

Sexual Harassment and Other Forms of Unlawful Harassment

While not all acts of harassing behavior may be sufficiently severe or pervasive enough to trigger a violation of the law, all harassing behavior destroys teamwork and negatively affects organizational readiness.

Sexual Harassment

Sexual harassment violates Title VII of the Civil Rights Act of 1964. It is defined as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to or rejection of such conduct is made either explicitly or implicitly, a term or condition of a person's job, pay, or career; or 2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or 3) such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Hostile work environment occurs when employees are subjected to a pattern of unwanted sexual behaviors that has either the purpose or effect of unreasonably interfering with their work performance. Examples include, but are not limited to 1) unwelcome sexual remarks, jokes or taunting, 2) referring to a woman or a man as a doll, babe, hunk, stud, or honey, 3) whistling or making catcalls at someone, 4) telling sexually suggestive remarks within earshot of others, 5) persisting in unwanted attention, 6) use of derogatory terms with sexual connotations, 7) displaying pornographic or sexually explicit material, 8) repeated requests for sexual favors, 9) repeated requests for dates, 10) unnecessary physical contact, 11) hanging around, standing close or brushing up against someone, 12) touching or rubbing oneself sexually around another person, 13) following or blocking a person's path, 14) leering, staring or making suggestive gestures, and 15) distributing sexually oriented cartoons or offensive jokes by e-mail.

Sexual harassment occurs in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex;
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee;
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct;
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim;
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.

Forms of Sexual Harassment

| Verbal | Non-verbal | Physical |
|--|--|---|
| Verbal forms of sexually harassing behavior are those that are spoken. Verbal sexual harassment includes sexual innuendo or other suggestive comments, sexual jokes, sexual propositions or advances, and threats and insults. | Non-verbal forms typically don't involve touching another person or oneself. | Physical forms of sexually harassing behavior can be easy to discern. They include the intentional touching of one's own body, the unwelcome touching of another person's body, and the inappropriate display of a body part. |

Other Forms of Unlawful Harassment

Unlawful harassment occurs when employees are subjected to a pattern of unwanted harassment behavior that intimidates, ostracizes, threatens (psychologically or physically), embarrasses, ridicules, unreasonably overburdens or precludes employees from reasonably performing their work because of their race, color, gender, religion, national origin, age, gender, or disability whether mental or physical. Examples include, but are not limited to 1) obscene, rude, or threatening phone calls, e-mails or letters, 2) public humiliation, mocking or ridicule, 3) denial of support, exclusion or isolation, 4) disrespect, rudeness or sarcasm, 5) work sabotage, 6) bashing due to gender or sexual orientation, 7) initiating or spreading gossip or rumors, 8) use of racially derogatory and demeaning words, phrases and epithets, 9) distributing offensive ethnic or religious cartoons or jokes by e-mail, 10) making negative, demeaning or stereotypical comments regarding an employee's age, and 11) derogatory comments regarding an employee's mental or physical disability.

Employees are encouraged to report harassment to management officials immediately and preferably *before* it becomes severe or pervasive. All incidents of harassment should be reported to the first-line supervisor. If the first-line supervisor is perpetuating the harassing behavior, report the conduct to the next supervisor in the chain of command.

If an employee has reported the harassment to management officials and appropriate corrective actions have not been taken, they may report the harassing conduct to the higher chain of command and/or initiate a complaint by contacting an EEO official or counselor within 45 days of the date of the alleged discriminatory action. All employees providing information regarding harassing behavior or initiating an EEO complaint are protected against retaliation.

When investigating allegations of sexual harassment/unlawful harassment, the Agency will consider the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged harassing behavior occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment/unlawful harassment in the workplace. Employers are encouraged to take necessary steps to prevent sexual harassment/unlawful harassment from occurring. They should clearly communicate to employees that sexual harassment/unlawful harassment of any kind will not be tolerated. They can do so by 1) establishing and enforcing command policy statements, 2) providing prevention of sexual

harassment/anti-harassment training to their employees, 3) establishing an effective complaint or grievance process, and 4) taking immediate and appropriate actions when sexual harassment/unlawful harassment occurs in the workplace and when an employee complains.

For information on filing an EEO complaint within MCB Camp Lejeune and MCAS New River, please contact the MCIEAST EEO Office at 910-451-5083/9676/5272 or 450-6819.

Prevention of sexual harassment/anti-harassment training can be conducted upon request at a time/place/location most convenient to the requesting organization.