

Sexual Harassment in the Workplace

TOOLKIT

This toolkit contains:

- information about the legal rights of employees
- practical tips on how to handle it
- resources



About ERA

Founded in 1974, Equal Rights Advocates (ERA) is a national civil rights organization protecting and expanding economic and educational access and opportunities for women and girls. Through our campaign approach—incorporating public education, legislative advocacy, and litigation—ERA seeks to assist women and girls throughout a life-long continuum: ensuring equality in their educational experience, combating sex discrimination in employment, and advocating to make workplaces more hospitable to working families. ERA has been a pioneer in advancing gender equity at work and in schools for decades. From ensuring the passage of the Pregnancy Discrimination Act and the Family and Medical Leave Act, to arguing seminal gender rights cases before the United States Supreme Court, ERA is known for being the home of visionary leaders, unflinching advocates, and hard-nosed litigators for justice. ERA is one of the only advocacy organizations nationally that directly represents women workers in impact litigation from its initial stages all the way to the Supreme Court.

For more information on ERA's projects or to get legal help, visit our website at www.equalrights.org.



Contents

- Introduction4
 - ERA’s Tools for Gender Justice Project4
- About this Toolkit5
- Sexual Harassment Against Women in the Workplace: The Legal Backdrop6
- The Law7
 - Federal and State Law Protections Against Sexual Harassment7
 - SOLs and How They May Affect a Sexual Harassment Complaint19
- Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment20
 - Engaging in Direct Negotiations with an Employer25
 - Relief and Remedies That May Be Available to a Victim of Sexual Harassment26
- Appendix A28
 - The Importance of Fact Gathering28
- Appendix B29
 - Sample Written Internal Complaints29
- Appendix C33
 - Sample To Whom It May Concern Letter33
- Appendix D35
 - Sample EEOC/FEPA Charge35
- Appendix E36
 - Sample Poster with Policy and Complaint Procedure36
- Appendix F37
 - Rape Crisis Centers by State37

Introduction

ERA's Tools for Gender Justice Project

ERA has a long history of engagement in community legal education and Know Your Rights training, and decades of experience providing direct legal services to thousands of low-wage workers through our national free Advice & Counseling service. Through this experience, we have learned that, 50 years after the passage of civil rights laws designed to ensure equal employment opportunity and equal pay, far too many working women – especially low-wage workers, women of color and immigrants – continue to face significant obstacles to fair pay and just working conditions, including:

- Less pay than men for the same or comparable work;
- Exclusion from higher-paying, traditionally male-dominated jobs and occupations;
- Chronic and/or egregious sexual harassment in the workplace;
- Discrimination and penalties for taking time off due to pregnancy and family caregiving responsibilities;
- Retaliation for speaking about pay, or for exercising their legal rights; and
- Deprivation of earned wages (wage theft).

Through our *Tools for Gender Justice* project, ERA seeks to expand the movement for gender justice, advance gender equity in the workplace, and improve the economic status of women workers by: (1) increasing workers' center capacity to engage low-wage women workers; (2) informing and expanding ERA's direct legal services and impact litigation on behalf of low-wage women workers; and (3) integrating gender-conscious advocacy into the wage justice movement.

With these goals in mind, ERA's Tools for Gender Justice toolkits focus on three of the major barriers to workplace justice and economic security facing low-wage women workers across the country:

- Sexual harassment;
- Pregnancy and caregiving discrimination; and
- Pay discrimination and unequal pay based on sex.

Each toolkit provides information, resources, and general tips designed to help leaders and organizers of low-wage workers improve their own understanding of workers' rights, employers' legal obligations, and potential legal avenues for relief. Each toolkit also includes guidance on addressing and seeking remedies for retaliation that is so often faced by workers when they seek to exercise or vindicate employers' violations of their rights. Through dissemination of these toolkits, ERA hopes to strengthen advocates' and organizers' capacities to educate, engage, and empower women workers, thereby increasing women's participation and leadership in organizing campaigns and advocacy efforts. By building awareness of and promoting greater attention to gender (in)justice issues in the workplace, we seek to help workers hold low-road employers accountable for violations of their legal rights, and improve their ability to act collectively in order to change the conditions and practices that impede economic justice and advancement for working women.

**To download other
Know Your Rights materials,
visit ERA's website at
www.equalrights.org**

About this Toolkit

The materials in this toolkit are intended to provide information and guidance to advocates from workers' centers and membership organizations, community-based organizations, and unions when they assist their members who have experienced sexual harassment in the workplace and/or retaliation for reporting it.

The toolkit provides:

- information about the legal rights of employees to work in a discrimination-free environment;
- practical tips on what to do if an employee has been sexually harassed and/or is facing retaliation based on sexual harassment; and
- resources for further legal information and other services.

This toolkit is intended to provide general information only, not legal advice. We strongly recommend that any employee whose rights may have been violated speak with an attorney in her state, or contact one of the resources listed in *Appendix A* of this toolkit.

ERA's free Advice and Counseling service can assist callers in many languages. Workers can reach the Advice and Counseling service in two ways:

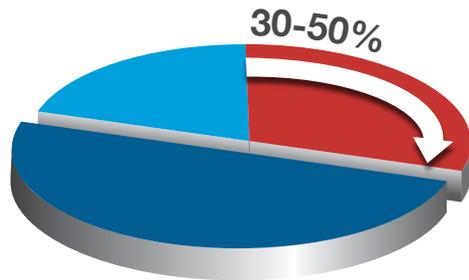
Telephone: (Toll-free) 1-800-839-4372

Online: www.equalrights.org/legal-help



Sexual Harassment Against Women in the Workplace: The Legal Backdrop¹

Calls that involved questions about sexual harassment at work



Over the last five years, between 30% and 50% of calls to our Advice & Counseling hotline involved questions about sexual harassment at work.²

11,000

SEXUAL HARASSMENT COMPLAINTS

were received by the U.S. Equal Employment Opportunity Commission (EEOC) and state Fair Employment Practice Agencies (FEPAs) in 2011 alone.³

For decades, sexual harassment has been recognized as a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 as well as many state laws.

Yet, 50 years since the enactment of Title VII and more than 20 years after Anita Hill spoke out against sexual harassment by her former boss, Clarence Thomas, sexual harassment continues to pose a significant barrier to equal opportunity and safety in the workplace for women. With this toolkit, Equal Rights Advocates (ERA) aims to empower women workers and their advocates with the necessary tools to confront this problem.

Through our legal advice and counseling hotline, Equal Rights Advocates (ERA) hears from hundreds of women each year who are facing problems at work due to gender discrimination. Sexual harassment consistently tops the list of issues with which callers seek assistance.

Working in a sexually hostile environment makes the task of earning a paycheck fraught with discomfort, anxiety, and fear. Fear of retaliation by their employer and/or their harasser, coupled with lack of awareness about where to turn for help, keeps many women from speaking out about their experience of discrimination and harassment. In the face of intolerable working conditions, many opt to leave their job and incur what they hope will be temporary economic insecurity and lost income rather than taking the financial, professional and personal risks associated with challenging sexual harassment in the workplace.

Experienced advocates and organizers know that workplace injustices often go hand in hand; one type of exploitation can hide and/or perpetuate the other. Additionally, a woman facing one form of injustice on the job, like sexual harassment, is likely experiencing other violations of her rights, such as wage theft or unsafe working conditions. But a worker who feels too disempowered or scared to speak out about one type of violation of her rights is less likely to complain – or even to know how to complain – about the other. ERA designed this toolkit with that rule of thumb in mind. We want to help advocates and organizers identify those violations that workers may not themselves recognize or identify on their own.

¹ While men may experience sexual harassment, women are much more likely to be targeted. See, e.g., "One in Four U.S. Women Reports Workplace Harassment," Nov. 16, 2011, available at <http://abcnews.go.com/blogs/politics/2011/11/one-in-four-u-s-women-reports-workplace-harassment/> (discussing an ABC News/Washington Post poll finding that one in four women and one in 10 men reporting experiencing sexual harassment at work).

² Advice and Counseling hotline yearly summary reports from 2009-2013.

³ See "Sexual Harassment Charges EEOC & FEPAs Combined: FY 1997-2011," available at http://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm.

The Law

Federal and State Law Protections Against Sexual Harassment

Federal Law:

- prohibits sexual harassment against both men and women, and
- prohibits employer retaliation
- applies to all companies with 15 or more employees

FEDERAL

Title VII of the Civil Rights Act of 1964 (Title VII) is a federal law that bans workplace discrimination based on certain “protected” categories or traits, including race, color, religion, national origin, and sex. Title VII applies to employers who employ 15 or more employees. It prohibits employers from basing decisions about hiring, firing, promotion, compensation, or terms and conditions of employment on an employee’s sex.

Workplace sexual harassment is a form of discrimination based on sex that violates Title VII. Title VII prohibits sexual harassment against both men and women, and whether the harasser is the same or a different sex than the person being harassed.

In addition to prohibiting discrimination and harassment, Title VII also prohibits retaliation. Thus, an employer cannot retaliate against, or punish, an employee for opposing any practice that violates Title VII or for exercising her rights under the law, such as by complaining about sex discrimination in the workplace.

State Laws:

- can provide broader protections than federal law, and
- can apply to companies with fewer than 15 employees

STATE

Most states have their own laws that prohibit workplace discrimination based on sex. These laws often track the language of Title VII and generally bar the same types of discriminatory conduct. However, as a federal law, Title VII creates a floor, not a ceiling, for workers’ rights, and many states have conferred more expansive protections on a wider population of workers than that which is available under Title VII.

For example, state laws may protect individuals from discrimination based on a broader range of individual characteristics, like gender identity, sexual orientation, marital status, or genetic history. Additionally, state anti-discrimination laws often apply to employers with fewer than 15 employees.

See *Appendix B* for a chart listing state anti-discrimination laws and the agencies that enforce them.

What Kind of Behavior is Considered “Sexual Harassment?”

Sexual harassment comes in many different forms.

Some examples include:

- Lewd comments or sex-based slurs
- Gossip about someone’s personal relationships or sex life
- Displays of pornography
- Talking about someone’s gender in a derogatory way
- Sexual gestures
- Leering or staring inappropriately
- Unwanted touching

The law generally divides sexual harassment claims into two categories:

1

Quid pro quo sexual harassment, which means “this for that,” is “harassment that involves the conditioning of concrete employment benefits on sexual favors.”⁴

2

Hostile work environment sexual harassment is the type of harassment which does not “[affect] economic benefits [but] creates a hostile or offensive working environment.” (id.)

