



NATIONAL
POSTDOCTORAL
ASSOCIATION

Guide on Sexual Harassment / Sexual Harassment Resource

When you feel that you have been the victim of sexual harassment, it is sometimes challenging to find the correct person to go to for advice or assistance. We hope that the information provided in this guide will be helpful to you in understanding your options.

What is sexual harassment and what are the laws that protect against it?

Per the U.S. Equal Employment Opportunity Commission:

- It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- The Equal Employment Opportunity Commission's (EEOC) page contains a simple and straightforward definition of sexual harassment. (<http://www.eeoc.gov/facts/fs-sex.html>)
The U.S. Equal Employment Opportunity Commission Website: <http://www.eeoc.gov>
- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex and national origin, and covers cases of sexual harassment. Full text of that law can be found here: <http://www.eeoc.gov/policy/vii.html>
EEOC Introduction to Sexual Harassment; A more detailed explanation of sexual harassment from the EEOC website.
http://www.eeoc.gov/laws/types/sexual_harassment.cfm
- If you are at an educational institution or receiving Federal funds, Title IX may also apply. This law states (in part):
 - "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . ."
 - Your institution may have a Title IX Coordinator who can assist you.

- The US Department of Education, Office for Civil Rights also provides resources on sexual harassment and how to address it:
<https://www2.ed.gov/about/offices/list/ocr/sexharassresources.html>

Key Facts to remember regarding sexual harassment:

- Discrimination and harassment based on race, color, national origin, religion, age, sex (or gender), disability, genetic information and other protected characteristics are prohibited by federal, state, and local laws.
- Sexual harassment and other forms of prohibited harassment are wrong, degrading, and illegal.
- Employers have an obligation to provide a harassment-free work environment to all employees.
- Sexual harassment consists of unwelcome conduct of a sexual nature that offends a person with reasonable sensitivities and is used as a basis for making employment decisions or creates an intimidating, hostile, or offensive work environment.
- Employees have no obligation to tell their supervisors that their actions are unwelcome. It is the supervisor's obligation not to do anything of a sexual nature that could offend a reasonable person.
- A supervisor should never engage in conduct that could be viewed as harassing and is required to promptly stop harassment by coworkers, customers, clients, or vendors as soon as it is observed or brought to light.
- An employer or supervisor should never retaliate or permit retaliation against an employee who complains about harassment.
- You are not alone. You do have options that allow you to submit your complaint or seek advice safely.

Who should you turn to for advice?

Most individuals seek advice from those they feel most comfortable with, including close friends, family members, faculty, and/or chairs of departments. There may be someone more qualified to help you deal with sexual harassment, however, such as the Title IX coordinator or ombudsmen at your institution or perhaps individuals in the postdoctoral training office or the Human Resources Department at your institution. Many people do not file complaints because they don't know the appropriate people to ask or are advised against it. Find out if your institution has a sexual harassment policy. Well written policies will clearly identify the correct person to approach.

Who to File a Charge With?

You can file a charge with either the EEOC (<https://www.eeoc.gov/employees/howtofile.cfm>) or with a Fair Employment Practices Agency (FEPA). A FEPA is a state or local agency who enforces state, county, or city laws prohibiting discrimination and usually these laws are similar to those enforced by the EEOC. However, in some cases, these agencies provide greater protection to workers.

State Fair Employment Practices Agencies (FEPAs)

Alabama

An employee who believes he or she is a victim of illegal harassment based on age may bring a civil action in the circuit court of the county in which the person was or is employed; there is no state FEP agency. Aggrieved employees are not required to pursue administrative remedies prior to filing suit under state law, and have 300 days in which to file suit. An employee's available remedies are the same as under the federal Age Discrimination in Employment Act.

Complaints in Alabama should be filed with the local EEOC office:

<https://www.eeoc.gov/employees/howtofile.cfm>

An employee may contact the EEOC by mail or phone here:

EEOC's Birmingham District Office

Ridge Park Place

1130 22nd Street

Suite 2000

Birmingham, AL 32205

Phone: (205) 212-2100 or (800) 669-4000

TTY: (205) 212-2112 or (800) 669-6820

Office Hours: Monday - Friday from 8:00 a.m. - 4:30 p.m.

Intake hours are from 8:00 a.m. - 2:30 p.m.

Alaska

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Alaska Commission for Human Rights, which has authority to investigate the claim of harassment. The deadline for filing a complaint with the Commission is 180 days from the alleged unlawful conduct. Willful violations of the Human Rights Law can result in a fine of not more than \$500 or imprisonment for not more than 30 days, or both. The Commission will attempt conciliation if discrimination is found. If conciliation fails, the Commission will hold a hearing conducted by a panel of commissioners. The Commission can order any relief reasonably calculated to prevent future violations and to compensate complainants, including awarding attorneys' fees and costs.

