Bureau of Land Management
2020 Prevention of Sexual Harassment (POSH) Training

**Learning Objective:** To define what constitutes Sexual Harassment, its effects, and the rights and responsibilities of the BLM and its employees.

This course will consist of the following modules:

- Module 1: Regulatory Definitions and Federal Laws
- Module 2: BLM Policy
- Module 3: Types of Sexual Harassment
- Module 4: How Is Sexual Harassment Identified?
- Module 5: Forms of Sexual Harassment
- Module 6: Employee Responsibility
- Module 7: EEO Complaint Process

**Module 1: What are the laws, regulations and policies?**

The Learning Objective in this module is to define the laws, regulations and policies pertaining to the prevention of Sexual Harassment.

**Federal Law**

Sexual harassment is a violation of Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on race, color, national origin, religion, and sex.

Sexual harassment is a form of sex-based discrimination.

**Definition of Sexual Harassment**

The U.S. Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces employment discrimination law.

The EEOC defines 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, either explicitly or implicitly, a term or condition of an individual’s employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or sexually offensive work environment.
Module 2: BLM Policy

The Learning Objective for module 2 is to define the BLM’s policy pertaining to the prevention of Sexual Harassment.

The Bureau of Land Management has a policy of zero tolerance of sexual harassment. It is the policy of the BLM to:

- Prohibit sexual harassment
- Maintain a work environment that is free of sexual harassment.
- Take immediate and appropriate action when sexual harassment is alleged or is found to have occurred.

All persons who work for the BLM have a responsibility to help maintain a work environment that is free from sexual harassment.

Sexual harassment is also prohibited in any location that can be reasonably regarded as an extension of the workplace, such as any customer location, an off-site social business function, or any other facility or field location where BLM business is being conducted.

Sanctions for Policy Violations

All employees are subject to the Bureau’s Sexual Harassment Policy. Individuals who violate the policy may be subject to discipline ranging from a written warning up to and including discharge or other appropriate sanction.

Module 3: Types of Sexual Harassment

The Learning Objective for this module is to define the types of Sexual Harassment.

There are two types of Sexual Harassment:

- Harassment that results in a tangible employment action and
- Harassment that creates a hostile work environment

Tangible Employment Action

Harassment that results in a tangible employment action involves decisions by people in supervisory positions, and pertains to significant changes in employment status. For example, a supervisor requesting interaction of a sexual nature or sexual favors from a subordinate in exchange for such things as:

- continued employment
- exemption from negative job circumstances
- career advancement
Hostile Work Environment

“Hostile Work Environment Sexual Harassment” is unwelcome sexually based conduct that has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile or offensive working environment.

A hostile work environment can be created by anyone associated with the workplace (i.e., co-workers, managers, contractors, customers, or the public).

Module 4: How Is Sexual Harassment Identified?

The Learning Objective for Module 4 is to determine what constitutes sexual harassment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs.

Sexual harassment may take many forms:

- subtle and indirect, or
- blatant and overt.

Sexual harassment may:

- be conduct of a sexual nature toward an individual of the opposite sex or the same sex.
- occur between peers or between individuals in a hierarchical relationship.
- be aimed at coercing an individual to participate in an unwanted sexual relationship.
- involve taunting or tormenting an individual.
- cause an individual to change behavior or work performance.

Sexual harassment may consist of repeated actions or may arise from a single incident if that incident is sufficiently egregious or severe.

But it is always unwelcome conduct of a sexual nature that impacts an employee’s work performance or work environment.

The Reasonable Person Standard

In determining if sexual harassment has taken place, the courts consider whether or not a reasonable person would be offended by the behavior. This is called the Reasonable Person Standard.
Module 5: Forms of Sexual Harassment

The Learning Objective for this module is to identify the different forms of sexual harassment.

Sexual Harassment can take different forms:

- Verbal
- Physical
- Graphic or Visual

**Verbal** Sexual Harassment behaviors include:

- Unwanted sexual propositions or repeated requests for dates
- Threatening comments and suggestions of a sexual nature
- Discussion about someone’s physical attributes
- Remarks and questions about a person’s sexual preferences or activities
- Sexual innuendoes and rumors about a person’s sex life
- Suggestive noises, such as kissing sounds and whistling
- Obscene language, crude jokes, teasing, and taunting of a sexual nature

**Physical** Sexual Harassment behaviors include:

Unwelcome touching of any kind

- Tickling or pinching
- Grabbing or slapping
- Hugging or kissing
- Leaning over or on a person
- Purposely brushing up against someone
- Blocking a person’s path
- Coerced sexual contact or sexual assault

**Graphic or Visual** Sexual Harassment behaviors include:

- Sexually oriented calendars, posters, pictures, magazines, cartoons, or drawings
- Explicit photos of nude or partially nude people
- Pornography and computer games depicting sexual situations
- Sexually oriented pranks
- Gifts, letters, notes, or e-mails of a sexual nature
- Leering, ogling, or winking
- Throwing kisses, or licking lips
- Sexually suggestive hand gestures or body movements
Module 6: Employee Responsibility

The Learning Objective for this module is to identify your responsibilities as an employee.

Effects

Sexual Harassment can affect the victim as well as the rest of the workforce.

Being a victim of sexual harassment can have a detrimental effect on one’s mental or physical health, and/or career.