These two types of sexual harassment are described in greater detail below. The same complaint process, legal remedies, and options for seeking relief apply to both types.

Sometimes employees experience both types of sexual harassment

For example, an employee may be subject to frequent offensive comments about her body by coworkers, creating a hostile work environment, and she may also be threatened with demotion if she does not go on a date with her supervisor, which would be a form of quid pro quo harassment.

⁴ This is how the leading Supreme Court defining this form of sexual harassment as a type of unlawful sex discrimination described quid pro quo harassment. See *Meritor Savings Bank v. Vinson*, 477 U.S. 62 (1986).

How Does the Law Define *Quid Pro Quo* Sexual Harassment?

Hostile work environment sexual harassment is unwelcome conduct based on sex that unreasonably interferes with someone's working conditions so much that the work environment becomes "hostile."

Quid pro quo sexual harassment occurs when either:

- Job benefits (these can include job offers, promotions, salary increases, better shifts or work assignments, and different performance expectations, for example) are offered in exchange for giving sexual favors to an employer, supervisor, or someone else who has the authority to make decisions about employment actions; or
- Job benefits — like those discussed above — are taken away, or other negative actions are taken (or threatened to be taken), against someone who rejects a sexual advance or refuses to give sexual favors.

It is important to note that the "favor" requested or demanded need not be for sexual activity itself; it just has to be sexual in nature. For example, asking someone to go out on a date or making requests with sexual undertones, in exchange for a job benefit, could constitute *quid pro quo* harassment.

Examples of *quid pro quo* harassment:

- A janitor requests a day off from work to attend a parent-teacher conference the following week. Her supervisor says he would be happy to let her have the day off if she will meet him at a motel later that afternoon.
- In a private meeting, a boss tells his employee that her job will be in jeopardy if she does not sleep with him.
- A supervisor gives better shifts to female restaurant workers who give him sexual favors.
- A manager asks an employee to do a "special job" for him in exchange for being able to change her schedule.



While this definition is the one that will be applied in court, employees can (and should) complain about harassing behavior, even if the behavior does not meet this legal definition. Complaining about sexual harassment early is important, as harassment can escalate quickly.

How Does the Law Define *Hostile Work Environment* Sexual Harassment?

Hostile work environment sexual harassment is unwelcome conduct based on sex that unreasonably interferes with someone's working conditions so much that the work environment becomes "hostile."

What kind of "conduct" counts?

The "conduct" may be visual, verbal, or physical, and includes a broad range of behavior. Visual harassment includes suggestive leering or staring at a person's body. Examples of verbal harassment include telling lewd jokes, commenting about a person's appearance, spreading rumors about a person's sex life, and sex-based name calling. Physical harassment includes displays of affection, the touching of another person's body, and any form of sexual assault.

When is conduct "unwelcome"?

"Unwelcome" conduct is behavior that a person does not want to be subjected to. However, unwelcome does not always mean involuntary, against someone's will, or without someone's consent: an employee may "consent" to or not openly protest certain conduct, but still find the conduct to be offensive and objectionable. In such circumstances, the conduct still could be considered "unwelcome." For example, if a co-worker touches an employee's breasts or slaps her on the buttocks in front of others, or while they are alone, and she moves away but does not say anything out loud because she feels frightened, intimidated or ashamed, that conduct would still be considered unwelcome. Likewise, an employee may consent to having sex with her manager because she is afraid of losing her job if she does not; but agreeing to engage in sexual conduct does not make the conduct welcome.

HOSTILE WORK ENVIRONMENT

Sexual harassment that is so **severe** or **pervasive**

that it **unreasonably interferes** with an employee's ability to perform their job

How Does the Law Define *Hostile Work Environment* Sexual Harassment?

What does it mean to be “based on sex?”

Conduct “based on sex” includes conduct of an explicit or suggestive sexual nature, such as sexual advances, comments about sex or a person’s body, and touching or gestures that imply a sexual tone.

It also refers to non-sexual conduct based on sex, such as comments based on sex stereotypes, comparisons between male and female employees, and sex-segregated work assignments.

When does conduct “unreasonably interfere” with an individual’s working conditions so much that it makes the environment “hostile”?

The law says that a work environment will be considered hostile when the alleged sexually harassing conduct is either so severe or pervasive that it interferes with a person’s working conditions.

SEVERE

SEVERE sexual harassment means harassment that is very serious. If a woman is raped or otherwise assaulted on the job, such conduct will usually be considered “severe” enough to create a hostile work environment, even if it happens only once. Behaviors like stalking, groping, verbal threats, and excessively inappropriate or violent language could also constitute “severe” sexual harassment.

PERVASIVE

PERVASIVE sexual harassment is characterized by how often the harassment occurs. One single request for a date by a boss may not be enough to constitute a legal claim for hostile work environment sexual harassment (although it might still be grounds for an internal complaint). However, a co-worker asking out another co-worker (who repeatedly rejects those requests) on a daily basis could be frequent enough to create a hostile work environment. Consequently, whether or not the sexual harassment is sufficiently pervasive is a very case- and fact-specific inquiry.

INTERFERES

Conduct that is severe or pervasive **“UNREASONABLY INTERFERES WITH AN EMPLOYEE’S WORKING CONDITIONS”** when it affects the employee’s job performance. For example, if an employee is so uncomfortable at work that she cannot perform her best, or if she declines professional opportunities to avoid the harasser, then the harassing behavior has affected her working conditions.

Legal Protection Against Retaliation

In addition to protecting employees against sexual harassment, Title VII also prohibits retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against an employee because he or she engaged in a **protected activity**.

What is “adverse action”?

An “adverse action” is some sort of negative action taken to try to keep someone from complaining about a discriminatory practice or participating in an employment discrimination proceeding, or to punish someone who has complained or participated in such a proceeding.

Examples of adverse actions include:

- Employment actions such as termination, demotion, refusal to hire, denial of promotion, reduction in hours, withholding of a benefit, or transfer to a less desirable position.
- Other actions affecting someone’s employment, such as threats, unjustified negative evaluations, unjustified negative references, or increased monitoring at work.
- Any other action, such as a physical assault, or filing unfounded civil claims or criminal charges that are likely to deter reasonable people from pursuing their rights.

Employers may not take adverse actions against employees because they engaged in protected activity with respect to *another employer’s* wrongdoing. Thus, it is also unlawful for a worker’s current employer to retaliate against her for pursuing a discrimination charge against a *former* employer.

Note that engaging in protected activity does not mean employees no longer have to follow their employer’s legitimate workplace rules. And “adverse actions” do not include minor slights and annoyances, or negative comments that are justified by an employee’s poor work performance or history. So, for example, someone who continuously shows up late for work does not become exempt from discipline under their employer’s tardiness policy simply because they have made a complaint or participated in a sexual harassment investigation.



Legal Protection Against Retaliation

What is “protected activity?”

There are many ways in which an employee can engage in “protected activity.” They generally fall into two categories:

“Opposition activity”: **opposing an employment practice that an employee reasonably believes to be unlawful discrimination**, which an employee can do by telling her employer (in a reasonable manner) that she believes that some policy, practice, or company manager/agent is engaging in discrimination. Opposition can be verbal or in writing.



1

Examples of protected opposition activities include:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Picketing in opposition to discrimination; or
- Refusing to obey an order reasonably believed to be discriminatory.

Examples of activities that are NOT protected opposition include:

- Actions that interfere with job performance so as to render the employee ineffective; or
- Unlawful activities such as acts or threats of violence.⁵

“Participation activity”: **taking part in an employment discrimination investigation, complaint, or other proceeding.** Participation is protected activity even if the discrimination claims involved are ultimately determined to be unfounded or invalid.

2

Examples of protected participation activities include:

- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices; or
- Serving as a witness in an investigation or litigation about sexual harassment.

Requesting a reasonable accommodation for one’s religion, disability, or, in some states (like California), pregnancy-related conditions, is also a form of protected activity under federal law.

⁵ See <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

Can the Employer Be Held Accountable?

Do they have a written and posted sexual harassment policy?

Is the employer aware of the harassing behavior?

Did the employer take corrective action to protect the person being harassed?

Is the harasser a supervisor or an agent of the employer?

When Can an Employer be Held Responsible under Title VII

Title VII makes employers with 15 or more employees legally responsible, or “liable,” for sexual harassment if they fail to take reasonable steps to prevent it from happening and/or if they fail to correct it when it does happen.

The following questions will help you gather information that to identify employers who could potentially be held accountable for violations of workers’ rights, and enable you to better protect and preserve the rights of workers who are facing sexual harassment.

Has the employer taken steps to prevent sexual harassment from occurring in the first place?

1 Find out whether the employer has distributed or posted a **written policy** defining and prohibiting sexual harassment – in a language that employees can understand – and whether it has told employees about how to make an internal complaint of harassment. (*Note: even if an employer has done these things, they can still be held liable for sexual harassment.) Other issues to explore include: whether workers receive any training on sexual harassment, how the employer has dealt with previous complaints of sexual harassment, and whether harassers receive disciplinary action. This will help show you whether the way the employer handled the particular harassment complaint in question is part of a larger pattern of ignoring or mishandling such complaints.

Is the employer on notice of the harassment?

2 Under Title VII, an **employer must be made aware of harassment** before it can be held legally responsible for failing to prevent or correct it. It is important that employees who are harassed make it clear to the harasser(s) that the behavior is unwelcome, and directly express this whenever possible. For example, if a male coworker is making sexually inappropriate comments to his female coworker, the female coworker should tell him that these comments make her uncomfortable and she would like them to stop. Employees should also alert a manager or someone in human resources (if such an office exists) about the harassment, if it is possible to do so. This notice can be verbal or written, and it can also come from someone other than the person who is being harassed.

Recent Change to Definition of “Supervisor”

The Supreme Court recently narrowed the definition of “supervisor” for purposes of Title VII harassment claims in a way that will make it harder to hold employers accountable for workplace sexual harassment. In a case called *Vance v. Ball State*, the Court decided that unless an employee has authority to make “tangible” employment decisions—such as hiring, firing, and promoting employees—that employee will not be considered a “supervisor.” This means that employees who have some authority, like assigning shifts or responsibilities, but who cannot hire, fire, or promote, will probably not be considered supervisors. Employees can still bring harassment claims against their employers in that circumstance, but, as discussed above, the employer will not be automatically liable for the harassment.