An employee may contact the Commission by visiting their website:

<http://www.gov.state.ak.us/aschr>

Arizona

An employee who believes he or she is a victim of illegal harassment can file a charge with the Civil Rights Division of the Arizona Attorney General's Office, which has the authority to investigate the claim of harassment. The deadline for filing a charge with the Division is 180 days from the alleged unlawful conduct. The Division may sue on the complainant's behalf, or issue a right to sue notice to the complainant. The complainant may then bring a private suit against

the employer within 90 days of receiving the notice. A prevailing complainant may be awarded reinstatement or re-hiring, back pay (limited to 2 years), reasonable attorneys' fees and costs, and other appropriate relief.

An employee may contact the Division by visiting their website:

http://www.azag.gov/civil_rights/

Arkansas

An employee who believes he or she is a victim of illegal harassment may bring a civil action or file a charge with the EEOC; there is no state FEP agency. Aggrieved employees are not required to pursue administrative remedies prior to filing suit under state law, and have 1 year after the alleged discrimination in which to file suit, or 90 days after receiving a right to sue letter or determination from the EEOC. The court may order a stop to the discrimination, back pay (up to 2 years) plus interest, costs and attorneys' fees. For intentional discrimination, an employee may also recover compensatory and punitive damages up to \$15,000 for employers with less than 15 employees; \$50,000 for 15-100 employees; \$100,000 for 101-200 employees; \$200,000 for 201-500 employees; and \$300,000 for more than 500 employees. Under the Equal Pay Law, employees may recover lost wages plus an equal amount in liquidated damages, and reasonable attorneys' fees. Under the Genetic Information and Testing Law, employers may be punished by a \$25,000 fine, imprisonment of up to one year, or both.

An employee may contact the EEOC by mail or phone here:

EEOC's Memphis District Office

1407 Union Avenue

9th Floor

Memphis, TN 38104

Phone: (800) 669-4000

TTY: (800) 669-6820

Office Hours: Monday - Friday from 8:00 a.m. - 4:30 p.m.

California

An employee who believes he or she is a victim of illegal harassment can file a charge with the California Department of Fair Employment and Housing (DFEH), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the DFEH is 1 year from the alleged unlawful conduct. The DFEH may sue on the complainant's behalf, or issue a right to sue notice to the complainant. The DFEH may order the respondent to stop the practice and report compliance, and award the prevailing complainant hiring or reinstatement, back pay, up to \$150,000 in actual damages, and prospective relief to prevent future discrimination. If the respondent is guilty of fraud or malice, the DFEH may order the payment of administrative fines and a civil penalty payable to the victim of up to \$25,000.

An employee may contact the DFEH by visiting their website: <http://www.dfeh.ca.gov>

Colorado

An employee who believes he or she is a victim of illegal harassment can file a charge with the Colorado Civil Rights Commission, which has the authority to investigate the claim of harassment. The deadline for filing a charge with the Commission is 6 months from the alleged unlawful conduct. The Commission may sue on the complainant's behalf, or issue a right to sue notice to the complainant. The Commission may order an employer to stop the discriminatory practice, and may order hiring, reinstatement, or promotion, with or without back pay.

An employee may contact the Commission by visiting their website:

<http://www.dora.state.co.us/Civil-Rights>

Connecticut

An employee who believes he or she is a victim of illegal harassment can file a charge with the Connecticut Commission on Human Rights and Opportunities, which has the authority to investigate the claim of harassment. The deadline for filing a charge with the Commission is 180 days from the alleged unlawful conduct. The Commission may sue on the complainant's behalf, or issue a release to bring a civil action in superior court. The complainant may then bring a private suit against the employer within 90 days of receiving the release. The Commission may order an employer to stop the discriminatory practice, and may order hiring or reinstatement, with or without back pay (up to two years), compensatory damages, and attorneys' fees. A court could grant relief it deems appropriate, including prohibiting the discrimination, and awarding attorneys' fees and costs.

An employee may contact the Commission by visiting their website:

<http://www.ct.gov/chro/site/default.asp>

Delaware

An employee who believes he or she is a victim of illegal harassment can file a charge with the Delaware Department of Labor (DDOL), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the DDOL is 120 days from the alleged unlawful conduct. The DDOL may sue on the complainant's behalf, or issue a right to sue letter. The complainant may then bring a private suit against the employer within 90 days of receiving the release.

An employee may contact the DDOL by visiting their website:

<http://http://www.delawareworks.com>

D.C.

An employee who believes he or she is a victim of illegal harassment can file a charge with the D.C. Office of Human Rights (OHR), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the OHR is 1 year from the alleged unlawful conduct. The OHR may attempt conciliation, or certify the case to the Commission on Human Rights for a public hearing after a finding of probable cause. The Commission may order the employer to stop the discrimination; to hire, reinstate, or upgrade employees with or without

back pay; to pay compensatory damages, attorneys' fees, and civil penalties; and may revoke an employer's permit, license, or any other benefit issued by a district agency.

An employee may contact the OHR by visiting their website: <http://ohr.dc.gov/>

Florida

An employee who believes he or she is a victim of illegal harassment can file a charge with the Florida Commission on Human Relations (FCHR), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the FCHR is 365 days from the alleged unlawful conduct. If the FCHR does not resolve the issue within 180 days after the filing of a complaint, the employee may bring a private lawsuit. The FCHR or the court may order the employer to stop the discrimination and provide affirmative relief, including reasonable attorneys' fees, and back pay for up to 2 years before the initial complaint was filed.

