate the female firefighter from others she was having problems with. A privacy screen was provided to her sleeping area. All firefighters attended Prevention of Sexual Harassment training. Two supervisors who were aware of some of the practical jokes were disciplined for failing to take appropriate supervisory actions to terminate this behavior.

## **She responded by:**

- Filing an EO complaint and hiring an attorney, claiming NPS had allowed the sexual harassment to occur.
- Claiming she was fearful of returning to the firehouse but could never specify what made her fearful. (Contractor discovered that many firefighters spent social time with her at her second job as a bartender.)

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## Sexual Harassment Case, cont'd.

- Claiming medical concerns (stress) about returning to work. When we asked for a doctor's statement, she did not provide one.
- Her attorney and NPS talked about the possibility of reassigning the woman. When asked for an updated resume, the woman failed to cooperate.

### **DOI Decision:**

DOI issued a decision on her formal complaint that management had appropriately responded to her complaint by conducting an immediate investigation, issuing the management's policy about sexual harassment, changing schedules, holding training, taking disciplinary actions against supervisors for failing to act, and providing her with a privacy screen.

There was a finding of no discrimination issued.

### **Postscript:**

The woman was finally ordered back to work unless she could provide us information from her doctor on why she could not return to work. She reluctantly returned to the firehouse. She was concerned that some of her co-workers were avoiding her. We counseled her that, given the circumstances, everyone was somewhat apprehensive about how their actions would be interpreted. She was also concerned about retaliation, but we persuaded her to allow them all some time to get used to her presence back in the firehouse. She remained on the job until she resigned for other personal reasons.

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# Sexual Harassment Case, cont'd.

## ***Exercise: You Be the Judge***

Refer to the Sexual Harassment Case involving the NPS firefighter on pages 13-14 of this guide. Using the elements discussed at the bottom of page 11 of this guide, ask yourself: In what ways did the agency include all elements of an appropriate response? Is there anything that should have been done differently?

1. Prompt \_\_\_\_\_  
\_\_\_\_\_

2. Confidential \_\_\_\_\_  
\_\_\_\_\_

3. Protect complainant \_\_\_\_\_  
\_\_\_\_\_

4. Impartial \_\_\_\_\_  
\_\_\_\_\_

5. Corrective action \_\_\_\_\_  
\_\_\_\_\_

6. Anything that could have been done differently? \_\_\_\_\_  
\_\_\_\_\_

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# Wrap-Up

## Key Points To Remember

Sexual harassment is an inexcusable action that will not be tolerated.

Acts of sexual harassment can result in administrative corrective actions, civil suits, and possibly criminal suits.

As a supervisor, you can be held liable for sexual harassment activities even if you did not take part. Further, you may be held liable even if you had no knowledge the act was taking place.

## Want More Information About This Topic?

For more information on sexual harassment in the Federal workplace, see these web sites:

- [www.doi.gov/diversity/8doi\\_policy.htm](http://www.doi.gov/diversity/8doi_policy.htm) (Department of the Interior EEO policy)
- [www.opm.gov](http://www.opm.gov) (Office of Personnel Management)
- [www.eeoc.gov](http://www.eeoc.gov) (Equal Employment Opportunity Commission)
- [www.mspb.gov/studies/sexhar.pdf](http://www.mspb.gov/studies/sexhar.pdf) (Merit Systems Protection Board study on Sexual Harassment in the Federal Workplace)

## To Receive Credit for this Course

1. PRINT your name on the attendance roster.
2. UPON RECEIPT OF E-MAIL NOTIFICATION, complete the online course evaluation.

# Appendix A: Where to Get Assistance

If you believe this happened:	Who to contact:	Special considerations:
Sexual harassment	Department of the Interior Sexual Harassment Hotline	1-800-527-8987 or <i>Sexual_Harassment_Hotline</i> <i>@ios.doi.gov</i>
Need to speak confidentially to someone about work or personal stress, financial problems, drug- or alcohol-related issues	Local Human Resources Manager for information about your regional Employee Assistance Program (EAP) carrier	Must be current employee or family member of current employee
Workplace conflict	CORE (Conflict Resolution) Specialist, 202-354-1982	Must be current employee. See <a href="http://www.doi.gov/core">www.doi.gov/core</a> for more information.
Discrimination based on your race, national origin, color, age (over 40), religion, sex (including sexual orientation or sexual harassment), mental or physical disability, or reprisal	Regional Equal Opportunity staff or local EO Counselor or National Park Service or Department of the Interior Washington EO Offices	Must contact EO staff or counselor within 45 calendar days of alleged discriminatory event or knowledge of this event. See <a href="http://www.doi.gov/diversity">www.doi.gov/diversity</a> for more information.
Workplace issues or conflicts not caused because of discrimination	Local Human Resources Manager	To file a grievance, current employee must contact supervisor or HR staff within 15 calendar days of the event.
Workplace conflict or issues	Union officials at park	Not all sites have unions.
Fraud, waste, or abuse in Department of the Interior programs	Office of the Inspector General, Department of the Interior, 1-800-424-5081	See <a href="http://www.oig.doi.gov">www.oig.doi.gov</a> for more information.