When Can an Employer be Held Responsible under Title VII

Did the employer promptly investigate and correct the harassment after being put on notice?

3 Once the employer is made aware of the sexual harassment, the employer is obligated to (1) **take prompt and corrective action** to stop the harassment, and (2) **adequately protect the person harassed** (and others) from further harassment.

An employer should take complaints about sexual harassment seriously and perform complete, adequate investigations, which may include interviewing the harasser, the person complaining about harassment, and potential witnesses. Once it completes an investigation, an employer should take appropriate corrective action against any employee found to have engaged in sexually harassing behavior.

While Title VII mandates that something must be done in response to sexual harassment, there is no hard and fast rule that says exactly what an employer must do to correct the sexual harassment. How severe the disciplinary action is should correspond with the type violation committed. For example, a formal reprimand may be adequate if the harassing behavior was a single sexually inappropriate comment to another employee. However, issuing a formal reprimand to an employee who was found to have sexually assaulted another employee would not likely be considered “adequate,” in light of how serious the harassment was.

While a worker might not be satisfied with the action an employer takes against her harasser, employee dissatisfaction with the outcome of an employer’s otherwise adequate investigation does not automatically mean that the employer failed to do enough.

Is the harasser a “supervisor”?

4 There are different standards of employer liability for harassment, depending on the position of the harasser(s) within the workplace or company: An employer is **automatically liable for harassment committed by a “supervisor”** or agent of the employer. If the harasser is not a supervisor, but instead a co-worker or another employee, the employer is legally responsible for the harassment if the victim can show the following things:

- 1.) the employer knew or should have known about the harassment (in other words, that the employer was on notice that it was happening), and
- 2.) the employer failed to take reasonable steps to stop the harassment once it knew or should have known about it.

Note that if the harasser is the president, CEO, or other high ranking/executive official considered to be an “agent” of a company, the employer will be assumed to be on notice about the harassment, whether or not the harassed employee ever actually reported it.



When Can an Employer be Held Responsible under Title VII

In addition, under Title VII, an employer can escape liability and/or avoid paying damages to an employee who proves she was subjected to a sexually hostile work environment if it can show that:

1

it made a reasonable effort to prevent and promptly correct any sexually harassing behavior (i.e., by having effective, accessible anti-harassment policies and complaint procedures that were made known to employees and were actually followed); and

2

the harassed employee unreasonably failed to take advantage of whatever preventive or corrective procedures the employer provided, such as by failing to notify the employer of the harassment or failing to utilize an internal grievance process that the employer had in place to address such complaints.

This is called the **avoidable consequences defense**, and an employer that wants to use this defense has to prove the above two elements.

Whether a harassed employee *unreasonably* failed to take advantage of an employer's procedures is a very fact-specific question. There are many reasons why a worker may *reasonably* not use an employer's internal complaint procedures, and this is an area that advocates should explore with workers early on. For example, a worker may not be aware that the employer's policies or procedures exist; the procedures may not be in writing at all; or they may be written in a language the worker cannot read or understand. Or, the employer may have put its procedures in writing, but failed to make sure the information was actually provided and explained to the employee, through orientation or training.

An employee may also choose not to use an employer's internal procedures because she reasonably believes that doing so will be futile (i.e., she is aware of prior complaints being ignored), or that complaining will cost her the job. This belief may be based on the employee's knowledge of other employees being fired, demoted, or having their hours cut after making harassment or discrimination complaints, or based on threats of negative repercussions from the harasser him or herself. Additionally, if an employer requires employees to report harassment to a "supervisor," and the worker's supervisor is the harasser, then the policy itself clearly is not reasonable.

Notably, if harassment committed by a supervisor results in a "tangible employment action" being taken – i.e., the worker is actually fired, demoted, moved to an undesirable shift, etc., as the result of the harassment – then the employer cannot assert the "avoidable consequences" defense described above.

Yellow Flags

The following situations present potential obstacles to a worker's sexual harassment claim

No notice to the employer

If the employee has not yet alerted her employer to the fact that she is being sexually harassed, help her find a way to do so as soon as possible. It is a good idea to put the complaint in writing and to make sure the worker keeps copies of her complaint and any communications with the employer about the complaint. Notifying the employer about the harassment is an important first step in getting the harmful conduct to stop. As explained above, without informing the employer of harassing behavior, it will be difficult, if not impossible, for a worker to bring a successful legal claim for sexual harassment. Moreover, bringing harassment to the employer's attention and forcing it to confront the issue could encourage other workers who have suffered similar experiences to come forward and speak out.

Previous consensual relationship with harasser

A common defense to claims of sexual harassment from harassers and employers is that the sexual nature of the behavior was welcomed or consented to by the target employee. This defense is harder (though not impossible) to overcome when some kind of previous romantic involvement occurred between the harasser and the harassee. However, every employee has the right to work free from discrimination, regardless of her romantic history. If a worker engaged in a consensual romantic and/or sexual relationship with the harasser at some point, and then changed her mind about that involvement, the harasser cannot later use the previous relationship as a justification or excuse for unlawful sexual harassment. However, it is important to establish trust with the employee and find out early on if any such history exists between the harasser and victim employee, since ignoring or trying to hide such facts is likely to harm the victim's credibility if they were to come to light after a claim or lawsuit is filed. It is also important to note that harassers and employers may use this type of defense, even if the harasser and the victim were never actually romantically involved.



15
or more
employees
are needed to be
covered under Title VII.

RED FLAGS

The following situations will prevent an employee from filing a claim under Title VII

Employer is too small

If the employer did not employ fifteen (15) or more employees for each day in 20 calendar weeks during the current or preceding year, then the employer is not covered by Title VII. This means that its employees are not protected against sex discrimination and may not assert legal claims of sexual harassment under federal law. In such circumstances, look to your state's anti-discrimination statute to see if its employee threshold is less than 15 employees. If so, the worker(s) may have a legal claim based on state law.

Even if an employer is not covered by your state's anti-discrimination statute, or your state does not have an anti-discrimination law of its own, other contractual or legal duties and obligations, such as workplace safety laws, may apply to the situation. The worker also may be able to bring a tort claim for things such as battery (touching without someone's consent) or assault (harm or threat of bodily harm), if the harassment was threatening or physical in nature. These other legal protections may give you some additional tools to advocate effectively on the worker's behalf.

Many states have sexual harassment laws that cover employers with fewer employees than are required under Title VII. Some states also set lower employee minimums for sexual harassment law to apply than for other types of discrimination laws to apply. For example, in California, you only need one (1) employee for an employer to be covered by the state's sexual harassment law. For other types of discrimination claims, California state law requires five (5) or more employees.

See www.equalrights.org/legal-help/other-resources for a chart describing each state's anti-discrimination laws and the employee threshold required under each.

A charge filed with the EEOC must be done within either **180 or 300 days** after the last act of discrimination.

RED FLAGS

The following situations will prevent an employee from filing a claim under Title VII

Claim is barred due to the statute of limitations (SOL)

Most legal claims have deadlines, called “statutes of limitations” (SOLs), within which you must file the initial charge or complaint. Even if a worker does not want to sue her employer, if she wishes to pursue a claim under Title VII there is a statute of limitations within which she must file a complaint with the Equal Employment Opportunity Commission (EEOC), the federal that investigates claims of workplace discrimination. Depending on the state she is in, she will have either 180 or 300 days after the last act of discrimination to file an EEOC charge. If the employee fails to file a charge with the EEOC before the deadline, she will be barred from enforcing her rights under Title VII.

SOLs and How They May Affect a Sexual Harassment Complaint

SOLs are intended to ensure that the aggrieved employee files her or his legal claims in a timely manner so that the evidence in support of her claims does not become outdated or otherwise unreliable.

Not every employee who has been sexually harassed will file a lawsuit; in fact, many will not. However, even if a worker has no desire to sue, it is still important to know when the applicable SOLs are triggered and what the deadlines are for filing formal charges with appropriate agencies, as these deadlines may also affect the efficacy of internal complaints and the likelihood that an employer will take action to remedy the harassment.

The SOL on sexual harassment claims can be as short as 180 days, or as long as a year, depending on whether the person who was harassed lives in a state with its own anti-discrimination law, and whether she chooses to file under federal or state law. Deciding which law to use as the basis for a worker’s sexual harassment claim may depend on various factors, including the size of the employer; whether the worker has also experienced other forms of discrimination that are not covered by Title VII (such as discrimination based on sexual orientation); whether the complaint involves multiple workers and/or multiple job sites; and whether the worker(s) want the agency to conduct an investigation or simply desires to move forward with litigation as quickly as possible.

Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment

At times, an employee facing harassment on the job wants nothing more than to put the situation behind her and move on. In some instances, she may be reluctant to make her harassment public (which is a necessary aspect of litigation). In other instances, it might be in the employee's benefit to draw attention to her situation. Regardless of the employee's specific goals, talking through the situation and available options with an advocate can be empowering, as it allows the employee to better understand her legal rights and options. Below are the steps and employee can take when facing sexual harassment.

Equal Rights Advocates' Advice & Counseling Inquiry Services

If you have questions about sexual harassment, call ERA's toll-free, confidential hotline at **1(800) 839-4372** or visit www.equalrights.org/legal-help

What Can An Employee Do?

- 1** Review Existing Employer Policies on Sexual Harassment
- 2** Confirm Whether or Not the Employer Has a Complaint Procedure
- 3** File a Complaint with the Employer
- 4** Draft a "To Whom It May Concern" Letter
- 5** Filing a Lawsuit: What Comes First

Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment

1 Review Existing Employer Policies on Sexual Harassment

Before filing an internal complaint of sexual harassment, the employee should first review the employer's written policies, to the extent they exist and were made available to the employee. If an employee has a manual or other document containing information about the employer, he or she should look to see whether it has a specific provision about sexual harassment.

Such a provision could be a stand-alone policy that explicitly prohibits harassment, or it may be a more general statement that prohibits misconduct or discrimination of many kinds. Many companies have broad anti-discrimination policies or statements affirming their commitment to equal opportunity. As previously explained, sexual harassment is a form of sex discrimination, so a company policy against discrimination on the basis of sex or gender is also understood to sexual harassment.