An employee may contact the FCHR by visiting their website: <http://fchr.state.fl.us>

Georgia

An employee who believes he or she is a victim of illegal harassment based on disability or equal pay may bring a civil action; there is no state FEP agency. Aggrieved employees must file suit within 180 days of the alleged discrimination if filing suit under the Equal Employment for Persons with Disabilities Code. The court may order employers to stop the discrimination, and award reinstatement, back pay, costs, and attorneys' fees. If the employee sues under the Equal Pay Act, the employee could recover unpaid wages, costs, and reasonable attorneys' fees not exceeding 25 percent of the judgment. There is no private right of action for age discrimination, but employers may be fined \$100-\$250 for violations.

State employees may file a complaint with the Commission on Equal Opportunity within 180 days of the unlawful discrimination. The Commission will investigate, attempt conciliation, and refer the complaint to a special master to conduct a hearing. The special master may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay limited to 2 years before the complaint was filed; admission or restoration of individuals to participate in a training program; extend to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent; report the manner of compliance; post notices; restoration of all benefits; and actual damages.

An employee may contact the Commission by visiting their website:
<http://www.gceo.state.ga.us/>

Hawaii

An employee who believes he or she is a victim of illegal harassment can file a charge with the Hawaii Civil Rights Commission (HCRC), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the HCRC is 180 days from the alleged unlawful conduct. The HCRC must complete its investigation within 180 days of the filing. If it is unable to eliminate the discriminatory practice within 180 days of the filing, the HCRC must send

a final conciliation demand letter to the employer. If conciliation fails, the HCRC must begin hearing procedures 15 days after serving the final conciliation demand. The HCRC may order hiring or reinstatement, with or without back pay for up to 2 years before the complaint was filed. Any time after the filing and not later than 3 days after the scheduling conference, the complainant may request a notice of right to sue, and must bring a lawsuit within 90 days of such notice. The court may order an employer to stop the discrimination, and pay costs and attorneys' fees.

An employee may contact the HCRC by visiting their website: <http://hawaii.gov/labor/hcrc>

Idaho

An employee who believes he or she is a victim of illegal harassment can file a charge with the Idaho Human Rights Commission, which has the authority to investigate the claim of harassment. The deadline for filing a charge with the Commission is 1 year from the alleged unlawful conduct. The Commission may sue on the complainant's behalf, or issue a right to sue notice to the complainant. The complainant has 2 years from the date of the unlawful conduct to bring a private lawsuit. A court may order the employer to stop the discrimination, reinstate the employee, or pay back pay, lost benefits, actual damages, and punitive damages up to \$1,000 for each willful violation. Back pay is limited to 2 years prior to the filing of the complaint with the commission or the district court, whichever is earlier. An employee suing under the Law on Discriminatory Wage Rates Based upon Sex may recover lost wages and liquidated damages up to the amount of the lost wages for a willful violation. Employers violating the Idaho Genetic Testing Privacy Act may be fined up to \$25,000.

An employee may contact the Commission by visiting their website:

<http://humanrights.idaho.gov>

Illinois

An employee who believes he or she is a victim of illegal harassment can file a charge with the Illinois Department of Human Rights (DHR), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the DHR is 180 days from the alleged unlawful conduct. The DHR must prepare a complaint to be filed with the Human Rights Commission within 365 days of the filing of the charge, or issue a right to sue notice to the complainant. The complainant has 90 days to file a complaint with the Human Rights Commission or commence a civil action in state circuit court. The Commission may order the employer to pay damages, back pay, attorneys' fees, costs, and to hire, reinstate, or promote the employee.

There is no private right of action under the Equal Wage Act, but an employer may be fined \$25-\$100 for a violation. Under the Equal Pay Act of 2003, employees may file a complaint with the Department of Labor within 1 year of the date of underpayment, or commence a civil action within 5 years of the date of underpayment. Under the Genetic Information Privacy Act, employees may commence a civil action and recover up to \$2,500 for negligent violations, up to \$15,000 for intentional or reckless violations, reasonable attorneys' fees and costs, any other relief, including an injunction, as the court deems appropriate.

An employee may contact the DHR by visiting their website: <http://www.state.il.us/dhr>

Indiana

An employee who believes he or she is a victim of illegal harassment can file a charge with the Indiana Civil Rights Commission (ICRC), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the ICRC is 180 days from the alleged unlawful conduct. After the ICRC issues a finding of probable cause, the charging party may elect to file a civil action, or continue with a hearing before the ICRC. The ICRC and the courts may order the employer to cease and desist, pay wages, or post a notice of Indiana's civil rights policy.

An employee may contact the ICRC by visiting their website: <http://www.in.gov/icrc>

Iowa

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Iowa Civil Rights Commission (CRC), which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the CRC is 300 days from the alleged unlawful conduct. The CRC will initiate a hearing process within 60 days of the filing of the complaint, or issue a release to file a lawsuit. A complainant must file the lawsuit within 90 days from the date the release was issued. The CRC may order an employer to stop the discrimination, require the employer to post notices, or order any other appropriate remedy, including reinstatement, upgrading with or without back pay, payment of actual damages, costs, and reasonable attorneys' fees.