Costs

The costs of sexual harassment to the workplace include declining employee morale, decreased work performance and productivity, loss of respect and teamwork, and damage to the organization’s reputation.

Employee Responsibility: The Recipient

Consider using an informal method of resolution if the behavior is minor. Only use this method if you feel it will permanently stop the offensive behavior without reprisal, and if you feel the offender should be given a chance to change.

Consider filing a complaint with the EEO Office if the incident and behavior is serious, unacceptable, or repeated (especially after telling the offender to stop).

Employee Responsibility: The Offending Person

- If someone informs you that your behavior is offensive or unwelcome or that you are making them feel uncomfortable – STOP immediately.
- If you feel that you may have unintentionally sexually harassed someone, take immediate action to rectify the situation and apologize.
- Ask the recipient what you can do to improve communications or rectify the situation. If the recipient does not wish to speak to you, then ask a supervisor for advice, or to accompany you, or to intervene on your behalf.

Employee Responsibility: Friend or Co-Worker

If approached by a friend or co-worker who feels he/she has been discriminated against or sexually harassed, take action.

- Encourage the recipient to discuss the issue with the offending person, but only if they are comfortable doing so.
- Offer to accompany the recipient to see the supervisor or visit the EEO Office.
- If you are a witness to sexual harassment, report it to the supervisor or the EEO Office.
The Supervisor

- Advise the offended person of his/her right to seek help through the EEO Office. Do not discourage them from filing an EEO Complaint.
- Advise the alleged offending person to stop their behavior immediately. Do not make assumptions about their guilt or innocence.
- Conduct an immediate inquiry into the facts of the incident, and notify the EEO Office.
- Follow instruction under DOI PB 18-01 - Supervisors must take action
- If warranted, take immediate corrective action including appropriate disciplinary action.
- Follow up to ensure that sexual harassment is stopped, and there is no reprisal.

Confidentiality

The Bureau EEO Officer and others responsible for implementing the Sexual Harassment Policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible.

However, confidentiality cannot be maintained when disclosure is required by the outweighing interest in protecting the rights of others, particularly when issues of harassment and/or safety are raised.

Therefore, confidentiality when sexual harassment is alleged is not guaranteed.

Every BLM employee should be familiar with the Sexual Harassment Policy.

Module 7: EEO Complaint Process

The Learning Objective for this module is to introduce the EEO Complaint Process.

All employees should be familiar with the EEO Complaint Process

The Federal Equal Employment Opportunity (EEO) Complaint Process is designed for use solely by government employees and federal job applicants who believe they have experienced discrimination due to race, color, national origin, religion, sex (including pregnancy), age (40 or older), disability, genetic information, sexual orientation, or reprisal for participating in a protected EEO activity or opposing a practice made unlawful by the EEO related statutes.

This includes sexual harassment.
EEO Complaint Process

An EEO Complaint must first be filed as an Informal Complaint.

An aggrieved person must initiate contact with the EEO Office, an EEO Counselor, or other agency official logically connected with the EEO process; and exhibit an intent to begin the EEO Process. Contact must occur within 45 days of the date of the alleged discriminatory matter.

The 45-day time limit may be extended only under certain circumstances.

Contact your EEO Office if you have questions.

For more Information on Sexual Harassment or the EEO Complaint Process visit HTTP://www.nifc.gov/dwr/index.html
POSH Post-Test

You must achieve a passing score of 80% or better on the following Post-Test in order to successfully complete this training.

1. Sexual harassment is illegal.
   ___ True
   ___ False

2. Sexual harassment is:
   a) unwelcome behavior
   b) behavior of a sexual nature
   c) repetitive and/or severe
   d) all of the above

3. There is no other type of workplace harassment besides sexual harassment.
   _____ True
   _____ False

4. If you believe you have been subjected to sexual harassment and you wish to utilize the EEO Complaint process, you must contact an EEO official within:
   a) 45 calendar days of the alleged incident
   b) 24 hours of your awareness of a problem
   c) a reasonable amount of time

5. Sexual harassment is not possible between two people of the same gender.
   _____ True
   _____ False

6. Sexual harassment can occur:
   a) on business travel
   b) at an off-site social function with co-workers
   c) at a contractor's place of business
   d) in a field location
   e) all of the above
7. Which of the following people can be involved in sexual harassment?
   
   a) co-workers and supervisors  
b) contractors and vendors  
c) employees from other agencies  
d) members of the public  
e) all of the above

8. Which of the following must occur for sexual harassment to exist?

   a) The harasser must believe that they have done something wrong  
b) The recipient must find the conduct unwelcome  
c) The behavior must be rude in nature

9. If the workplace culture has historically condoned or encouraged certain sexually based behavior, new employees that are offended by the behavior must learn to adapt to it.

   _____ True  
   _____ False

10. In order to avoid being accused of sexual harassment, you should stop what you are doing when:

    a) someone asks you to stop, or tells you your behavior is unwelcome  
b) someone appears to be made uncomfortable by your behavior  
c) your supervisor discusses your behavior with you  
d) you are uncertain whether or not your behavior constitutes sexual harassment  
e) all of the above

11. All persons who work for the BLM have a responsibility to help maintain a work environment that is free from sexual harassment.

    _____ True  
    _____ False