It is important to understand that some employers are more sophisticated than others. For example, an employer like a national department store chain may have a centralized website and human resources department that disseminates its company policies. A local business owned by an individual, on the other hand, may not have a human resources department at all. While one employer may have an extensive orientation for new employees, another employer may leave training to on-site managers or more experienced co-workers.

2 Confirm Whether or Not the Employer Has a Complaint Procedure

When reviewing the employer's policies, the employee should also look and see if the employer has included a complaint procedure. An anti-harassment or discrimination policy will often also include information that explains how an employee can report misconduct in the workplace. Where a specific procedure for making a complaint does not exist, see if there is a phone number for human resources or a website where an employee may log in to make a complaint.

If no such resource exists, the employee may make a complaint of harassment to a supervisor. If the employee's supervisor is the harasser, the employee may complain to the harasser's supervisor.

TIP: The law in your state may require that employers publish and disseminate a policy that prohibits sexual harassment. If such a law exists, the employer's failure to do so may be a violation in and of itself that the employee should raise in a subsequent internal complaint or formal charge.

EMPLOYEE
HANDBOOK

Verbal vs. Written Complaints

Generally speaking, a written complaint is better than a verbal complaint, and a verbal complaint is better than no complaint at all. If the employee ends up making an initial complaint orally, she or he may want to follow up with a letter or e-mail confirming her or his understanding of the nature of the complaint and the employer's response. For example:

“Dear [Supervisor or Human Resources Staff],

We met today, [date], to discuss the fact that I am being sexually harassed by [coworker]. As we discussed, the harassing behavior has included [description of the harassment]. You told me [description of employer's response].

Thank you for taking the time to meet with me about this issue.”

Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment

File a Complaint with the Employer

When an employee is experiencing sexual harassment, the first step toward effectively addressing it is to notify the employer of the harassing behavior. This is important for two reasons. First, the employment setting and the nature of the sexual harassment can make it difficult for the employer to discover that a hostile work environment has been created; without knowing that harassment is taking place, the employer cannot stop it. Second, the employee may be barred from certain legal remedies if she fails to notify her employer of the harassing behavior and/or does not take advantage of any corrective measures offered by her employer.

The most common way to notify an employer about workplace harassment is to make an internal complaint of sexual harassment. However, as described above, the employee should consult the employer's existing policies and complaint procedures, if possible, before doing so. For an example of an internal written complaint of harassment, see *Appendix C*.

Employers have a duty to take seriously and investigate complaints about sexual harassment and, as discussed above, are prohibited from retaliating against the employee for reporting the harassment, whether the report is verbal or in writing. Unfortunately, not all employers follow the law. But submitting a complaint in writing makes the complaint harder to ignore, as the written complaint provides proof that the employee reported the harassment to the employer, triggering the employer's duty to remedy the situation and to prevent the employee from being harassed further or retaliated against for complaining.

This written evidence is also helpful in proving the harassment itself. Because many incidents of sexual harassment occur behind closed doors or without witnesses present, it is helpful to have some written documentation showing the employee complained about harassment.

Note that victims of sexual harassment often experience feelings of shame, embarrassment, and self-blame. Such feelings can worsen depending on the how the employer reacts, or fails to react, to an employee who stands up for herself or himself.

If the employee subject to sexual harassment is a member of a union, review the collective bargaining agreement (CBA) to determine whether it contains a specific provision about sex discrimination or sexual harassment. Another resource may be the employee's shop steward or business agent, who is generally the person designated to handle unionized employee disputes.

If the situation involves a supervisor, the CBA will probably contain information about how to file a grievance against a supervisor, as management-level employees are exempt from joining collective bargaining units. If the employee is being harassed by a fellow union member, the union's grievance procedure is not always the most effective means for seeking redress because the union has a conflict of interest. In that case, using the employer's internal complaint procedure may be the better option.

Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment

4 Draft a “To Whom It May Concern” Letter

Some employees may want an informal or more anonymous resolution to their workplace situation, which does not involve an outside investigation or formal proceedings. Even where an employee is willing to go through the legal avenues available to her, a “To Whom It May Concern” (TWIMC) letter may be a good advocacy tool to use early in the process, especially where the employer appears to be uneducated or purposely ignorant about laws prohibiting sexual harassment and retaliation in the workplace.

ERA often uses such letters as a first step in representing clients to help make their employers aware of the employee’s rights and the employer’s legal obligations. Typically, a TWIMC letter contains information about the employee’s rights under the law, how the employer is covered by the law, and what the employer must do to comply. If the employee believes that the employer would behave differently (that is, take corrective or preventative action) if it were made aware of its duties under the law, writing a TWIMC letter on an employee’s behalf may be an effective and less adversarial way to resolve the situation. For an example of a TWIMC letter, see *Appendix D*.

5 Filing a Lawsuit: What Comes First

Whether an employee has a strong legal claim will always depend on the specific facts of her case. However, before the harassed employee can file a lawsuit, the law says that she must first “exhaust [her] administrative remedies.” This means that she must file a formal charge of discrimination with the applicable federal or state agency in charge of enforcing the anti-discrimination law(s) under which she wishes to sue. Even if the complaining employee initially does not want to pursue legal action or file a lawsuit, it is still important to be mindful of the applicable statutes of limitation (discussed above) for filing a charge.

Filing a Charge of Discrimination with a Federal or State Agency

As noted above, the EEOC is the federal agency responsible for investigating violations of Title VII. In states that have their own anti-discrimination laws similar to Title VII, there will also be a state agency, like the EEOC, which is responsible for processing and investigating claims of discrimination that violates state law. Such agencies are referred to as state “fair employment practices agencies” (FEPAs), and each has its own procedures and timelines for filing a discrimination charge.

Because some state laws protect more classes of people against discrimination or require a lower number of employees for the law to apply to particular employer, deciding whether to pursue a claim under state or federal law is a strategic and fact-based evaluation of an individual employee’s situation.

When filing a charge with either a state FEPA or the EEOC, a complainant may take one of two paths. She can opt to have the agency conduct its own investigation of her claims, or she can request an immediate “Right To Sue” letter. The pros and cons of each option are discussed below.

In addition to investigating discrimination and harassment charges, federal and state agencies (including the EEOC) also have the power to bring enforcement actions directly against employers on behalf of the state, or of the U.S. government. They usually only do this when complaints involve groups of plaintiffs and/or a problem or industry that the agency has identified as an enforcement priority. Sometimes advocates may want to reach out to the agency early on to encourage their involvement if the case presents a broader/larger problem that the agency has indicated it is interested in tackling, and/or the employees are having difficulty finding private lawyers to represent them. In cases where the EEOC ends up actually filing a lawsuit against an employer on behalf of one or more workers who complained, then the agency itself becomes a party to the lawsuit, and the workers (the “charging parties”) will need outside counsel to represent them as individuals and “intervene” in the EEOC’s lawsuit in order to participate on equal footing/have some say in the litigation.

Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment

FEPA/EEOC Investigation Process

The EEOC and state FEPAs conduct investigations of harassment and discrimination complaints in similar ways. Each serves as a neutral fact-finding agency and sets out to obtain relevant information about the complaining employee’s allegations. An investigation may include interviews of the complaining employee, the alleged harasser, and other interested parties and witnesses, and the gathering of related documents and other evidence. Depending on the agency’s backlog, a case may take weeks or months to be assigned to an investigator, and thus, the entire process can take many months or even years to complete.

Note: While an agency is investigating a discrimination complaint, the statute of limitations is “tolled,” which means the ticking clock on when an employee must bring legal claims in court is STOPPED until the investigation process is over, and the agency issues a right-to-sue.

One benefit of going through the agency investigation process is that it gives workers and their advocates an opportunity to learn more about the employer’s position and determine where the most important factual disputes and missing pieces of information lie. Although the EEOC does not have to turn over the employer’s written responses and position statements to complainants or their attorneys during the investigation, those documents will eventually be available to both sides if the complaint proceeds to litigation, and can be obtained through a Freedom of Information Act (or state public records act) request. Most important, what the employer says to the EEOC can be brought up and used against it in any future legal action if, for example, an employer later changes its version of facts or its explanation for taking certain actions in a lawsuit. But remember: this works both ways! It is equally important that workers be careful and thorough about the information they provide to state or federal agencies investigating their complaints.

Another benefit of following the investigation path is that it generally leads to an attempt at mediation or “conciliation” (a process followed by the EEOC before initiating litigation against an employer). Mediation is a voluntary process where a neutral third party helps both sides negotiate with one another to resolve the dispute. Mediation may result in a settlement, which is a written agreement that both parties agree to follow. Such a resolution is often faster and less costly than litigation. However, if mediation is ultimately not successful, or if parties do not wish to participate in the process, the agency will continue its investigation.

Taking the Next Step: What an Employee Can Do When Facing Sexual Harassment

The issuance of a RTS letter is not an assessment of the employee's claims. It should not be taken as an endorsement by the agency of how successful an employee's claim may be in court.

Upon completion of an investigation, the agency will make a determination regarding the merits of a complainant's claim (sometimes called a "reasonable cause" determination or finding) and will then separately issue the complainant a "Right to Sue" (RTS) letter. This letter is given to every complainant, and serves as proof that she has "exhausted her administrative remedies" as required by law. Thus, the RTS letter allows a worker to file a lawsuit in state or federal court. The EEOC gives a 90-day SOL within which a legal complaint must be filed in court after the RTS letter is issued, while a state FEPA may grant more time to allow for a complaint to be filed in court.

The issuance of a RTS letter is not an assessment of the employee's claims. It should not be taken as an endorsement by the agency of how successful an employee's claim may be in court. Rather, the RTS letter merely ends the agency's obligations to the complainant and confirms that her or his administrative remedies have been exhausted.

Obtaining an Immediate "Right to Sue" Letter

Rather than asking the agency to conduct an investigation and issue a finding on the merits of the complaint, a complaining party may seek an immediate RTS letter from the agency and immediately file a lawsuit in court. Such a path may be chosen by an employee who has already retained a lawyer or who wants to put extra pressure on an employer to respond to a written demand.

