

# *Preventing & Addressing Sexual Harassment*

## **Supervisor and Employee Guide**

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## **POINTS OF CONTACT FOR CIVILIANS**

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## SEXUAL HARASSMENT FACTS

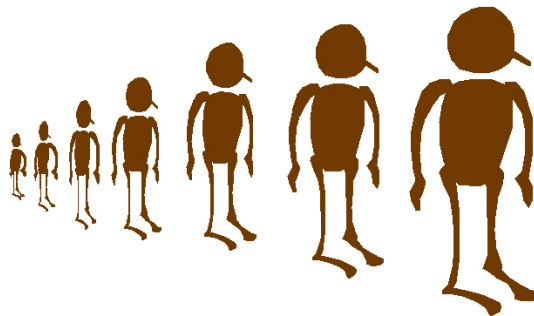
There are both obvious and hidden costs in dealing with sexual harassment. There are complaints, investigations and lawsuits, plus high turnover, absenteeism, public image, safety, and efficiency concerns.

Please take a look at your work environment. What may appear on the surface to be "just good humor" or "harmless fun" can hide a troublesome, unpleasant, degrading and expensive case of sexual harassment in the making. This guide will alert you to the warning signs, point out potential problem areas, and show you ways to stop sexual harassment before it begins.....and to handle it effectively if and when it ever occurs.



According to the Merit System Protection Board, a Washington-based federal agency set up to handle federal employees' grievances, the overall cost to the government for sexual harassment totals \$267 million over a two-year period. This includes \$37 million for job turnover, \$26 million for sick leave, and \$204 million in lost productivity.

**Not included is the personal cost and anguish endured by the victims.**





## THE LAW SAYS

Sexual harassment is not only destructive behavior; *IT IS AGAINST THE LAW.*

Place the responsibility to stop the harassment on the harasser. This can be accomplished through communication with the harasser that telling jokes, showing sexually explicit magazines, touching you or asking you out, are all forms of inappropriate behavior.

The Federal Government has issued guidelines on sexual harassment, which state that sexual harassment is illegal under Title VII of the Civil Rights Act of 1964. The regulation states that:

"Unwelcome sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of reasonably interfering with an individual's **work** performance or creating a hostile, intimidating, or offensive work environment."

The law does not differentiate between the sexes.

### **Other laws governing sexual harassment for civilian personnel are:**

1. Civil Service Reform Act of 1987
2. DOD Directive 5200.2-R, Personnel Security
3. DOD 5500.7-R, the Joint Ethics Regulation
4. Office of Personnel Management Policy
5. MSPB Policy

### **Military personnel are governed by:**

1. Uniform Code of Military Justice
2. Manual for Courts-Martial
3. AR 600-20
4. AR 600-50
5. AR 600-200



## IF YOU'RE SEXUALLY HARASSED

Tell the harasser to STOP.

### If the harassment continues

- Talk to your friends.
- Write down everything that happened.
- Avoid being alone with the harasser.
- Report it to proper officials and get help.



## IF YOU OBSERVE SEXUAL HARASSMENT

- Document all incidents.
- Keep detailed accurate notes, specifying dates, times, places, etc.
- Share observations with the victims and appropriate officials.
- If you are aware of other individuals whom the harasser has harassed, let the victim know.
- Do not openly discuss what you witnessed with uninvolved individuals.
- Report it to proper officials.







## SEX ROLE STEREOTYPING

**DEFINITION:** A stereotype is a fixed, unchanging idea about someone or something which may have little relationship to actual fact.

**DEFINITION:** A sex role stereotype is a fixed idea about how men behave and how women behave.

Stereotypes are learned as a result of experience, or most often, are learned in childhood from parents, teachers, and the surrounding social environment.

Stereotypes arise from human anxiety or fear, about the unknown, untried new experiences or situations. People become anxious when they do not know what is expected of them or what to expect from other people. To reduce personal anxiety, a person will take any experience they have had before, or take someone else's experience, and project that knowledge into a new situation, then react in a way they think is appropriate. Being armed with this so-called knowledge (stereotype), they are not afraid of a new situation with new people.

**THE DANGER IN STEREOTYPING IS THAT INSTEAD OF REACTING OR BEHAVING NATURALLY IN A SITUATION, THE INDIVIDUAL WILL REACT OR BEHAVE ACCORDING TO THE STEREOTYPE. STEREOTYPED VIEWS CAN LEAD TO DISCRIMINATION.**

Stereotyping can impact upon our performance of duties. Male and female supervisors, and male and female employees or military personnel who act according to sex role stereotypes can interfere with the proper assignment and accomplishment of work.

