

This is an example similar to a letter I wrote. This is not legal advice, which can only be given by an attorney qualified to practice law in your state. There is no guarantee of any particular result. Note that, although retaliation is illegal, there is a risk it can occur.

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Iminathi Mbeki  
Director, Human Resources  
ABC Corp.  
462 Lexington Avenue  
New York, New York 10017  
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**Re: Discrimination/Harassment Issues**

Make it clear what you are writing about

Dear Ms. Mbeki:

I am writing to advise of my concerns regarding issues of discrimination and harassment, and to seek your guidance. I would be pleased to discuss these matters with you by telephone or in person.

Asking for guidance is helpful in my opinion because it is less adversarial. Also let them know you are available to talk.

**BACKGROUND**

This title lets them know that you are starting with some history

Explain who you are

I am a clerk in the accounting department. Two months ago, around December 15, 2019, Valerian Davit said to me “what are you.” He asked me more questions about my gender, such as “are you a man or a woman” and “what’s under that skirt.” I spoke to some co-workers about this, including Aleta Ladonna and Aminatou Fabiana. Aminatou said she heard part of the conversation. She

Include details not only about what happened, but specific words used, when and who was nearby who could be witnesses, and who you spoke to who could back up that you told them this happened.

suggested I report this to HR, but I was concerned about losing my job for complaining.

If you did not contact HR right away, explain why not.

Two weeks ago, Valerian whistled at me in the hallway, in a way that suggested he found me attractive. There were three other people in the hallway, including Frederik from the shipping department. I did not recognize the other two, but one was young, taller than me, white and wearing a pastel-colored dress, and the other was an older Black woman, around my height, wearing a gray pantsuit. I reported this to HR later that day by going to the HR office and speaking with a woman whose name I believe was Sharon Menes or something similar. I told her the story and she said that she would be in touch to discuss this further. She asked if I would like to meet with Valerian to resolve this issue and I said no because I am afraid of him. She asked if I wanted it kept confidential and I said yes. I did not hear back from her.

Provide info that can help locate witnesses

When you first notified the organization can be important.

It is generally inappropriate to ask you to confront your harasser, particularly if you are reasonably concerned about physical danger.

When you speak to HR about harassment or discrimination, they are supposed to follow up.

## **RECENT EVENTS**

This title lets them know this happened not long ago.

Last Monday at around 11 am, Valerian stopped me in the hallway and said “I like your blouse.” There was no one else in the hallway. He moved his hand to touch me and I backed away. He said “don’t be frightened, your secret is safe with me.” I turned around

and walked in the opposite direction. Yesterday he came to my desk at around 3 pm and said, “so what time should I pick you up tonight?” He acted as if we had made a date, but I had not, and I had no interest in meeting him outside of work. I felt scared because he has a reputation among other employees for having a temper and being aggressive. I felt panicky and said to him “What are you talking about.” He acted surprised, said “Oh, you’re backing up on me? I might like that.” I said “please go away and stop this.” He stared at me for a long while, and looked me up and down, for about 30 seconds, and made a kissing motion with his lips. He then left. Aleta heard this conversation, but she did not see his body language or his actions. I went to Aleta’s desk and said to her “oh my god,” in a panicky voice. She said “He’s a real creep, isn’t he? There’s a few others around here that he’s tried that with.” I asked her who, but she would not say. I went back to my desk. I felt shaky. At about 3:30 pm I requested the rest of the day off from my manager, Moses Adolf. I told him I was not feeling well. He asked me what was wrong and I told him my stomach was upset, which was true, but I did not tell him about the conversation with Valerian. I felt worried about losing my job or Valerian harassing me because of reporting him. He found out what happened by speaking to Aleta. After sleeping on it, I decided I needed to report this.

Your response to the harasser can be important to understand the situation

It is important to include how you were feeling about the interaction.

Note that the description includes body language, facial expression and other gestures. These can provide much useful information about what is really happening here.

Be honest if you told a minor lie to avoid humiliation or danger.

Explain why you waited to make this complaint instead of calling HR immediately

## RETALIATION CONCERNS

When I came in this morning, Moses called me into his office and said he knew what happened and he was sorry to hear that because Valerian is a friend of his and he did not think that Valerian would act like that. He said that Valerian did not mean any harm, and that he is a “good guy.” I was shocked and said nothing. He asked me if I was going to report this, and I remained quiet because I was so shocked. He said “don’t make a big deal of this, I’ll tell him lay off. I’m very loyal to my friends. Are you my friend?” He turned his head slightly to the side, looking at me “side-eye,” and widened his eyes in a warning, as if to say, “you better not report this or else.” He then said, “you know, you’re overdue for a review. I’ll send you my review in two weeks. I hope everything continues going smoothly here.” I understood this to mean that if I reported Valerian, I would receive a bad review.

## REQUESTS

I would like my complaint to be investigated on a confidential basis, except that if you need to speak to Valerian or other witnesses, you can give them the facts of what happened. I would like Valerian to keep away from me while this is being

Retaliation is a separate problem from discrimination. It doesn't have to be a direct threat, such as I will fire you if you report this. It can include more subtle hints.

Explain what you think the communication means to you, not only what was said.

Specifically let them know what you would like them to consider doing to address the situation.

Let them know if it's ok with you that they investigate

investigated. I would also like a temporary schedule transfer so that I am not in the building at the same times as Valerian. I would also like an escort to the parking lot until this is resolved.

Thank you,

Mary M. Employee