

Federal Emergency Management Agency
Directives Management System



FEMA

Director's Policy

No.
3-05

Date
November 8, 2005

SUBJECT: Sexual Harassment

1. The Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), is committed to maintaining a work environment that that is free from Sexual Harassment.

2. This Director's Policy Statement supersedes Under Secretary's Policy Statement No. 2-04, Sexual Harassment, dated September 30, 2004.

3. This policy applies to all FEMA employees, contractors, students, visitors and guests engaging in business at all FEMA facilities.

4. Title VII of the Civil Rights Act of 1964, as amended, prohibits sexual harassment. The Equal Employment Opportunity Commission guidelines governing sexual harassment, provide that:

a. Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute harassment when: (1) submission to such conduct is made a term or condition of an individual's employment; (2) submission to or rejection of such conduct forms the basis of an employment decision affecting such an individual; or, (3) such conduct has the purpose or effect of interfering with work performance or creates an intimidating, hostile, or offensive work environment.

b. In addition to the obvious forms of sexual harassment, a wide range of more unwelcome subtle behaviors have been found to constitute sexual harassment because these behaviors could create a hostile or offensive work environment. These include; but are not limited to:

- Sexual teasing and innuendo
- Making propositions
- Jokes of a sexual nature
- Indecent or vulgar remarks/winking/whistling
- Staring/ogling that causes humiliation
- Posting sexually oriented pictures, cartoons or other visual materials that may be viewed as offensive
- Making sexual gestures with hands or body movements
- Deliberate touching, leaning, cornering, pinching
- Referring to an adult as honey, babe, sweetie, hunk, dear

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c. Electronic Mail (E-Mail) is an official form of communication provided only for official government use and should not be used for receipt or transmission of any written communication and/or cartoons of a sexual nature. Use of electronic mail in this manner is unacceptable and prohibited.

d. Internet access provided by the government is for official purposes only. It is unacceptable and prohibited to use government internet access to enter any web site containing material of a sexual nature. It is also unacceptable and prohibited to download or upload any material of a sexual nature from or to such a web site.

e. Storage and Reproduction (electronic or otherwise). It is prohibited to store and or reproduce any material of a sexual nature on a memory storage device or copy machine provided by the government (includes personal computers and lap tops).

5. It is unlawful to retaliate or take reprisal in any way against anyone who has articulated concern about sexual harassment or discrimination, whether that concern relates to harassment or discrimination against the individual raising the concern or against another individual. Such prohibited conduct exposes not only FEMA, but also individuals involved in such conduct to significant liability under the laws.

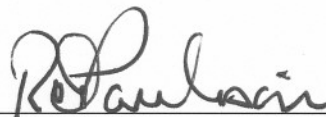
6. The FEMA Office of Equal Rights will assist by investigating and eradicating any form of sexual harassment or retaliation. In addition, complaints of harassment based on sexual orientation will be eligible for counseling and investigation; however, they are not statutorily covered under Title VII EEO regulations and any decisions rendered in conjunction with the subject bases will be made by the Department of Homeland Security, Office of Civil Rights and Civil Liberties.

7. Whenever allegations of sexual harassment occur, managers and supervisors must take immediate investigative and corrective action(s) in coordination with the Office of Equal Rights. Managers and supervisors should immediately contact the FEMA Office of Equal Rights for technical advice and to ensure that appropriate investigative action is undertaken. When an allegation is verified, appropriate corrective action will be promptly taken.

8. Employees who wish to raise concerns or desire more information regarding sexual harassment should immediately contact the appropriate management officials and/or the FEMA Office of Equal Rights for assistance.

9. Employees who wish to file an EEO Complaint based on Sexual Harassment should contact the Office of Equal Rights within 45 days of the incident.

10. I am fully committed to the prevention of sexual harassment within FEMA and will pursue this policy vigorously. I also expect senior executives, managers, and supervisors to share with me in advancing and vigorously enforcing this zero tolerance policy throughout the Agency.



R. David Paulison
Acting Director