**Example:** A woman was not selected for a job because the boss felt women are not aggressive enough.



SEX DISCRIMINATION IS ANY PRACTICE OR POLICY WHICH RESULTS IN DIFFERENTIAL TREATMENT OF AN INDIVIDUAL BECAUSE OF HIS OR HER SEX.

In an employment situation, showing favoritism toward or bias against any worker because of gender is sex discrimination. An exception to the requirement of equal treatment without regard to sex is permissible only if sex is a bona fide occupational qualification (BFOQ), which means sex (gender) is necessary for authenticity, genuineness, or the normal operation of the job (e.g., wet nurse).

Except in specific examples, one may assume that sex is not a BFOQ. An employer cannot claim that only a man can be hired as a department head because the employer believes employees take direction better from a man, or that only a woman can be hired as a flight attendant because the employer thinks the public expects a woman in that job.

## SEXUAL HARASSMENT DEFINED

**The Department of the Army defines sexual harassment as:**

1. Influencing, offering to influence, or threatens the career, pay, or job of another person - woman or man - in exchange for sexual favors.
2. Deliberate and repeated offensive comments, gestures or physical contact of a sexual nature in a work or work related environment.

**This policy applies to all civilian and military personnel, and is based on the Equal Employment Opportunity Commission's guidelines on sexual harassment. These guidelines clearly state that actions constitute sexual harassment when:**

1. Submission to such conduct becomes explicitly or implicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
3. Such conduct has the purpose or the effect of interfering with work performance or creates an intimidating, hostile or offensive work environment.

## TWO TYPES OF HARASSMENT

### "Quid Pro Quo" and "Environmental or Hostile Work Environment"

"Quid Pro Quo" harassment occurs when "submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual."

An example of "quid pro quo" harassment is a supervisor requesting sex from an employee in exchange for a promotion.

Sexual jokes, teasing, comments, sexual innuendoes, or even the presence of suggestive posters or other objects may create a hostile or intimidating work environment. A hostile work environment may even be created by the sexual involvement of a supervisor and an employee he/she supervises.

**REMEMBER any of following three conditions must exist:**

#### **CONDITION #1 (Quid Pro Quo)**

Submission to conduct is made exclusively, or implicitly, a term or condition of an individual's employment.

#### **CONDITION #2 (Quid Pro Quo)**

Submission to or rejection of unwelcome sexual advances, request for sexual favors, is used as the basis for employment decisions affecting such individuals at work.

#### **CONDITION #3 (Hostile Work Environment)**

Unwelcome sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature has the purpose or effect of interfering with an individual's work performance creating an intimidating, hostile work environment.

### KEY QUESTIONS

- Does the situation involve a behavior?
- Is the behavior sexual, or gender based?
- Is the behavior unwelcome?



## UNACCEPTABLE BEHAVIORS

### **Behaviors that are always unacceptable include –**

- Physical contact that includes touching, pinching, patting, kissing, rubbing up against, fondling, groping, grabbing or assault
- Interfering with or blocking movement
- Verbal sexual advances or propositions
- Suggestive or obscene letters, notes, invitations or email received at work or at home
- Repeated face-to-face, telephone or email invitations after being refused
- Making or using derogatory comments, epithets, slurs and jokes
- Leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons or posters
- Verbal abuse of a sexual nature, including graphic comments about an individual's body, sexually degrading words to describe an individual
- Unwanted sexual advances or attention
- Obscene or suggestive sounds
- Passing over qualified employees for promotion in favor of an employee who is sexually involved with the boss
- Obscene or suggestive gifts
- Frequent discussion of sexual acts and exploits

## WHO'S RESPONSIBLE FOR STOPPING SEXUAL HARASSMENT

### **Sexual harassment is behavior directed at a specific person.**

- By communicating with the harasser, that telling dirty jokes, or showing sexually explicit magazines, or touching you and asking you out is inappropriate behavior, you place the responsibility upon the harasser to stop the behavior(s)
- Once you place the responsibility upon the harasser, that person is required to stop. If he/she does not stop, or if other people counsel you that you are too sensitive; boys will be boys; or you should be able to take a joke then you are being targeted because the individuals are indicating that your rights and feelings do not count.
- When targeting occurs, the organization has the absolute responsibility to intervene, if your efforts are not successful or you are in a situation where it is difficult for you to speak up, utilize your chain of command or contact the EEO Office.
- Circumstances, which may constitute sexual harassment, cover a broad range of behaviors, which can become abusive and even criminal in nature. When abusive behavior includes elements of extortion, assault and battery, or sex crimes, civil authorities may have the overriding responsibility for ensuring that the harasser is prosecuted.
- The organization has the responsibility for preventing and dealing with sexual harassment. Supervisors who know or should have known are responsible. The chain of command can take corrective action in situations of sexual harassment, under the Table of Penalties. These corrective actions range from counseling to appropriate disciplinary action, including suspension. The Department of the Army has terminated some individuals who behaved in an abusive manner.