Engaging in Direct Negotiations with an Employer

Another way to resolve the situation is for the complaining employee to engage directly with the employer about the issues she or he would raise in a formal charge or lawsuit. Drafting a demand letter, which details how the employee would like to resolve the situation, can prove a very useful tool for a quick resolution of an employee's grievances. Some potential remedies to demand for your client are described below. (Note, however, that having a lawyer or legal organization like ERA write the letter may be more effective.)

In drafting the demand letter, you may want to consider demanding the implementation of measures to improve working conditions for all other employees, such as sexual harassment training for all supervisory-level employees and the creation of a language-appropriate company policy prohibiting sexual harassment and retaliation and which describes the process for filing an internal complaint of sexual harassment and/or retaliation.

Drafting a demand letter, which details how the employee would like to resolve the situation, can prove a very useful tool for a quick resolution of an employee's grievances.

Relief and Remedies That May Be Available to a Victim of Sexual Harassment

Every employee has the right to work in a discrimination-free environment. When an employer fails to prevent an employee from being discriminated against while at work, that employee may be entitled to certain remedies, or ways to help correct the harm that she suffered due to the sexual harassment.

What can an employee ask for when her rights have been violated?

As an advocate, you or your member can negotiate directly with the employer to decide how to remedy the discrimination suffered by the employee. If the employee's situation becomes a legal matter, here are some forms of legal relief available to employees bring successful sexual harassment claims:

- Economic damages, including lost wages and past or future medical expenses, to compensate the employee for the economic harm suffered as a result of the sexual harassment. Lost wages (“back pay”) may be sought in cases where the employee was fired in retaliation for complaining about or failing to submit to the sexual harassment, or had no other option but to quit (was “constructively discharged”).
 - Compensation for any medical expenses (physical or mental) an employee suffered due to the sexual harassment can include, for example, the cost of counseling or therapy that the employee attended as a result of the emotional trauma of sexual harassment.
- Emotional distress damages, which are compensation for the past, present, and future emotional distress an employee suffers as a result of harassment and related conduct.
- Reinstatement to her previous position, if the employee wants to return to her job and is assured that she will have no further unwanted contact with the harasser(s).
- Punitive damages, which is money awarded to the employee to punish the employer for engaging in particularly serious violations of discrimination law.
- Injunctive relief, which consists of forward-looking changes to an employer's policies and/or practices to prevent the same problem from repeating itself or affecting other employees in the future. Examples of injunctive relief might include:
 - Requiring an employer to implement and disseminate a policy prohibiting sexual harassment.
 - Imposing mandatory anti-sexual harassment training for all supervisory personnel.
 - Establishing an outside office where an independent investigator can receive and process employee complaints of sexual harassment or discrimination (usually for a set period of time).

In addition to these general categories of relief, workers and advocates may want to seek specific remedies to help a worker recover and move on from the harassment and/or be made whole. For example, a positive letter of reference does not cost the employer any additional money, but may help a worker who has been discharged or forced to quit seek other employment without fear of retaliation by her previous employer.

Regardless of their immigration status, workers have the rights to:

Organize, engage in concerted activity, and bargain collectively under the National Labor Relations Act of 1935 (NLRA), and not to be discriminated against or face adverse action for engaging in those activities. Using or threatening to use workers’ immigration status to intimidate or terminate them in retaliation for engaging in organizing activities constitutes an unfair labor practice in violation of Section 8(a)(3) of the NLRA.

Be paid in accordance with all applicable minimum wage and overtime laws, including the Fair Labor Standards Act of 1938 (FLSA) and parallel state statutes. The FLSA also prohibits retaliation against workers for attempting to enforce their rights under that law, which includes reporting or threatening to report a worker to immigration authorities because the worker tried to exercise or enforce her rights. Employers also may be engaging in retaliation if they require workers to re-verify their work authorization or take adverse action based on a Social Security Administration “no-match” letter following workers’ efforts to enforce their wage-and-hour rights.

Work in an environment free from harassment and other forms of illegal discrimination under Title VII of the Civil Rights Act of 1964 (Title VII) and other state and federal anti-discrimination laws.

However, undocumented workers (those who lack authorization to work legally in the United States) may not have all the same remedies available to them once their rights are violated.

Remedies Available:	Remedies Less Likely Available:	Remedies Not Available:
<ul style="list-style-type: none"> ■ Earned but unpaid wages (unpaid overtime, minimum wages, contract wages) ■ Liquidated damages (equal to amount of unpaid minimum wages or overtime wages owed, where employer’s violation of law was “willful”) ■ Compensatory damages (out-of-pocket losses, medical expenses, emotional distress damages due to discrimination, harassment, retaliatory termination) ■ Punitive damages (to punish and deter future wrongdoing by employer in cases involving discrimination, harassment, and/or retaliation) ■ Declaratory and injunctive relief (e.g., a finding that the employer has violated the law; an order to “cease and desist” unlawful employment or labor practices; a requirement to post notices about employees’ rights, or to allow a worker organization time and access to the employer’s premises to communicate with employees) 	<ul style="list-style-type: none"> ■ Back pay and front pay (past and future wages lost due to discriminatory or retaliatory discharge under Title VII or FLSA) <p><i>*Note: No federal appeals court has decided this issue, and back pay and front pay (as well as future wage loss, if the worker has become disabled or lost capacity to earn income in the future) may be available to undocumented workers under state laws. See, e.g., California Labor Code § 1171.5, Gov. Code § 7285, and Civil Code § 3339 (providing that all workers have same rights and remedies, regardless of immigration status, except reinstatement, where it would violate federal law)</i></p>	<ul style="list-style-type: none"> ■ Reinstatement, where the worker cannot prove she is legally authorized to work ■ Back pay for lost wages due to unlawful termination under the NLRA

Appendix A

The Importance of Fact Gathering

The success of a sexual harassment complaint depends heavily on the credibility of the individual complainant. Many of these cases are reduced to a “he said, she said” situation, which makes character a central factor in determining the veracity of her claim. As an advocate on the ground, you are specially positioned to assess an employee’s plausibility. As you speak to her, does she seem believable? Is there anyone who can corroborate her story? Does she have any additional evidence? Below are some additional questions to ask your member. The answer to such questions may affect her ability to bring a claim of sexual harassment against her employer.

Initial Considerations:

- Where does she work?
- How many people are employed by the employer? (The answer to this question will determine whether Title VII applies.)
 - If there are fewer than fifteen at the moment, ask the employee whether the employer hires seasonal workers who worked five months out of the current or preceding year, and see if that total number is fifteen or more.
- When did the sexual harassment occur? What is the approximate date of the last incident of harassment she experienced?
- How was she sexually harassed? (Verbal, visual, or physical? Take notes on specific behavior.)
- How frequent was the harassment?
- Is the harassment ongoing? (If physical safety is a concern, you may consider contacting the police before seeking a remedy with the employer.)

Facts Significant to a Sexual Harassment Claim:

- Does the employer have a sexual harassment policy?
- If so, how is it disseminated? Does the employee know where to go to complain about the harassment?

- Do all of the employees speak English? If not, how many speak another language? Is the sexual harassment policy (provided one exists) translated into employees’ primary language?
- Has the employee ever been trained on the employer’s sexual harassment policy or complaint procedure?
- Is she willing to complain about the harassment? If not, why?
- Is she aware of anyone before her complaining about workplace conditions who was retaliated against?
- Is the employee aware of anyone else currently or previously being harassed by the person she is accusing of sexual harassment?
- Does the employee have the names and contact information for anyone who witnessed the sexually harassing behavior?

If the employee has complained about the harassment:

- To whom/where did she complain?
- Did she complain verbally, in writing, or both? If in writing, does she have a copy?
- What was the person or department’s response? (answer to question immediately above)
- Was she interviewed?
- Was she asked to provide the names of any witnesses? If so, were they interviewed?
- Did she receive anything in writing from her employer regarding the disposition of the investigation of her complaint?
- Was there any action taken against the harasser?
- Did she experience any retaliation for complaining?

Determining Next Steps:

- What are the employee’s goals?
- What evidence, if any, does she have or is she able to obtain?
- Does she want to continue working for her employer?
- Is she documented?

Appendix B

Sample Written Internal Complaints

Sample Complaint 1

Be sure to include the employee's/target's full name and title at the company.

Also include the harasser's full name and title.

Where the harasser is a superior, include details such as these to show that the harasser controlled the target's working conditions, such as schedule.

It is important to highlight instances where an employee expressly rejected unwelcome advances.

While rejection need not be explicit to launch a viable complaint of sexual harassment, it's a good idea to highlight instances where an employee expressly rejected unwelcome advances.

Even though there were not any witnesses to this incident, someone who knows about an incident could help corroborate an employee's account of the events that took place.

The immediate nature of the adverse reaction to the rejected sexual advance gives strength to the target's claim for retaliation.

Filing a formal complaint before an adverse action like a layoff could help protect the employee's job. If the employee is laid off after making such a complaint, she may have a stronger claim for retaliation.

My name is **Jessica Diaz** and I work as a secretary in the legal department at Smith & Smith Associates. I am writing this email to make a formal complaint of sexual harassment. I have worked under **Derek Doe, the Manager of the Major Accounts department**, for six months. I report directly to Mr. Doe, and he primarily assigns me projects. Although we have always been friendly, I have always maintained a strictly professional relationship with Mr. Doe.

On October 27, 2013, Mr. Doe, my immediate supervisor, **asked me to work late to meet a deadline**, which I agreed to do. Around 7:00pm that evening, Mr. Doe came into my office and offered to get dinner delivered for the two of us. I was sitting at my desk typing on my computer and replied that I would rather work straight through so I could get home sooner. He said I was "too stressed for my own good," walked over to my desk, stood behind me and began massaging my shoulders. **This made me feel very uncomfortable** and I wriggled away from his reach and made like I was going to go to the bathroom. He followed me toward the door of my office, and said that although I had potential at Smith & Smith, I would have to "loosen up" if I wanted to get ahead. He then leaned in to kiss me. I managed to **avoid his advance** and ran out of my office. Mr. Doe's actions made me feel shaken and afraid. I did not return to my office for several minutes, got my things and left the office. On my way home, I called my co-worker, **Susan Davis**, another secretary, to tell her what happened. She suggested I file a complaint. **The next morning**, Mr. Doe sent me an email saying that I was taken off the project he had asked me to work late for the night before. Since Mr. Doe tried to kiss me, other account managers have given me the cold shoulder and I have had difficulty getting assignments. **Rumors about layoffs have spread throughout the office** and I am afraid I will be singled out because I am not interested in Mr. Doe's advances.