An employee may contact the CRC by visiting their website:

<http://www.iowa.gov/government/crc/>

Kansas

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Kansas Human Rights Commission, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the KHRC is 6 months from the alleged unlawful conduct or the last act of bias where a pattern or practice of discrimination exists. When the KHRC finds discrimination, it attempts conciliation. If conciliation fails, it may hold a public hearing and order an employer to stop the discrimination, hire, reinstate, or upgrade an employee with or without back pay, and pay damages of up to \$2,000 for pain and suffering. If after 300 days the KHRC has not issued a probable cause finding, the commission must dismiss the complaint, which allows for the filing of a civil action.

An employee may contact the KHRC by visiting their website: <http://www.khrc.net/>

Kentucky

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Kentucky Human Rights Commission, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the KHRC is 180 days from the alleged

unlawful conduct. Within 30 days of filing, the KHRC must investigate and conciliate. Within 60 days of filing, the KHRC must serve the complaint on respondent and issue a hearing date. The determination at the hearing may be appealed to the circuit courts. The KHRC may order the employer to stop the discrimination; order other relief such as hiring, reinstatement, or upgrading of employees, with or without back pay; and order payment of damages and costs.

Employees may recover lost wages and attorneys' fees by bringing a private action against the employer within 6 months of the violation under the state's law on wage discrimination because of sex.

An employee may contact the KHRC by visiting their website: <http://kchr.ky.gov>

Louisiana

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Louisiana Commission on Human Rights, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Commission is 180 days from the alleged unlawful conduct. The Commission may file an action for relief in the district court, or order the employer to stop the discrimination, hire, reinstate, or upgrade the employee with or without back pay, and pay damages and costs. An employee may also file a civil action against his or her employer in the district court of the parish where the alleged violation took place if the employee has given the employer 30 days notice of the discrimination and attempted to resolve the dispute prior to filing. The court may award compensatory damages, attorneys' fees, costs, and other appropriate relief.

An employee may contact the Commission by visiting their website:

<http://gov.louisiana.gov/HumanRights/humanrightshome.htm>

Massachusetts

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Massachusetts Commission Against Discrimination (MCAD), which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the MCAD is 300 days from the alleged unlawful conduct. The MCAD may dismiss or process the complaint, and order the employer to stop the discrimination, hire, reinstate, or upgrade the employee with or without back pay, and pay reasonable costs and attorneys' fees. Within 90 days of filing, a complainant may make a written request to transfer the complaint to state court. After 90 days but no later than 3 years after the filing, a complainant may file a state court complaint after providing notice to the MCAD. A court may award actual and punitive damages, reasonable attorneys' fees, and costs. For age discrimination, a court may award damages and injunctive relief. Actual damages will be up to three, but not less than two, times such amount if the court finds that the act or practice complained of was committed with knowledge, or reason to know, that such act or practice violated the law.

An employee may contact the MCAD by visiting their website: <http://www.mass.gov/mcad/>

Maine

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Maine Human Rights Commission (MHRC), which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the MHRC is 300 days from the alleged unlawful conduct. The MHRC may file a civil action or issue a right to sue letter to the complainant, who has 90 days from the issuance of the letter to bring a civil action in superior court. The court may order the employer to stop the discrimination, employ or reinstate the employee, pay civil damages up to \$50,000, and pay attorneys' fees and costs. Damages and attorneys' fees are only available if the MHRC dismisses the complaint or fails to conciliate within 90 days of finding reasonable cause.

An employee may contact the MHRC by visiting their website: <http://www.maine.gov/mhrc/>

Maryland

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Maryland Commission on Human Relations (MCHR), which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the MCHR is 6 months from the alleged unlawful conduct. The MCHR may certify the case for public hearing after finding that discrimination probably occurred, and may order the employer to stop the discrimination, hire, reinstate, or upgrade employees with or without back pay, and order other equitable relief. The MCHR may also make a monetary award, but it is limited to a 36-month period and cannot include losses between the time of the MCHR's final order and the final court determination. A complainant may elect to file a civil action if more than 180 days has passed and no resolution of the discrimination has occurred; the MCHR may also file a civil action on the complainant's behalf. A circuit court could award compensatory or punitive damages, injunctive relief, reasonable attorneys' fees, expert witness fees, and costs. Damages are capped at \$50,000 for employers with 15-100 employees; \$100,000 with 101-200 employees; \$200,000 with 201-500 employees; and \$300,000 with 501 or more employees.

An employee may contact the MCHR by visiting their website: <http://www.mchr.state.md.us/>

Michigan

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Michigan Department of Civil Rights (MDCR), which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the MDCR is 180 days from the alleged unlawful conduct. The MDCR investigates; attempts conciliation; and issues a charge, conducts a hearing, and issues an order if it finds discrimination. It can order an employer to stop the discrimination, hire, reinstate, or upgrade the employee with or without back pay, and pay damages and reasonable attorneys' fees. An employee may also file a civil action without first filing a complaint with the MDCR. A court may award an employee any of the same remedies available through the MDCR.

