



The Secretary of Energy
Washington, DC 20585

July 3, 2002

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: SPENCER ABRAHAM

A handwritten signature in blue ink that reads "Spencer Abraham".

SUBJECT: Prevention and Eradication of Sexual Harassment in the
Workplace Policy Statement

The purpose of this policy statement is to affirm the Department of Energy'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 includes taking positive action where necessary to prevent sexual harassment and, if it occurs, to remedy its effects.

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 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 a male, may be the harasser. The harasser does not have to be the victim's supervisor. The harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a coworker, or in some circumstances, a non-employee.

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

- Unwelcome letters or telephone calls or distribution or display of materials of a sexual nature;
- Unwelcome and deliberate touching, leaning over, cornering, or pinching;
- Unwelcome sexually suggestive looks or gestures;
- Unwelcome requests, suggestions, or pressures for sexual favors;
- Sexual teasing, jokes, remarks, questions, or other sexually offensive comments; and



- Pressure for a dating or personal relationship.

An individual may be the victim of sexual harassment even though the harasser's conduct may not have caused economic injury. Improper behavior that does not result in an adverse employment action, such as discharge or loss of promotion, may nonetheless constitute sexual harassment by interfering with the victim's work or creating a hostile or offensive environment. The sexual harassment of a female or male employee may also create an intimidating, hostile, or offensive work environment for a coworker who is not the target of the harasser.

The Department of Energy has established procedures for resolving, filing, and processing complaints of sexual harassment and will continue to provide all employees with training that 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 that they know or have been informed may constitute sexual harassment within the Department of Energy. Supervisory employees who have knowledge of an act of sexual harassment should contact the Office of Civil Rights and Diversity for guidance even if they are asked to keep the matter confidential. They are also responsible for taking immediate and appropriate corrective action, including disciplinary action, with respect to any matter involving an allegation of sexual harassment.

Every employee of the Department of Energy is personally responsible for ensuring that his or her conduct does not sexually harass other individuals in the workplace. Every employee of the Department of Energy is required to cooperate in the Department's effort to prevent and eradicate sexual harassment and to maintain a work environment free from unlawful employment discrimination.

Any employee of the Department of Energy who engages in sexual harassment is in violation of this policy and 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 ensure that every unit of the Department functions in a manner that is free of sexual harassment and any other form of unlawful employment discrimination. Your commitment is essential to achieving these goals.