## Appendix A: Where To Get Assistance, cont'd.

If you believe this happened:	Who to contact:	Special considerations:
<p>Prohibited personnel practices</p> <p>Impermissible political activity by Government employees</p> <p>Violation of any law, rule, or regulation; gross mismanagement, gross waste of funds, abuse of authority or substantial and specific danger to public health or safety</p>	<p>Office of Special Counsel, 1-800-982-9855</p> <p>1-800-85-HATCH</p> <p>1-800-572-2249</p>	<p>Complaint must be made in writing. See <a href="http://www.osc.gov">www.osc.gov</a> for more information.</p>

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# Appendix B: NPS Personnel

## Equal Opportunity Managers

National Park Service	Dianne Spriggs, 202-354-1851
Washington Office	Bev McKnight, 202-354-1859
Alaska Region	Clara Wooden, 907- 644-3348
Denver Administrative Program Center	Marie Eilander, 303-969-2733
Harpers Ferry Center	Magaly Green, 304-535-6003
Intermountain Region	John Crowley, 303-969-2506
Midwest Region	Sarah Ballew, 402-661-1974
National Capital Region	Joy Harris, 202-619-7458
Northeast Region	Vanessa Russell, 215- 597-1090
Pacific West Region	A. Marie Eilander, 303- 969-2733
Southeast Region	Carol Martinear, 404- 562-3103

## CORE Program Manager

Steve Krutz, 202- 354-1982, [www.doi.gov/core](http://www.doi.gov/core)

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# Appendix C: NPS Sexual Harassment Policy

(From Director's Order #16E, Issued 10/16/01)

## Definition

Sexual harassment is defined as deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which is unwelcome. Unwelcome sexual advances are unlawful whether verbal or physical in nature and constitute sexual harassment when:

- submission to such conduct is made a term or condition of an individual's employment;
- submission to, or rejection of, such contact forms the basis of an employment decision affecting such an individual; or
- such conduct has the purpose or effect of interfering with the work performance or creates an intimidating, hostile, or offensive work environment.

Some of the most obvious forms of sexual harassment include touching, grabbing, lewd gestures, jokes with a sexual connotation, computer screen covers of a sexual nature and any behavior with sexual overtones which is intimidating or offensive to the recipient or one who observes such behavior or such other displays.

## Policies

*Our policy on sexual harassment is based on and consistent with relevant laws; regulations issued by the Equal Employment Opportunity Commission (EEOC); related EEOC Management Directives, and Department of the Interior policies.*

- Violation of the law against sexual harassment by any employee of the Service will result in disciplinary action, ranging from reprimand to termination.
- All managers shall take all actions necessary to prevent and/or eliminate employee exposure to a hostile, intimidating, and/or offensive work environment throughout the Service.
- All employees will be held accountable for ensuring that the National Park Service work environment is free from sexual harassment.

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## Appendix C: NPS Sexual Harassment Policy, cont'd.

- All employees and managers shall receive continuing education on the prohibition on sexual harassment, through training and communications that reinforce our policy.

### Procedures

- When receiving complaints of sexual harassment, or upon otherwise becoming aware of such alleged behavior, managers or supervisors shall work with their servicing Equal Employment Opportunity Office to promptly conduct an inquiry into the matter. If the allegations of sexual harassment are confirmed, corrective actions must be taken immediately to stop the harassing behavior. Such action may include disciplinary steps to ensure that the harassment does not recur and the injured party is not subjected to reprisal or retaliation.
- Employees who believe they have been subjected to sexual harassment or have witnessed acts of sexual harassment towards others, shall report such behavior to the appropriate manager, supervisor, or Equal Employment Opportunity Manager.
- Incidents of sexual harassment may also be reported on the Department of the Interior Office for Equal Opportunity Sexual Harassment Hotline at 1-800-527-8987 or 202-208-0328. The TTY telephone number is 202-208-5998.

Any questions regarding sexual harassment should be directed to your servicing Equal Employment Opportunity Manager or the Equal Employment Opportunity Program Manager in Washington, DC, at 202-208-6738.

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## Appendix D: Sample Interview Form

Use this form to help you investigate allegations of sexual harassment. Keep this form in a safe place to ensure confidentiality.

**Complainant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Interviewer:** \_\_\_\_\_ **Time:** \_\_\_\_\_

<b>What happened?</b>	
<b>When and where did it occur?</b>	
<b>Who was involved?</b>	
<b>Were there witnesses?</b>	
<b>Did you talk with anyone else?</b>	
<b>Has it happened before?</b>	
<b>How long has it been going on?</b>	
<b>Was the person told the behavior was unwelcome?</b>	
<b>What was the person's reaction to being told it was unwelcome?</b>	
<b>Notes/Follow-Up</b>	

## Don't Ask

- “Why?” questions. They can be perceived as judgmental.
- Multiple-choice questions, such as, “Were you touched on the arm, shoulder, face?” (instead, ask open-ended questions, such as “Where did the person touch you?” or “How did the person touch you?”)

## When Talking With the Alleged Harasser

- Do not reveal the complainant’s identity. Describe the circumstances and see if the alleged party shows acknowledgment.
- State the purpose of the meeting.
- Stay unbiased.
- Ask that the alleged party respond to each allegation separately.
- If the alleged party confesses, state that the behavior will stop immediately.
- If denied, make it clear that additional fact-finding will be conducted.
- Document the meeting.
- Take appropriate action based on findings.

## When Talking With a Witness

- Do not identify the alleged party. Simply state, “Your name was given as a witness to a possible interaction.”
- Describe the situation and location.
- Focus on witnesses’ statements of facts and not assumptions or opinions.
- Talk in private, in a timely manner, and maintain confidentiality.

## Follow Up With the Complainant

If the complainant initially asked you not to investigate, but just needed someone to talk with, the law says you must follow through.

*The chances are very good that there will be minimal to no liability if you:*

- *Had a policy against harassment*
- *Had a proper complaint procedure*
- *Communicated the policy and procedure to employees*
- *Enforced the policy*