An employee may contact the MDCR by visiting their website: <http://www.michigan.gov/mdcr>

Minnesota

An employee who believes he or she is a victim of illegal harassment can file a charge with the Minnesota Department of Human Rights (MDHR), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the MDHR is 1 year from the alleged unlawful conduct. The MDHR may hold a hearing or file a civil action on behalf of the complainant if discrimination is found. The MDHR may order the employer to stop the discrimination, hire, reinstate, or upgrade the employee with or without back pay, pay costs and attorneys' fees, and pay compensatory damages of up to 3 times the actual damages sustained. If the MDHR dismisses the charge, the complainant has 45 days to bring a civil action. After 45 days of the filing of the charge, if the MDHR has not acted, the complainant may bring a civil action within 90 days of giving the MDHR notice. Employees may also file a lawsuit to recover up to 3 times actual damages, punitive damages, costs and attorneys' fees, and injunctive relief for violations of the law on genetic testing in employment.

An employee may contact the MDHR by visiting their website:

<http://www.humanrights.state.mn.us/>

Mississippi

An employee who believes he or she is a victim of illegal harassment may file a charge with the EEOC; there is no state FEP agency or state FEP law.

An employee may contact the EEOC by mail or phone here:

EEOC — Jackson Area Office

Dr. A.H. McCoy Federal Building
100 West Capitol Street, Suite 207
Jackson, MS 39269
Phone: (601) 965-4537
TTY: (601) 965-4915

Missouri

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Missouri Commission on Human Rights (MCHR), which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the MCHR is 180 days from the alleged unlawful conduct. If the complaint is not dismissed or resolved through conciliation, the MCHR orders a hearing and may issue an order that the employer stop the discrimination, and hire, reinstate, or upgrade the employee with or without back pay. If the MCHR has not completed its process within 180 days of the filing of the complaint, the complainant may request a right-to-sue letter, and must file a civil action within 90 days of the MCHR's notice to the employer. A court may order the same remedies as the MCHR, and award actual and punitive damages, costs, and reasonable attorneys' fees. In cases of retaliation, aiding or abetting violations, or other prohibited conduct, the parties may elect to pursue claims in court by filing a written notice with the MCHR within 20 days of the hearing notice. The MCHR must pursue the civil action on behalf of the complainant and pay all related expenses. If the election

is not made and the hearing is before the MCHR, the MCHR can also order the payment of a civil penalty of up to \$10,000 to be paid to the human rights fund on top of all other remedies.

An employee may also bring a civil action to recover lost wages in violation of Missouri's equal pay provisions within 6 months of the alleged violation.

An employee may contact the MCHR by visiting their website:

<http://www.labor.mo.gov/mohumanrights/>

Montana

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Montana Human Rights Bureau, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Bureau is 180 days from the alleged unlawful conduct. If the complaint is not dismissed or resolved through conciliation, the Bureau orders a hearing and may order the employer to stop the discrimination, prescribe conditions on future conduct, remedy any harm done, and order payment of pecuniary, but not punitive, damages. If the Bureau has not contacted the complainant within 12 months, the complainant may request a right-to-sue letter and file in district court. The court may order the same remedies as the Bureau, and award reasonable attorneys' fees.

An employee may contact the Bureau by visiting their website: <http://erd.dli.mt.gov/human-rights>

Nebraska

An employee who believes he or she is a victim of illegal harassment can file a charge with the Nebraska Equal Opportunity Commission (EOC), which has the authority to investigate the claim of harassment. The deadline for filing a charge with the EOC is 300 days from the alleged unlawful conduct. If the charge is not dismissed or resolved through conciliation, the EOC orders a hearing and may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; and order other appropriate relief. Back pay is limited to 2 years before the charge was filed. A complainant who suffers from physical, emotional, or financial harm may file a court action seeking injunctive relief, damages, costs, and attorneys' fees after providing written notice to the EOC.

An employee may contact the EOC by visiting their website: <http://www.neoc.ne.gov/>

Nevada

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Nevada Equal Rights Commission, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Commission is 300 days from the alleged unlawful conduct. If the complaint is not dismissed or resolved through conciliation, the Commission orders a hearing and may order the employer to stop the discrimination; and hire, reinstate, or upgrade the employee with or without back pay, limited to 2 years, plus interest at the prime rate plus 2 percent. If the Commission finds that no discrimination has occurred, the

complainant may petition a district court for an order to enforce rights under the law. A court may order actual damages for any economic loss incurred.

An employee may contact the Commission by visiting their website:

<http://detr.state.nv.us/nerc.htm>

New Hampshire

An employee who believes he or she is a victim of illegal harassment can file a complaint with the New Hampshire Commission for Human Rights, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Commission is 180 days from the alleged unlawful conduct. If the complaint is not dismissed or resolved through conciliation, the Commission orders a hearing and may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; provide other appropriate relief; pay compensatory damages to the complainant; and pay an administrative fine to the general fund. After 180 days of filing the complaint or sooner if the Commission asserts in writing, but no later than 3 years after the unlawful act, the complainant may bring a civil action for damages and injunctive relief in the superior court.

