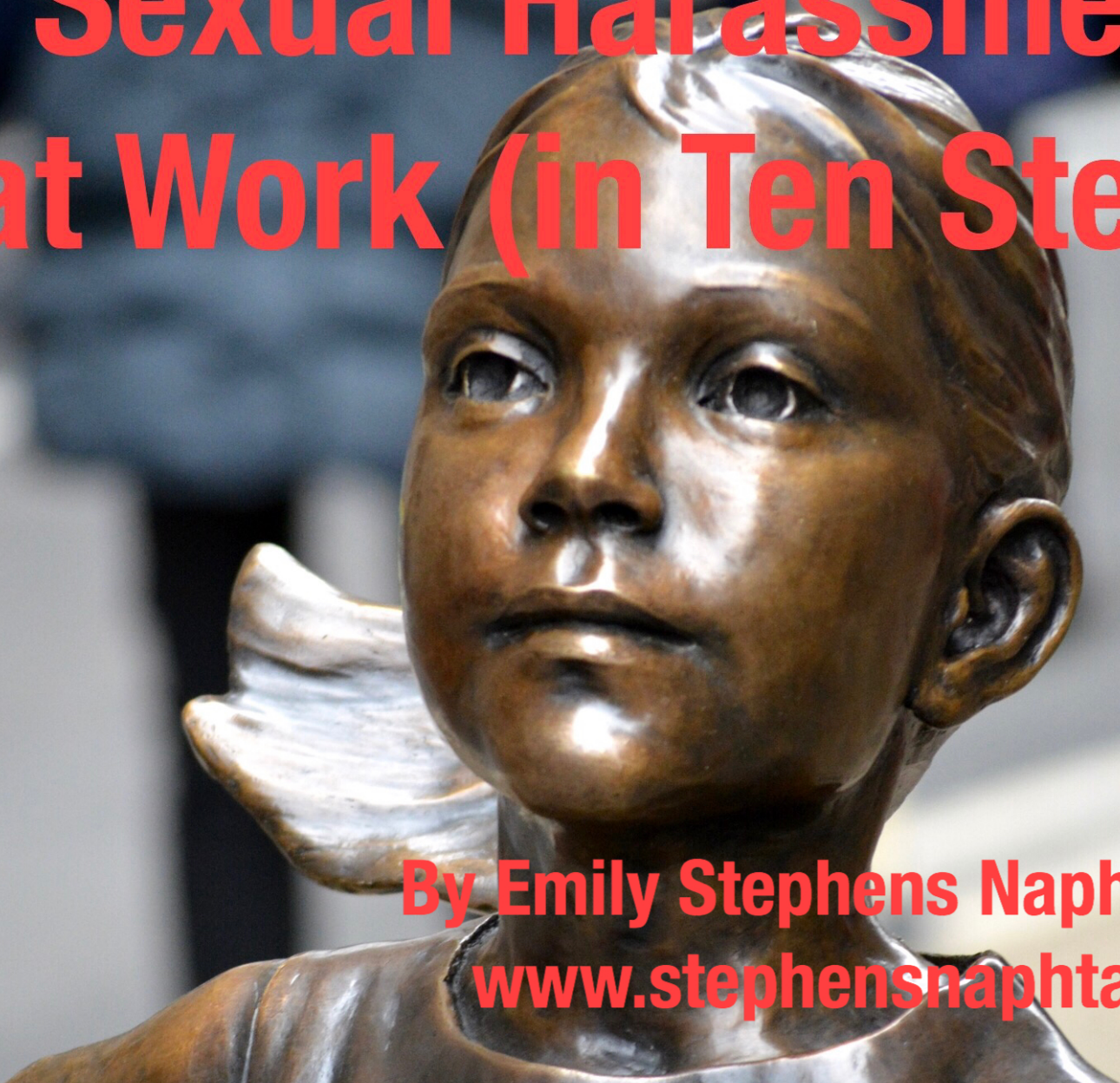


How to Respond to Sexual Harassment at Work (in Ten Steps)

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- 1) **Communicate clearly that the sexual conduct is unwelcome.** It's best to communicate this immediately after the conduct occurs or as soon as you can thereafter. If that is difficult for you, consider asking a friend to come along for moral support or communicating in writing. It's best to communicate at the office. If you invite the person out for a coffee or drink to tell them to stop in a more private location, he or she might see the invitation itself as encouragement.
- 2) **Record all you can about the situation.** Keep a diary of occurrences. Make sure this diary is at home, not at work or on your employer's equipment. Keep it separate from any other diary you may have. Record dates, situations, and how they made you feel. Save any emails, text messages, or other evidence. Make sure to check the state law before recording conversations. In some states, if you record a conversation without the other party's consent, you may be guilty of a crime. In New York and New Jersey, you do not need the other person's consent to record a conversation. In addition to recording occurrences yourself, speak to a friend or coworker who may have witnessed the unwelcome sexual conduct. Will they state what they saw if you need to report the behavior?

- 3) **Familiarize yourself with your employer's sexual harassment policy**, including who you should report sexual harassment to at your company, and the processes the company will follow when you make a report.
- 4) **Report the conduct** to the person designated in your employer's sexual harassment policy. Identify both (1) the offensive conduct, and (2) how you have suffered because of it. This step is particularly important if the unwelcome sexual conduct you experienced came from a co-worker not a supervisor. If your supervisor harassed you, the company is automatically liable for it. If your coworker harassed you, the company is only liable if you made them aware of the conduct. This means you must report the conduct.
- 5) **Consult with an attorney** who focuses on sexual harassment and discrimination claims. It is your choice when in the process you consult with an attorney. You could consult as soon as you experience the unwelcome conduct or later when you consider filing a law suit. However, the sooner you consult with an attorney, the more the attorney will be able to help you navigate the situation in a way that will help you achieve your goals.

- 6) **Cooperate with an internal investigation.** Employers must investigate reports of sexual harassment promptly. This means that your employer cannot keep your report completely confidential because people will need to be informed of it as part of the investigative process. Provide as much information as you can during the investigation. However, do not give the investigator your original documents, give them copies.
- 7) **Excel at your work** to the best of your ability. Unless you fear for your personal safety, do not quit your job. In addition, try not to let the stress of the situation compromise your work performance. Document instances of praise or professional success from both before and after you reported the unwelcome sexual conduct.
- 8) **Report retaliation.** It is illegal for your employer to terminate your employment or otherwise treat you worse because you complained about sexual harassment. This retaliation is a separate cause of action from the harassment under the law. The law also protects coworkers who testify for you during an internal investigation or otherwise from your employer's retaliation. If your employer starts to treat you worse by demoting you, giving you a worse performance review than you deserve, or terminating your employment, report and document it carefully.

- 9) **Complain to an external agency** before your time runs out! You must submit your complaint within the proper time frame to preserve your claims. Attorneys call this your “statute of limitations.” Different agencies have different time frames ranging from 180 days to one year. The agency you submit your claim to depends on several factors: (1) the location of your workplace, (2) the number of employees your employer has; (3) the relative strength of federal, state, and local laws in your geographic location; and (4) the court or adjudicative body in which you could ultimately bring your case.
- 10) **Consider filing a lawsuit.** Lawsuits can be emotionally and financially draining. However, they are sometimes the best course of action. An attorney can help you weigh whether a lawsuit is the right step for you.