Sample Complaint 2

If the target's employer has multiple locations but a central HR department, be sure to include identifying information about the site where the target works in the complaint.

The standard of proof for sexual harassment by a co-worker is higher than it is for supervisors. Therefore, it is particularly important to include details of the harassment.

In less formal employment settings, employees may not know each other's full names. If this is the case, be sure to include information about the harasser's work experience, schedule and position. Such information can help a company identify who the harasser is and whether he has a history of other complaints.

If colloquial phrases are used in the complaint, give details about the specific incidents of harassment to which the phrases refer.

Describe the physical work environment and who was present for the harassment so that the person receiving the complaint can better understand the effects of the harassment.

Whenever possible, include exact dates of specific incidents of harassment.

Complaints of sexual harassment are often one person's word against that of another. Explain who was present for the incident(s) the employee is describing in her complaint so that the company may corroborate the employee's account of events.

My name is Felicia Hightower and I am a sandwich maker at Subs-To-Go, Store #003, located at 5307 McArdle Road in Phoenix, Arizona. I have worked at Subs-To-Go since November, 2011. I worked at the Main Street location in Mesa, AZ for several months in 2012, but always maintained between 20 and 25 hours a week at the McArdle Phoenix location. I write this letter to file a formal complaint against my co-worker, Luis, for sexual harassment. I do not know his last name. Luis is a part-time employee and sandwich maker like me, and we often work the same shift. He started working at the McArdle location in December of last year.

Since our first shift together, Luis has tried to get with me. The first day we worked together, he asked me if I had a boyfriend. I said it's not his business, but he kept pressing me about it. I finally said that I don't have time for a relationship. For the next several days, Luis asked me questions about my sex life and told me details about his. I told him to leave me alone because I had work to do, and he said that I was grumpy because I wasn't "getting laid" and that all I had to do was ask and he would "fix that for me." These comments made me feel nervous, but I tried to tune him out and just attend to customers. This kind of conversation continued over the next several weeks. Luis and I often work alone in the front of the restaurant. A manager is usually around but mostly spends his/her time in his/her office in the back section of the restaurant. During weekday shifts, a third employee works in the kitchen to help with hot orders during the lunch rush.

On January 6, 2013, I came into work on the same shift as Luis. A third employee, Wilma, was working in the back that day handling hot sandwich orders. I had recently cut my hair short and Luis made a big deal about it. He said I was ruining myself and that people were going to think I was a lesbian. Again, I ignored his comments. After the lunch rush ended, I went to the walk-in fridge in the back of the restaurant to get more sandwich meats. I didn't realize it until I was already there, but Luis had followed me into the walk-in. He cornered me and grabbed me by the waist. He put his hand down my pants and said he wanted to find out if I really was gay after all. I pushed him off of me and ran out.

Sample Complaint 2 (con't)

Whenever possible, include the names of witnesses to the harassment and include details about what they witnessed.

Wilma saw me run out and probably saw Luis follow me into the fridge. When I returned to the front, I was freaking out, but didn't know what to do. I went to the office and told Johnny, the manager on duty, that I was feeling sick and had to go home. As I walked out of the restaurant, Luis laughed and said he couldn't wait to see me tomorrow. I am afraid to return to work, for fear that Luis will attack me again.

It is important for the employee to make a demand in writing of what she hopes will come of her complaint. Although she may not receive the exact outcomes she asks for, making such a demand from the outset will show that she is serious about rectifying the situation.

I am a hard worker and want to continue making sandwiches at Subs-To-Go. I had always enjoyed my job before Luis started working with me. I do not want to work with Luis ever again and think he should be fired for what he did. I think all new employees should be told that sexual harassment is not tolerated at Subs-To-Go, and they should know where to go if they are being harassed by someone at work. I also think that employees should not be allowed to discuss personal matters at work.

Sample Complaint 3

Include identifying information about the perpetrator, including a job title, if it is known.

Include information about the employee's relationship to the harasser. Below, the employee asks that she not be assigned to work with him again. Here, she makes it clear that they do not work together currently, so her request is reasonable and should be accommodated easily.

Whenever possible, report the harassment immediately.

Include details that say exactly what happened.

Include details about previous incidents, which can help establish a pattern of behavior.

The employee should express how the harassing behavior made her feel to show how the sexual harassment has affected the terms and/or conditions of her employment.

My name is Melanie Chin. I work as a customer service representative at Datacorp's headquarters in New Haven, CT. I am writing to report an incident of sexual harassment by Joseph Tello, who works as a data analyst. Joseph and I have worked together on several projects during my tenure with the company. Most recently, he coordinated my work on the Tolland County services database. We are not currently on the same team. Joseph works down the hall from me. We have had lunch together on a number of occasions; sometimes on our own, and other times, with other co-workers, including Thom de la Rosa, Samantha Murphy and James Stockton. In the past, one of us has inquired what's being served at the café downstairs and reports to the group. We then decide whether to eat downstairs or go out for lunch.

Yesterday, March 22, 2011, as I walked to the copy machine, I stopped by Joseph's office and said, "Hey, what's for lunch today?" He responded by saying, "This," and unzipped his pants. He grabbed his genitals and I immediately turned to leave. I was totally stunned and didn't know what to do. I went to my cubicle and avoided him for the rest of the day. Joseph has made sexually inappropriate jokes before, but he has never directed any comments toward me. I feel very uncomfortable around Joseph now and believe he should be strongly reprimanded. I also do not want to be assigned to any of the same projects as Joseph again. I am afraid of being alone with him and feel violated since he exposed himself to me.

Appendix C

Sample To Whom It May Concern Letter



[DATE]

John Jones
Human Resources Department
Jones Employment Services, Inc.
P.O. Box 1111
Oakville, Ohio 22222

Dear Mr. Jones:

Equal Rights Advocates (ERA) is a national non-profit law firm that was founded 40 years ago to advocate on behalf of women and girls seeking equality in education and employment. Our advocacy efforts include impact litigation, public education, and free advice and counseling for women nationwide who contact us via a toll-free hotline. We are contacting you because we recently heard from **one of your employees** who has experienced and complained of sexual harassment by **a supervisor**. **After complaining, she was transferred to another site and has been subjected to several disciplinary actions by her new supervisor**. We are concerned that this employee is being retaliated against for exercising her right to complain about sexual harassment and are writing to inform you of the applicable laws that apply in such situations in hopes that you will intervene to ensure that no further discriminatory conduct occurs.

Sexual harassment is unwelcome verbal, visual or physical conduct of a sexual nature that is severe or pervasive and affects a working condition or creates a hostile work environment. Sexual harassment is a form of sex discrimination and violates federal and state law, specifically **Title VII of the Civil Rights Act of 1964** ("Title VII") and the **[and/or applicable state law]**.

Describe your organization's mission and briefly explain why you have expertise in the area of workers' rights.

You may want to give the employee's name, but it depends on the target's comfort level and goals.

You may want to identify the harasser by name. You can do this regardless of whether you identify the target.

Describe any retaliatory actions that have been taken against the target either for complaining about the harassment or for refusing a harasser's advances.

Specify the federal and state laws potentially being violated.

The U.S. Equal Employment Opportunity Commission (“EEOC”) Guidelines encourage employers to take all steps necessary to prevent sexual harassment from occurring by expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise concerns and about how to raise concerns about unlawful harassment, and developing methods to sensitize all concerned. See 29 C.F.R. § 1604.11(f). For more information, you can access the EEOC Policy Guidance on Current Issues of Sexual Harassment online at <http://www.eeoc.gov/policy/docs/currentissues.html>.

Under Title VII, an employer has a duty to take prompt and appropriate action in response to a sexual harassment complaint. An employer should take temporary steps to address the situation while determining whether the complaint is justified, conduct a prompt and fair investigation, and take permanent remedial steps to prevent future harassment once the investigation is complete.

In addition to prohibiting discrimination, Title VII [and/or applicable state law] prohibit retaliation. Thus, an employer cannot retaliate against (or punish) an employee for opposing any practice that violates Title VII [and/or applicable state law], such as complaining about sexual harassment in the workplace. If an employer takes an adverse employment action against an employee for exercising her legal right to complain about harassment, this may give rise to a separate legal claim for retaliation against the employer. It is important to note that an “adverse employment action” does not have to mean termination (firing someone); it may also include demotion, transfer to a less desirable shift or location, or a reduction in the employee’s hours. Any conduct by the employer that is reasonably likely to impair the employee’s job performance or prospects for advancement may amount to an adverse employment action. In addition, an adverse action could include anything that is likely to deter employees from engaging in a protected activity, such as complaining about workplace sexual harassment.

Inviting the employer to contact you can lead to direct negotiations and a settlement resolution for your client.

I hope this information is useful to you. **Feel free to contact me with any questions.**

Sincerely,

Name

Title

Appendix D

Formal charges are filed by the client, so they should be written in the first person. Include the target's position.

Where the target has more than one employer, include the information of both employers, as they may both be liable for failing to prevent or correct the sexual harassment.

For instances where the harasser's full name is unknown to the complaining employee, including information about the her schedule and work experience may assist investigators in locating information about the harasser.

A good tip for how to describe the harassment in these charges is to be both specific and general. Sexual harassment allegations rest on the victim's credibility. In the event that a victim misremembers certain information, it's better to be general in a formal account than to describe specific but unintentionally untrue facts.

Include dates whenever possible, but qualify them with phrases like "on or about" and "approximately."

This is another good qualifying phrase to use if the victim is unsure about a particular circumstance.

Describes retaliatory action taken against the employee.

Be specific about the damages that were caused by the sexual harassment.

Whether or not to include a reference to a state law depends on whether you are making a complaint to the EEOC or a state FEPA.

Include an employee's desired personal and company-wide remedies in her formal charge.

Sample EEOC/FEPA Charge

I was employed as a **machine operator** at Mercury Manufacturing, Inc. ("Mercury") located at 3333 Rogerson Lane in Ontario, California from December 1, 2010 through August 23, 2012. I was placed there by **Kirkland Job Placement ("KJP")**, a temp agency, which is headquartered at 4444 Jefferson Street in Pasadena, California.

I typically worked from **7:00 a.m. to 3:30 p.m., Monday through Friday**, with occasional overtime hours.

