



**US Army Corps  
of Engineers**  
New Orleans District

**I**NTEGRITY

**Q**UALITY

**P**ROFESSIONALISM

**C**ARING

CEMVN-DE (EO)

21 March 2011

MEMORANDUM FOR ALL MEMBERS OF NEW ORLEANS DISTRICT

SUBJECT: Allegations of Sexual Harassment Under 10 U.S.C. Section 1561

1. As you are aware, Title VII of the Civil Rights Act of 1964, as amended, provides an avenue for an employee to bring allegations of sexual harassment to the Equal Employment Opportunity (EEO) Office under 29 Code of Federal Regulations (CFR) Part 1614. Those complaints are commonly referred to as EEO complaints.
2. This is notice that there is an additional and separate avenue through which allegations of sexual harassment may be raised. This additional right is outlined in 10 U.S.C. Section 1561, which allows an individual to file a complaint with a designated person, alleging sexual harassment by military personnel and/or civilian employees. In this document, these new types of complaints will be referred to as "1561 complaints" to differentiate them from EEO complaints.
3. A 1561 complaint should be submitted in writing and identify the date, time, location, conduct in question, and the name(s) of the person(s) allegedly involved in the misconduct. An investigation of a 1561 complaint is to begin within 72 hours after receipt of that complaint. The employee is to be advised when an investigation has begun. To the extent practicable, a Commander or officer in charge of receiving a 1561 complaint shall ensure that the investigation of the complaint is completed not later than 14 days after the date on which the investigation is commenced. A report on the progress made in completing the investigation must be submitted to the next superior officer within 20 days after the date on which the investigation is begun, and every 14 days thereafter, until the investigation is completed. Upon completion of the investigation, a final report outlining the results of the investigation, including any action taken must be submitted to that next superior officer.
4. The 10 U.S.C. Section 1561 definition of sexual harassment is conduct (constituting a form of sex discrimination) that:
  - a. Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:
    - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

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(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 has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or

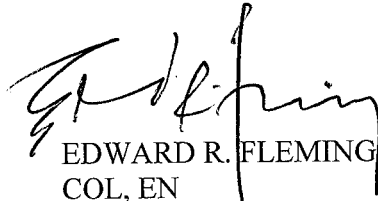
b. Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

5. Sexual harassment is further defined as any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces or a civilian employee of the Department of Defense.

6. I have designated the Deputy District Engineer to receive sexual harassment complaints from employees of the New Orleans District filed pursuant to 10 U.S.C. Section 1561. He will ensure that an investigation is conducted in accordance with 10 U.S.C. Section 1561 and that all reporting requirements are satisfied.

7. Sexual harassment complaints may still be filed with the EEO office. However, filing a complaint of sexual harassment in the EEO office does not constitute filing a 1561 complaint. An employee wishing to use both avenues must adhere to the filing requirements of both processes.

8. Sexual harassment will not be tolerated at the New Orleans District.



EDWARD R. FLEMING  
COL, EN  
Commanding