## PERSONAL BEHAVIOR CHECKLIST

Maintaining a work environment free from sexual harassment behavior is important for maximum productivity, teamwork and high morale.

**Examine personal behavior using the following checklist:**

1. Does this behavior contribute to work output and/or mission accomplishment?
2. Could this behavior offend or hurt other members of the work group subjected to it?
3. Could this behavior be misinterpreted as intentionally harmful or harassing?
4. Could this behavior be sending out signals that invite harassing behavior on the part of others?



**ASK YOURSELF THE FOLLOWING QUESTIONS:**



1. Is there equal participation between me and the person I'm interacting with?
2. Is there equal power between me and the person I'm interacting with?
3. Would I want any of these behaviors to appear on the six o'clock news?
4. Would I behave this way if my family, spouse, girlfriend, boyfriend or minister were present?
5. Would I want someone else to behave this way toward my husband, wife, girlfriend, or boyfriend?

**IF YOU ANSWERED NO TO THESE QUESTIONS, THE BEHAVIOR(S) ARE UNWANTED AND ARE PROBABLY HARASSING.**



## IF YOU ARE A VICTIM OF SEXUAL HARASSMENT

**1. BE ASSERTIVE.** Confront the harasser at the first sign of trouble. Do not hint. Without smiles, evasion, or apologies let the harasser know the behavior is unwelcome and offensive. If you can't do it alone, ask a friend to witness your discussion with the harasser.

**2. SEND THE HARASSER A CERTIFIED LETTER.** Tell the harasser that you will notify his/her supervisor or other appropriate authorities if the unwelcome behavior continues. Keep a copy of the letter.

**3. KEEP A JOURNAL.** Document all incidences of sexual harassment. Keep a record of the harasser's behavior, with dates, times, and places. Detail all the circumstances to include the names of witnesses. Get witnesses to document what they heard or saw.

**4. TALK TO COWORKERS. ASK IF THIS HAS HAPPENED BEFORE.**

Assume that there is no such thing as a first time harasser. If you are being harassed, more often than not, he/she has sexually harassed someone else.

**5. GET AND KEEP PERFORMANCE DOCUMENTS.** This includes any memos or letters of praise. Evidence of satisfactory work is important protection against a harassing supervisor's possible later charges of incompetence or instability. If your harasser retaliates by badmouthing your work, these records will disprove such allegations.

**6. GET A STRONG SUPPORT SYSTEM.** Any victim of sexual harassment will more than likely experience stress. Talk to your friends, relatives, spouse, or minister.

**7. FILE A COMPLAINT.** Military personnel should contact the Equal Opportunity (EO) Advisor or the Inspector General's Office. Civilians should contact the installation's Equal Employment Opportunity (EEO) Office to file a complaint of discrimination.

## WHAT CAN YOU DO IF YOU OBSERVE SEXUAL HARASSMENT

- Document all incidents. Keep detailed and accurate notes, specifying dates, times, places, etc.
- Share observations with the victims and appropriate officials.
- If you are aware of other individuals, whom the harasser has harassed, let the victim know.
- Do not openly discuss what you witnessed with uninvolved individuals.





## CHECKLIST FOR SUPERVISORS AND MANAGERS

### ***DO....***

- Develop a working knowledge of Federal and Army policies regarding sexual harassment.
- Know the avenues of redress available to employees.
- Work to create an atmosphere and environment that is free of sexual harassment in your area of responsibility.
- Serve as a role model for the employees you supervise.
- Treat all employees under your supervision in a fair and equitable manner.
- Work closely with the Equal Employment Opportunity Office (civilian), and the Equal Opportunity Advisor (military) to ensure complaints received are treated with confidentiality and are reviewed and investigated thoroughly.
- Handle every complaint with objectivity, sensitivity, fairness and seriousness.
- Move quickly to resolve sexual harassment complaints and to stop behavior that might cause complaints of this nature.

### ***DO NOT!***

Brush aside a complaint by treating it lightly.

Listen to a complainant and then react by verbally attacking the individual.

Express disbelief about the seriousness or extent of the complaint.

Jump to the conclusion that the accused individual is not the type of person to commit such an act or decide to rush out and "get" the alleged perpetrator.

Immediately assume that the accused individual is guilty.

**REMEMBER THAT AS A  
SUPERVISOR OR  
MANAGER,  
YOU HAVE THE FIRSTLINE  
RESPONSIBILITY FOR  
PREVENTING SEXUAL  
HARASSMENT, OR FOR  
STOPPING SEXUAL  
HARASSMENT IN YOUR  
WORK AREA.**