From approximately June 2011 through August 2012, I was sexually harassed on a regular basis by my immediate supervisor **Mike Ross**. During this time period, Mr. Ross made offensive comments about my appearance and my body, leered at me, touched my breasts, buttocks and other parts of my body, propositioned me for sex, sent me lewd text messages and requested sex as a condition of my employment. In every circumstance, I refused Mr. Ross's sexual advances. **On or about August 23, 2012**, I reported the sexual harassment to my employer. Neither Mercury nor KJP took any corrective actions, and **I am informed and believe that** one or both of them destroyed text messages and voicemail messages that Mr. Ross had sent me during the course of my employment, which I had provided to them as evidence in support of my claims. **In or about early September 2012**, KJP transferred me to a **less safe, less desirable and less lucrative position at a different site for another manufacturing company**. I remained in that position until approximately early October 2012.

As a result of these events, **I have lost wages and it has adversely impacted my ability to support myself and my family has been adversely impacted**. I have also suffered severe emotional distress and incurred significant medical expenses (including out-of-pocket costs for prescription medications and medical/psychological services) since these events have taken place. For the foregoing reasons, I believe that Mercury and KJP discriminated against me because of my sex in violation of the [state law if there is one] and Title VII of the Civil Rights Act of 1964. I also believe that Mercury and KJP retaliated against me for engaging in a protected activity in violation of [the state law] and Title VII.

In addition to being compensated for the injuries that I have suffered as a result of these events, **I would like to ensure that the appropriate notices about sexual harassment and retaliation policies and internal complaint procedures are posted in the workplace and that all managers and supervisors receive regular sexual harassment training**. I would also like to be reinstated to my machine operator position at Mercury in an environment free of sexual harassment, discrimination or retaliation.

Appendix E

Sample Poster with Policy and Complaint Procedure

Make sure that the poster's font is large enough to be noticeable once it is posted in the workplace.

Include other characteristics covered by your state's or municipality's anti-discrimination law. Examples include: sexual orientation, gender identity, gender expression, and genetic information.

It's best to include the name of the specific person in HR or other department who has been designated to receive and investigate sexual harassment complaints.



[Company]'s Sexual Harassment Policy and Complaint Procedure

[Company name] is committed to providing a work environment free of unlawful harassment. The Company prohibits sexual harassment and harassment based on race, color, religious creed, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition, gender, [other characteristics], or on any other basis prohibited by federal, state, or local law, ordinance or regulation.

If you believe that you or anyone else at [Company name] has been or is being harassed, or if you witness any conduct that you believe to be a violation of the Company's policy against harassment, you should promptly report your concerns to your manager or to the Human Resources Director, [NAME]. [Mr./Ms. Name] can be reached by e-mail at [email address], by phone at [phone number], or in person at [address]. The Company will immediately undertake a thorough and objective investigation of any report of a suspected violation of the Company's policy against harassment. For more information about the Company's policy against harassment, you can consult the Company's employee handbook or contact [Mr./Ms. Name] directly.

[Company] will not retaliate against you or any witnesses for reporting or complaining about suspected harassment and will not tolerate or permit retaliation by management, employees, or coworkers. If you believe that you or anyone else in the Company has been or is being retaliated against for reporting or complaining about harassment, you should report your concerns to your manager or to [Mr./Ms. Name] directly. The Company will immediately undertake a thorough and objective investigation of any report of a suspected violation of the Company's policy against retaliation. For more information about the Company's policy against retaliation, you can consult the Company's employee handbook or contact [Mr./Ms. Name] directly.

Appendix F

The following list contains contact information for rape crisis centers around the country so that a victim of sexual harassment may access local, culturally competent counseling services

Rape Crisis Centers by State

State	City	Organization	Website	Phone Number
Alabama	Montgomery	Alabama Coalition Against Rape	www.acar.org	(800) 656-HOPE(4673) or (334) 264-0123
	Central Alabama	Crisis Center, INC. Rape Response and SANE	http://www.crisiscenterbham.com/index.php	(800) 273-8255 or (205) 323-7777
	North Alabama	Crisis Center of North Alabama, Inc.	http://www.csna.org/	(256) 716-1000, (800) 691-8426 or (800) 273-TALK
		The House of Ruth	http://www.houseofruthdothan.org/	(334) 793-2232 or (800) 650-6522
	Pelham	SafeHouse of Shelby County	http://www.safehouse.org/default.asp	(205) 669-7233 or (800) 799-7233
	Florence	Rape Response	http://www.bellsouthpwp2.net/s/h/shoalsresponse/index.htm	(256) 767-1100 or (800) 917-7273
Alaska	Anchorage	Standing Together Against Rape	http://www.staralaska.com/	(907) 276-7273 Local or (800) 478-8999 Statewide
	Juneau & Sitka	Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)	http://www.andvsa.org/	(800) 799-7233 or (800) 787-3224
Arizona	Tucson & Nogales	Southern Arizona Center Against Sexual Assault (SACASA)	http://www.sacasa.org/	(520) 327-7273 or (800) 400-1001
	Flagstaff	Northern Arizona Center Against Sexual Assault (NACASA)	http://acfan.net/centers/north-az-assault.htm	(928) 527-1900 Coconino County (877) 369-0911 Navajo/Apache Counties
Arkansas	Fort Smith	Crisis Intervention Center	http://www.arcrisis.org/	(800) 359-0056
	Clarksville & Harrison	Ozark Rape Crisis Center	http://www.ozarkrapecrisis.com/	(800) 818-1189
	Fayetteville	Northwest Arkansas Rape Crisis, Inc.	http://www.nwarapecrisis.com/	(800) 794-4175
	Conway	Sexual Assault Crisis Response, a Division of the Women's Shelter of Central Arkansas	http://www.conwaywomensshelter.com/	(866) 358-2265
	DeQueen	Southwest Arkansas Crisis and Resource Center		(870) 584-3441 or (800) 338-9844
	Jonesboro	Women's Crisis Center of Northeast Arkansas	http://www.keepneawomensafe.org/	(866) 982-9575
	Camden	Women's Crisis Center of South Arkansas	http://www.southarkcrisiscenter.org/	(888) 836-0325
California	San Mateo County	Rape Trauma Services of San Mateo County	http://www.rapetraumaservices.org/	(650) 692-7273
	Oakland	Alameda County Medical Center/ Oakland Consortium on Sexual Assault		(510) 437-4688
	San Francisco	San Francisco Women Against Rape (SFWAR)	http://www.sfwar.org/	(415) 647-7273 (crisis line)
	Hemet	Center Against Sexual Assault of Southwest Riverside County		(951) 652-8300
	Palm Desert	Coachella Valley Sexual Assault Services		(760) 568-9070
	Grass Valley	Domestic Violence and Sexual Assault Coalition		(530) 272-2046

State	City	Organization	Website	Phone Number
California	Alturas	Modoc Crisis Center		(530) 291-2156
	Monterey	Monterey County Rape Crisis Center		(831) 373-3955
	Salinas	Monterey County Rape Crisis Center - Salinas		(831) 771-0411
	Mariposa	Mountain Crisis Service		(209) 742-5865
	Lompoc	North County Rape Crisis & Child Protection Center		(805) 736-8535
	Yucca Valley	Morongo Basin Sexual Assault Services		(800) 656-4673
	Eureka	North Coast Rape Crisis team		(707) 443-2737
	Riverside	Riverside Area Rape Crisis Center		(951) 686-7273
	El Centro	Sure Helpline Center		(760) 352-7873
	Coalinga	West Fresno Crisis Center		(559) 934-0915
	Firebaugh	West Fresno Crisis Center		(559) 659-0232
	Los Angeles	YWCA of Greater LA Sexual Assault Crisis Program		(213) 365-2991
	San Jose	YWCA Rape Crisis Center of Silicon Valley		(408) 295-4011
Colorado	Denver	Colorado Coalition against Sexual Assault (CCASA)	http://www.ccasa.org/	(303) 839-9999
	Fort Collins	Crossroads Safehouse	http://www.crossroadssafehouse.org/	(970) 482-3502
Connecticut	East Hartford	Connecticut Sexual Assault Crisis Services, Inc. (CONN SACS)	http://www.connsacs.org/	(888) 999-5545 English (888) 568-8332 Spanish
Delaware	New Castle, Kent & Sussex Counties	Contact Lifeline	http://www.contactlifeline.org/	(302) 761-9100 New Castle County (800) 262-9800 Kent & Sussex Counties
Florida	Tallahassee	Florida Council Against Sexual Assault	http://www.fcasv.org/	(888) 956-7273
Georgia	Atlanta	Georgia Network to End Sexual Assault (GNESA)	http://gnesa.org/	(404) 815-5261
	Decatur	DeKalbRape Crisis Center, Inc.	http://www.dekalbrapecrisiscenter.org/	(404) 377-1428
	Atlanta	Grady Rape Crisis Center		(404) 616-4861
	Houston & Peach County	HODAC, Inc.	http://www.hodac.org/	(800) 338-6745
	Hoschton	Piedmont Rape Crisis Center	http://www.piedmontrapecrisis.org/	(770) 586-5423
	Gainesville	Rape Response	http://www.raperesponse.com/	(800) 721-1999
	Rome	Sexual Assault Center of NW GA	http://www.sacnwga.com/	(866) 655-8625
	Valdosta	The Haven	http://www.valdostahaven.org/	(800) 334-2835
	Carrollton	West Georgia Rape Crisis Center	http://www.westga.edu/~crcc/	(770) 834-7273
	Brunswick	Connie Smith Rape Crisis Center		(912) 427-6379

