



Office of the Under Secretary
Federal Emergency Management Agency
Washington, D.C. 20472

September 2, 2003

UNDER SECRETARY'S POLICY – No. 4-03

SUBJECT: Sexual Harassment

1. The Department of Homeland Security (DHS), Emergency Preparedness and Response (EP&R) Federal Emergency Management Agency (FEMA) is committed to maintaining a work environment which is free from Sexual Harassment.

2. This Under Secretary's Policy Statement supersedes Director's Policy Statement No. 1-02, Sexual Harassment, dated February 11, 2002.

3. This policy applies to all EP&R/FEMA employees, contractors, students, visitors and guests engaging in business at all EP&R/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 contact 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

Distribution: J(AllPersHqFld), and <http://cio.fema.net/rm/dm/current.html>

and/or cartoons of a sexual nature. Use of electronic mail in this manner is unacceptable and prohibited.

Internet access provided by the government is for official purposes only. It is unacceptable and prohibited 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.

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 EP&R/FEMA but individuals involved in such conduct to significant liability under the laws. Employees at all times should treat fellow employees with respect and dignity.

6. The EP&R/FEMA Office of Equal Rights will assist by investigating and eradicating any form of sexual harassment or retaliation.

7. Whenever allegations of sexual harassment occur, managers and supervisors must take immediate corrective action(s). Managers and supervisors should immediately contact the EP&R/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 EP&R/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.

I am fully committed to the prevention of sexual harassment within EP&R/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 Directorate.



Michael D. Brown
Under Secretary
Emergency Preparedness and Response