

SUBJECT: POLICY ON THE PREVENTION AND ERADICATION OF SEXUAL HARASSMENT IN
THE WORKPLACE

The purpose of this Secretary of Energy Notice is to affirm the Department's responsibility to maintain a workplace free from sexual harassment and to ensure that all employees are aware of my personal commitment to this goal. This responsibility encompasses a requirement to take positive action where necessary to eliminate such practices or remedy their effects. I will not tolerate sexual harassment at the Department of Energy, and I will take every step necessary to eradicate it from the workplace.

The Department recognizes that sexual harassment is an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964. Federal regulations and DOE 1600.3 establish the criteria for determining what constitutes sexual harassment. These regulations provide that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment.

Sexual harassment is not limited to prohibited conduct by a male employee toward a female employee, or by a supervisory employee toward a nonsupervisory employee. A male, as well as a female, may be the victim of sexual harassment, and a female, as well as male, may be the harasser. The victim does not have to be the opposite sex from the harasser. The harasser does not have to be a victim's supervisor. The harasser may also be an agent of the employer, a supervisory employee who does not supervise the victim, a nonsupervisory employee (co-worker), or, in some circumstances, even a nonemployee.

Sexual harassment includes, but is not limited to the following:

- o Uninvited letters, telephone calls or distribution or display of materials of a sexual nature;
- o Uninvited and deliberate touching, leaning over, cornering or pinching;
- o Uninvited sexually suggestive looks or gestures;
- o Uninvited-requests, suggestions or pressure for sexual favors;
- o Sexual teasing, jokes, remarks, questions or other sexually offensive comments;
- o Pressure for a dating or personal relationship.

Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. Improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim, may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a hostile or offensive work environment.

The sexual harassment of one female or male employee may also create an intimidating, hostile or offensive work environment for another female or male co-worker.

DOE 1600.5, SYSTEM FOR PROCESSING COMPLAINTS OF DISCRIMINATION, established procedures for receiving, investigating and resolving complaints of sexual harassment. DOE will continue to provide all employees with training which informs them of their roles and responsibilities in preventing and eradicating sexual harassment in the workplace.

Supervisory employees are responsible for informing their respective management of any conduct which they know or have been informed may constitute sexual harassment within DOE. They are also responsible for taking immediate and appropriate corrective action, including disciplinary action, with respect to employees who engage in sexual harassment.

Every DOE employee at every level is personally responsible for:

a. ensuring that his/her conduct does not sexually harass other individuals in the workplace; b. cooperating in the investigation of reports or complaints of alleged sexual harassment by providing any information he or she possesses concerning the matters being investigated; and c. otherwise cooperating with DOE's efforts to prevent and eradicate sexual harassment and to maintain a work environment free from such unlawful discrimination.

Any DOE employee found to have engaged in sexual harassment in violation of this Policy will be subject to disciplinary action which may include suspension or dismissal.

I will not tolerate sexual harassment of any kind at the Department of Energy, and I will take every step necessary to insure that every unit of the Department functions in a manner that is fair and free of harassment of any kind.

James D. Watkins
Admiral, U.S. Navy (Retired)