State	City	Organization	Website	Phone Number
Georgia	Augusta	Rape Crisis & Sexual Assault Services- University Hospital	http://www.universityhealth.org/body.cfm?id=38115&action=detail&ref=45#.Ug1K6pKG0aA	(706) 724-5200
	Columbus	Sexual Assault Support Center, Inc.		(706) 571-6010
	Athens	The Cottage	http://www.northgeorgiacottage.org/	(706) 353-1912
	Savannah	Rape Crisis Center of the Coastal Empire, Inc.	http://www.rccsav.org/	(912) 233-7273
	Blue Ridge	North GA Mountain Crisis Network - Blue Ridge	http://www.blueridgemountains.com/members1/ID7740	(706) 632-8400
	Macon	Crisis Line and Safe House of Central Georgia, Inc.	http://cl-sh.org/	(478) 745-9292
Hawaii	Honolulu	Hawaii Coalition Against Sexual Assault		(808) 533-1637
	Honolulu	Hawaii Coalition for the Prevention of Sexual Assault		(808) 733-9038
Idaho	Boise	Idaho Coalition Against Sexual and Domestic Violence (ICASDV)	http://idvsa.org/	(888) 293-6118 or (208) 384-0419
Illinois	Springfield	Illinois Coalition against Sexual Assault (ICASA)	http://www.icasa.org/home.aspx?PageID=500&	(217) 753-4117
	Kankakee	Kankakee County Center Against Sexual Assault (KC-CASA)	http://www.kc-casa.org/	(815) 932-3322 Kankakee or (815) 432-0420 Iroquois
	Urbana	Rape Advocacy, Counseling, & Education Services (RACES)	http://www.cu-races.org/	(217) 384-4444 or (217) 344-6298
Indiana	Indianapolis	Indiana Coalition Against Sexual Assault (INCASA)	http://www.incasa.org/	(800) 691-2272 or (317) 423-0233
Iowa	Des Moines	Iowa Coalition Against Sexual Assault (Iowa CASA)	http://www.iowacasa.org/	(800) 284-7821 or (515) 244-7424
Kansas	Topeka	Kansas Coalition Against Sexual and Domestic Violence (KCSDV)	http://www.kcsdv.org/	(785) 232-9784
Kentucky	Frankfort	The Kentucky Association of Sexual Assault Programs, Inc.	http://www.kasap.org/	(866) 375-2727 or (502) 226-2704
	Louisville	The Center for Women and Families	http://www.thecenteronline.org/	(877) 803-7577 or (502) 581-7222
Louisiana	Hammond	Louisiana Foundation Against Sexual Assault (LaFASA)	http://www.lafasa.org/	(888) 995-7273 or (985) 345-5995
Maine	Auburn	Sexual Assaul Prevention & Response	http://sapars.org/index.html	(800) 871-7741 or (888) 458-5599
	Augusta	Maine Coalition Against Sexual Assault (MECASA)	http://www.mecasa.org/joomla/	(800) 871-7741, (888) 458-5599, or (207) 626-0034
Maryland	Arnold	Maryland Coalition Against Sexual Assault, Inc. (MCAS)	http://www.mcasa.org/	(301) 328) 7023
Massachusetts	Boston	Jane Doe Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence (MCASADV)	http://www.janedoe.org/	(877) 785-2020 or (617) 263-2200
Michigan	Okemos	Michigan Coalition Against Domestic and Sexual Violence (MCEDSV)	http://www.mcedsv.org/	(517) 347-7000 or (517) 381-8470
	Detroit	Michigan Coalition Against Domestic and Sexual Violence (MCEDSV)	http://www.mcedsv.org/	(313) 267-4005
Minnesota	Saint Paul	Minnesota Coalition Against Sexual assault (MNCASA)	http://www.mncasa.org/	(800) 964-8847 or (651) 209-9993
Mississippi	Jackson	Mississippi Coalition Against Sexual Assault	http://www.mscasa.org/index.php	(888) 987-9011 or (601) 948-0555

State	City	Organization	Website	Phone Number
Missouri	Hannibal	Avenues	http://www.avenueshelp.org/	(800) 678-7713, (573) 406-1400 or (573) 406-1400
	Troy	Bridgeway Robertson Center	http://www.bridgewaybh.com/	(877) 462-1758 or (636) 462-3355
	Fulton	Coalition Against Rape and Domestic Violence (CARDV)	http://www.cardv54a.com/	(866) 642-4422 or (573) 642-4422
	Maplewood	Jane Doe Advocacy Center	http://janedoeadvocacy.wordpress.com/	(314) 329-5339
	Warrenton	Turning Point	http://www.turningpointdvs.com/	(888) 873-7233, (636) 456-1186, or (636)456-1186
	Kirksville	Victim Support Services Inc.		(660) 665-1617 or (660) 665-0021
	Kansas City	Metropolitan Organization to Counter Sexual Assault (MOCSA)	http://www.mocsa.org/	(816) 531-0233 or (816) 931-4527
Montana	Helena	Montana Coalition Against Domestic and Sexual Violence	http://mcdsv.com/	(888) 404-7794
Nebraska	Lincoln	Nebraska Domestic Violence Sexual Assault Coalition	http://ndvsac.org/	(402) 476-6256
Nevada	Reno	Nevada Coalition Against Sexual Violence - North	http://ncasv.org/	(775) 355-2220
	Las Vegas	Nevada Coalition Against Sexual Violence - South	http://www.ncasv.org/	(702) 866-0064
New Hampshire	Concord	New Hampshire Coalition Against Domestic and Sexual Violence	http://www.nhcadv.org/	(800) 277-5570
New Jersey	Trenton	New Jersey Coalition Against Sexual Assault (NJCASA)	http://www.njcasa.org/	(800) 601-7200
New Mexico	Albuquerque	New Mexico Clearinghouse on Sexual Abuse and Assault Services	http://www.nmcsap.org/	(505) 883-8020
New York	Albany	New York State Coalition Against Sexual Assault (NYSCASA)	http://nyscasa.org/	(518) 482-4222
	New York City	New York City Alliance Against Sexual Assault	http://www.svfreencyc.org/	(212) 229-0345
	Brooklyn	CAMBA Rape Crisis Services	https://www.camba.org/Home/tabid/36/Default.aspx	(800) 310-2449
	Bronx	Safe Horizon	http://www.safehorizon.org/	(800) 621-4673
North Carolina	Raleigh	North Carolina Coalition Against Sexual Assault (NCCASA)	http://www.nccasa.org/	(888) 737-2272
North Dakota	Bismarck	North Dakota Council on Abused Women's Services Coalition Against Sexual Assault	http://www.ndcaws.org/	(888) 255-6240
Ohio	Cleveland	Ohio Alliance to End Sexual Violence	http://www.oaesv.org/	(888) 886-8388
	Ashtabula	Homesafe Rape Crisis Center		(888) 492-7233 or (440) 998-2100
	Cleveland	Cleveland Rape Crisis Center	http://www.clevelandrapecrisis.org/	(216) 619-6192 or (216) 619-6194
	Lima	Crime Victim Services	http://www.crimevictimservices.org/	(419) 222-8666 or (877) 867-7273
Oklahoma	Oklahoma City	Oklahoma Coalition Against Domestic Violence and Sexual Assault	http://www.ocadvsa.org/	(800) 522-7233 or (405) 524-0700
Oregon	Portland	Oregon Coalition Against Domestic and Sexual Violence (OCADSV)	http://www.ocadv.com/	(503) 230-1951
	Corvallis	Center Against Rape and Domestic Violence (CARDV)	http://cardvservices.org/	(800) 927-0197 or (541) 754-0110
	Portland	Portland Women's Crisis Line	http://pwcl.org/	(503) 235-5333 or (888) 235-5333
	Clackamas County	Sexual Assault Resource Center	http://sarcoregon.org/	(503) 323-9100
	Astoria	Clatsop County Women's Resource Center	http://www.ccwrc.net/	(503) 325-5735
	Helena	Columbia County Women's Resource Center	http://www.noexcuse4abuse.com/	(503) 397-6161 or (866) 397-6161

State	City	Organization	Website	Phone Number
Pennsylvania	Philadelphia	Philadelphia Women Organized Against Rape	http://www.woar.org/	(215) 985-3333
	Enola	Pennsylvania Coalition Against Rape	http://www.pcar.org/	(800) 692-7445 or (888) 772-7227
	Pittsburgh	Pittsburgh Action Against Rape	http://www.paar.net/	(866) 363-7273
	Erie	Crime Victim Center of Erie County, Inc.	http://www.cvcerie.org/	(800) 352-7273 or (814) 455-9414
Rhode Island	Providence	Day One: The Sexual Assault and Trauma Resource Center	http://www.dayoneri.org/	(800) 494-8100 or (401) 421-4100
South Carolina	Columbia	South Carolina Coalition Against Domestic Violence & Sexual Assault	http://www.sccadvasa.org/	(800) 256-1030 or (803) 256-2900
South Dakota	Pierre	South Dakota Coalition Against Domestic Violence and Sexual Assault	http://www.sdcedsv.org/	(605) 945-0869
Tennessee	Nashville	Tennessee Coalition Against Domestic and Sexual Violence	http://tncoalition.org/	(800) 289-9018 or (615) 386-9406
Texas	Austin	Texas Association Against Sexual Assault (TAASA)	http://www.taasa.org/	(512) 474-7190
	San Antonio	The Rape Crisis Center	http://www.rapecrisis.com/	(210) 349-7273
	Plano	The Turning Point: Rape Crisis Center of Collin County	http://www.theturningpoint.org/	(800) 886-7273
	Bryan	“Sexual Assault Resource Center, Brazos Valley”	http://www.sarcbv.org/	(979) 731-1000
Utah	Salt Lake City	Utah Coalition Against Sexual Assault (UCASA)	http://www.ucasa.org/	(888) 421-1100 or (801) 746-0404
	Salt Lake City	Rape Recovery Center	http://www.raperecoverycenter.com/	(801) 467-7273
Vermont	Montpelier	Vermont Network Against Domestic Violence and Sexual Assault	http://www.vtnetwork.org/	(800) 489-7273 or (802) 223-1115
	Burlington	HOPE Works	http://www.hopeworksvt.org/	(802) 863-1236 or (800) 489-7273
Virginia	Richmond & Charlottesville	Virginia Sexual and Domestic Violence Action Alliance	http://www.vsdvalliance.org/	(800) 838-8238
Washington	Olympia	Washington Coalition of Sexual Assault Programs (WCSAP)	http://www.wcsap.org/	(800) 775-8013 or (360) 709-0305
West Virginia	Fairmont	West Virginia Foundation for Rape Information & Services	http://www.fris.org/	(304) 366-9500
Wisconsin	Madison	“Wisconsin Coalition Against Sexual Assault, Inc. (WCASA)”	http://www.wcasa.org/	(608) 257-1516
Wyoming	Laramie	Wyoming Coalition Against Domestic Violence & Sexual Assault	http://www.wyomingdvsa.org/	(800) 900-3877