Employees may also bring civil actions within 1 year of the violation to recover lost wages and an equal amount of liquidated damages for willful violations under New Hampshire's equal pay provisions. An employee may also bring a civil action for violation of New Hampshire law governing genetic testing and recover not less than \$1,000 plus costs and fees.

An employee may contact the Commission by visiting their website: <http://www.nh.gov/hrc/>

New Jersey

An employee who believes he or she is a victim of illegal harassment can file a complaint with the New Jersey Division on Civil Rights, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Division is 180 days from the alleged unlawful conduct. An employee has the right to file a complaint in the superior court, where the court can order damages in addition to the remedies available from the Division. After 180 days of the filing, the complainant may ask that Division to continue the administrative process by asking that the action be presented to the Office of Administrative Law. If the complaint is not resolved through conciliation, the Division may hold a hearing and order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; provide other appropriate relief; and pay attorneys' fees. Employees may also bring civil actions to recover lost wages, an equal amount of liquidated damages, costs, and reasonable attorneys' fees under New Jersey's equal pay provisions.

An employee may contact the Division by visiting their website:

<http://www.nj.gov/oag/dcr/index.html>

New Mexico

An employee who believes he or she is a victim of illegal harassment can file a complaint with the New Mexico Human Rights Bureau, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Bureau is 300 days from the alleged unlawful conduct. The Bureau investigates, attempts conciliation, and holds a hearing. The hearing officer prepares a report to be reviewed by a panel of the Human Rights Commission. The Commission may order the employer to stop the discrimination and pay actual damages plus reasonable attorneys' fees to the complainant. A complainant may also seek a trial in district court in place of a hearing after requesting a waiver to a Commission hearing within 60 days of service of the probable cause determination.

An employee may contact the Bureau by visiting their website:

<http://www.dws.state.nm.us/LaborRelations/HumanRights/Information>

New York

An employee who believes he or she is a victim of illegal harassment can file a complaint with the New York Division of Human Rights, which has the authority to investigate the claim of harassment. The deadline for filing a complaint with the Division is 180 days from the alleged unlawful conduct. The Division must investigate and determine if there is reasonable cause that the employer discriminated within 180 days of the filing of the complaint. The Division may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; provide other appropriate relief; and pay compensatory damages. The commissioner of labor may bring a legal action in court or by administrative procedure to collect wage underpayments and liquidated damages on behalf of employees paid less than the wage entitled under New York's equal pay provisions.

An employee may contact the Division by visiting their website: <http://www.dhr.ny.gov/>

North Carolina

An employee who believes he or she is a victim of illegal harassment may bring a civil action for wrongful discharge in violation of public policy or file a charge with the EEOC; there is no state FEP agency. Aggrieved employees are not required to pursue administrative remedies prior to filing suit under state law. Employees may file a civil action in superior court to recover under the Persons with Disabilities Protection Act for persons with disabilities and under the provisions prohibiting discrimination based on HIV/AIDS status within 180 days of the discriminatory act, and recover reinstatement with back pay (limited to 2 years prior to the filing of the action) and reasonable attorneys' fees.

An employee may contact the Division by visiting their website: <http://www.oah.state.nc.us/civil/>

North Dakota

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Human Rights Division or file a complaint in state district court. The deadline for filing a complaint with the Division or the court is 300 days from the alleged unlawful conduct. If a

complaint is first filed with the Division, the employee must bring an action in district court within 90 days from the date the Division dismisses the complaint or issues a probable cause finding. The Division may investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. A district court may order the employer to stop the discrimination; order other equitable relief, including back pay up to 2 years from the state the complaint was filed with the court; and order the employer to pay attorneys' fees.

An employee may contact the Division by visiting their website:

<http://www.nd.gov/labor/human-rights/index.html>

Ohio

An employee who believes he or she is a victim of illegal harassment can file a charge with the Ohio Civil Rights Commission (OCRC). The deadline for filing a charge with the Commission is 6 months from the alleged unlawful conduct. The OCRC may investigate, attempt conciliation, and order an administrative hearing to resolve the charge. The complaint may be referred to the attorney general to seek a restraining order or temporary or permanent injunction. The OCRC may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee; and pay damages (including punitive damages) and attorneys' fees. An employee may also file a civil action in the court of common pleas within 1 year of the alleged unlawful conduct. If the court finds that a violation has occurred, it may award actual damages, reasonable attorney's fees, court costs incurred in the prosecution of the action, expert witness fees, and other litigation expenses, and may grant other relief that it considers appropriate, including a permanent or temporary injunction, a temporary restraining order, or other order and punitive damages.

