

Overview of Sexual Harassment

The fourth type of sex discrimination is sexual harassment.

In 1980, the EEOC issued guidelines declaring sexual harassment a violation of Title VII of the Civil Rights Act of 1964, establishing criteria for determining when unwelcome conduct of a sexual nature constitutes sexual harassment, and defining the circumstances under which an employer may be held liable. The issue of whether sexual harassment violates Title VII reached the Supreme Court in 1986 in *Meritor Savings Bank v. Vinson*, 106 S. Ct. 2399, 40 EPO 36,159 (1986). The Court affirmed the basic premises of the Guidelines as well as the Commission's definition.

Definition of Sexual Harassment

According to the Equal Employment Opportunity Commission (EEOC), "sexual harassment" is defined as any unwelcome verbal, non-verbal or physical advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- ! submission to such conduct is made either implicitly or explicitly a **term or condition of an individual's employment**; or
- ! submission to, or rejection of, such conduct is used as the **basis for decisions about an individual's employment** (i.e., performance evaluation, promotion, transfer, selection for training, etc.); or
- ! such conduct has the purpose or effect of creating an **intimidating, hostile or offensive working environment**, or unreasonably interferes with an individual's work performance.

The remaining material in this section covers in more detail definitions and terms related to sexual harassment. Also, this section reviews examples of behaviors which may constitute sexual harassment. Remember, understanding the definitions and guidelines can help us objectively determine what is, and what is not, sexual harassment.