An employee may contact the OCRC by visiting their website: <http://crc.ohio.gov>

Oklahoma

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Oklahoma Human Rights Commission (OHRC). The deadline for filing a complaint with the Commission is 180 days from the alleged unlawful conduct. The OHRC may dismiss a complaint, or investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. The OHRC may also file a petition in the district court for injunctive relief if it cannot eliminate the discriminatory practice by conference and conciliation. The OHRC may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; and pay costs and attorneys' fees. Upon request of the OHRC, the attorney general may file a court action for relief from a pattern of discrimination and seek monetary damages or a civil penalty in an amount up to \$50,000.

An employee may contact the OHRC by visiting their website: <http://www.ok.gov/ohrc/>

Oregon

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Civil Rights Division. The deadline for filing a complaint with the Division is 1 year from the

alleged unlawful conduct. The Division may dismiss, or investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. The Division may order the employer to stop the discrimination; and specify a remedy, including rehire, back pay, and compensatory damages. An employee may also file a civil action within 1 year of the alleged unlawful conduct and waive the right to file with the Division. If the court finds that a violation has occurred, it may award injunctive relief, reinstatement or hiring, reasonable attorney's fees, costs, back pay, compensatory damages, and punitive damages. Under the state's equal pay provisions, an employee can sue to recover up to one year's lost wages and an equal amount as liquidated damages plus attorneys' fees.

An employee may contact the Division by visiting their website:

<http://www.oregon.gov/BOLI/CRD/Pages/index.aspx>

Pennsylvania

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Pennsylvania Human Relations Commission (PHRC). The deadline for filing a complaint with the PHRC is 180 days from the alleged unlawful conduct. The PHRC may investigate, dismiss and issue a right to sue letter, or attempt conciliation and order an administrative hearing to resolve the complaint. The PHRC may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; and in cases of retaliation or obstruction, actual damages. If the complaint is dismissed and the employee pursues a civil action, a court may award attorney's fees and costs. Under the Equal Pay Act, an employee can sue to recover the amount of unpaid wages and an equal amount of liquidated damages, plus attorneys' fees and costs.

An employee may contact the PHRC by visiting their website:

http://www.phrc.state.pa.us/portal/server.pt/community/phrc_home/18970

Rhode Island

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Rhode Island Commission for Human Rights. The deadline for filing a complaint with the Commission is as soon as possible after the alleged unlawful conduct. The Commission may attempt to persuade the employer to cease the discriminatory act, and call a hearing if persuasion fails. The Commission may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; restore union membership; and paying expert and attorneys' fees. Under the Civil Rights of People with Disabilities Act, an employee can bring an action in superior court against the employer for equitable relief, compensatory damages, punitive damages, or other relief the court finds appropriate. An employee may also bring a civil action for violation of state law prohibiting use of genetic testing and recover punitive damages, actual damages, and reasonable attorneys' fees.

An employee may contact the Commission by visiting their website:

<http://www.richr.state.ri.us/frames.html>

South Carolina

An employee who believes he or she is a victim of illegal harassment can file a charge with the South Carolina Human Affairs Commission (SCHAC). The deadline for filing a charge with the SCHAC is 180 days from the alleged unlawful conduct. The SCHAC may investigate, attempt conciliation, and either dismiss the charge or bring an action in a court of equity against the employer. If the charge is dismissed or the SCHAC has not resolved the charge within 180 days, the complainant may bring an action in equity within 120 days of the dismissal or within 1 year of the conduct, whichever is earlier. If the charge has not been conciliated or the employer violates the conciliation order within 30 days of the SCHAC's determination, the SCHAC must bring an action in equity against the employer. The court may order the employer to stop the discrimination; and hire, reinstate, or upgrade the employee with or without back pay, limited to 2 years before the charge was filed.

An employee may contact the SCHAC by visiting their website: <http://www.state.sc.us/schac/>

South Dakota

An employee who believes he or she is a victim of illegal harassment can file a complaint with the South Dakota Division of Human Rights. The deadline for filing a complaint with the Division is 180 days from the alleged unlawful conduct. The Division may investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. Within 20 days of the issuance of a hearing order, the parties may elect to have the complaint decided in court. The Division may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; order the payment of compensation for injury incidental to the violation and allowable costs; and order other appropriate relief. A court may award compensatory damages, punitive damages, injunctive relief, attorney's fees, and costs. Under the state's equal pay provisions, an employee can sue within 2 years to recover the amount of unpaid wages, plus attorneys' fees and costs. Employees may also sue under the Law on Genetic Information Bias in Employment for damages, attorneys' fees, and costs.

An employee may contact the by visiting their website:
<http://dol.sd.gov/humanrights/default.aspx>

Tennessee

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Tennessee Human Rights Commission or bring a civil action directly in chancery or circuit court. The deadline for filing a complaint with the Commission is 180 days from the alleged unlawful conduct, and within 1 year with the court. The Commission may investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. The Commission may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; pay damages for an injury caused by the discrimination and costs including reasonable attorneys' fees; and to comply with any other remedies necessary. The court can issue orders granting temporary or permanent injunctive relief, and the payment of actual damages, plus costs and attorneys' fees. Employees may bring a civil action within 2 years to recover lost wages, an additional equal amount as liquidated damages, plus costs and attorneys'

fees.

An employee may contact the Commission by visiting their website:

<http://www.tennessee.gov/humanrights/>

Texas

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Texas Workforce Commission Civil Rights Division. The deadline for filing a complaint with the Division is 180 days from the alleged unlawful conduct. The Division may investigate, attempt conciliation, and file an action in district court. If the complaint is dismissed or not resolved within 180 days of when it was filed, the complainant may request notice of the right to file a civil action. Civil actions must be filed within 2 years of the filing of the complaint. The court may order injunctive relief, hiring or reinstatement with or without back pay going back no more than 2 years, and the payment of compensatory and punitive damages as limited under federal law, plus costs and attorneys' fees.

An employee may contact the Division by visiting their website:

<http://www.twc.state.tx.us/customers/jsemp/jsempsubcrd.html>

Utah

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Anti-discrimination and Labor Division of the Utah Labor Commission. The deadline for filing a complaint with the Division is 180 days from the alleged unlawful conduct. The Division may investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. The Division may order the employer to stop the discrimination; order relief for the complaining party, including reinstatement, back pay, and benefits; and order payment of attorneys' fees and costs.

An employee may contact the Division by visiting their website:

<http://laborcommission.utah.gov/divisions/AntidiscriminationAndLabor/index.html>

Vermont

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Civil Rights Unit of the Vermont Attorney General's Office. The Office may investigate, attempt conciliation, and settle the complaint, or seek appropriate remedies in state court. The Office does not represent individual complainants; employees must file a separate legal action against the employer.

An employee may contact the Civil Rights Unit of the Vermont Attorney General's Office by visiting their website: <http://www.atg.state.vt.us/issues/discrimination.php>

State employees file complaints with the Vermont Human Rights Commission. State employees may contact the Vermont Human Rights Commission by visiting their website:

<http://hrc.vermont.gov/>

Virginia

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Human Rights Council. The deadline for filing a complaint with the Council is 180 days from the alleged unlawful conduct. The Council may investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. The Council may order reinstatement, promotion, back pay, benefits, and payment of attorneys' fees, but cannot award damages or grant injunctive relief. Employees may also file a lawsuit within 300 days in state court to recover damages (limited to up to 12 months of back pay with interest) and attorneys' fees (limited to 25 percent of the back pay award). Under the Virginia Equal Pay Act, employees may recover up to 2 times the wages not paid due to violations of the Act by filing a court action within 2 years. Employees may also file lawsuits to recover actual or punitive damages, back pay, and injunctive relief under the Genetic Testing and Genetic Characteristics Bias in Employment Law. The Disability Discrimination Law provides for an employee to sue within one year of a violation, but claimants must give notice to the employer of the claim within 180 days of the violation.

An employee may contact the Council by visiting their website:

<http://www.oag.state.va.us/index.php/programs-initiatives/human-rights>

Washington

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Washington State Human Rights Commission. The deadline for filing a complaint with the Commission is 6 months from the alleged unlawful conduct. The Commission may dismiss, or investigate, attempt conciliation, and order an administrative hearing to resolve the complaint. The Commission may order the employer to stop the discrimination; hire, reinstate, or upgrade the employee with or without back pay; and impose other appropriate affirmative relief. Damages for humiliation and mental suffering cannot exceed \$10,000. The Commission may also award attorneys' fees.

An employee may contact the Commission by visiting their website: <http://www.hum.wa.gov/>

West Virginia

An employee who believes he or she is a victim of illegal harassment can file a complaint with the West Virginia Human Rights Commission. The deadline for filing a complaint with the Commission is 365 days from the alleged unlawful conduct. The Commission may investigate, attempt conciliation, order an administrative hearing to resolve the complaint, and issue cease-and-desist orders. Employees may also bring actions under the Equal Pay Act to recover unpaid wages for 1 year preceding the action, liquidated damages equal to that amount, and reasonable attorneys' fees.

An employee may contact the Commission by visiting their website:

<http://www.hrc.wv.gov/Pages/default.aspx>

Wisconsin

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Equal Rights Division of the Department of Workforce Development. The deadline for filing a complaint with the Division is 300 days from the alleged unlawful conduct. The Commission may investigate, attempt conciliation, order an administrative hearing to resolve the complaint, and issue cease-and-desist orders. Once an administrative law judge (ALJ) has issued a determination, a complainant may file an action in circuit court to obtain additional damages that the ALJ did not have authority to award, including compensatory and punitive damages, and reasonable attorneys' fees and costs.

An employee may contact the Division by visiting their website: <http://dwd.wisconsin.gov/er/>

Wyoming

An employee who believes he or she is a victim of illegal harassment can file a complaint with the Labor Standards Office of the Department of Employment. The deadline for filing a complaint with the Office is 6 months from the alleged unlawful conduct. The Office may conduct an initial fact-finding/settlement conference, investigate, dismiss or attempt conciliation, order an administrative hearing to resolve the complaint, and order back pay.

An employee may contact the Office by visiting their website:
<http://www.wyomingworkforce.org/workers/labor/>

This guide was developed by the NPA task force on sexual harassment in October 2017:

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