SEXUAL HARASSMENT RIGHTS AND RESPONSIBILITIES

What is Sexual Harassment?

Q: Isn't sexual harassment what happens when women send mixed sexual messages to men and then change their minds?

A. Sexual harassment, like other kinds of sexual abuse, is about power, not sex. That is why anyone, female or male, can experience it. And both men and women can be harassers. Harassment is an attempt to exercise power. Sexual innuendo, leers, jokes, threats, pressure, sexually explicit pictures, inappropriate comments, touching, and even violence, are ways sexual harassers attempt to show their power. The harasser wants to force another person to feel or act a certain way. The harasser seeks to bother, test, intimidate, belittle, degrade or hurt another person. Because more men are in positions of power in workplaces and men exercise greater power in our society, women make the vast majority of sexual harassment allegations against men.

Q: Don't supervisors who promise promotions to subordinates for sexual favors usually do sexual harassment?

A: The traditional picture of sexual harassment shows a supervisor offering or withholding benefits from a subordinate based on the person's consent to sexual relations. That is called quid pro quo harassment. Quid pro quo means "this for that" - in other words, the expectation that a person will accept harassment as a condition of keeping his or her job, or remaining eligible for a benefit such as time off, annual leave, a meritorious promotion or Marine and Sailor of the Quarter board. This is the "you take care of me and I'll take care of you ...or else" mentality. Quid pro quo harassment does not have to be explicitly stated; it can be implied.

Q: Isn't sexual harassment when an intimidating, hostile or offensive working environment exists?

A: Sexual Harassment can create a hostile environment where verbal or nonverbal behavior:
- Focuses on the sexuality of another person or occurs because of the person's gender.
- When unwanted or unwelcome.
- When behavior severe or pervasive enough to affect the person's work environment.

The following are examples of behaviors that can create a hostile working environment if they are unwanted or unwelcome:
- Sexually oriented jokes, stories, whistling or teasing
- Comments about a person's body parts or sexual activities
- Displaying pictures, posters, calendars, or cartoons of a sexual or objectionable nature
- Leering, ogling, or staring at a person's body
- Repeated requests or pressure for dates

- Excessive attention in the form of love letters, telephone calls or gifts
- Unnecessary touching, patting, hugs, shoulder rubs, pinching, cornering or brushing against another individual in a deliberately sexual manner
- Assault/Rape

Q: Then what is sexual harassment?

A: The Marine Corps Order P5354.1D views sexual harassment as a form of sexual discrimination that infringes on a person's right to work in a professional environment free from unwanted sexual attention, or sexual pressure. The legal definition of Sexual Harassment is:

A form of sex discrimination that involves unwelcome sexual advances, favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly a term or condition of a person's job, pay, or career.

- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

- 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.

SEXUAL HARASSMENT

Is it illegal?

Sexual Harassment is ALWAYS illegal! It is a violation of the UCMJ.

The Key Word Is "Unwelcome"

When any unwanted, unwelcome, or unsolicited sexual conduct is imposed on a person who regards it as offensive or undesirable, it is sexual harassment. When a person communicates that the conduct is unwelcome, it becomes illegal.

STEPS TO TAKE TO PREVENT SEXUAL HARASSMENT
- Become familiar with your right to work in an environment free from discrimination based on sex.
- Be prepared to assert these rights.
- Conduct yourself in a professional manner at all times.
- Become acquainted with command policy and procedures for reporting harassment. Contact your unit Equal Opportunity Representative if necessary.

STEPS TO TAKE IF YOU ARE SEXUALLY HARASSED
- Try to remain professional, and avoid being overly dramatic.

- Be direct and candid with the person. Respond promptly and clearly, verbally or in writing, or both. Tell the offender that the conduct is unwelcome and unacceptable, say what is acceptable, for example, "Don't call me sweetheart; my name is PFC Marine." "Don't hug me when you pass me in the hall; a simple `hello' is fine."
- Document in writing every incident, with specific details of the offensive behavior and your response. When reporting the harassment be prepared to tell all the facts surrounding the incident. Information needed is who, what, when, where, and how.
- Try not to feel guilty. Sexual harassment is not your fault. By clearly voicing your expectations, you force the offender to choose whether to change the unwelcome behavior, or to purposely continue it.
- If the harassment continues, contact your Equal Opportunity Representative and/or report it to the Chain of Command.

STEPS TO TAKE IF YOU ARE A SUPERVISOR
- Take every complaint seriously; give it your prompt attention and open-minded consideration.
- Be supportive and sensitive; personnel may be embarrassed not only by the harassment, but also by the need to discuss a "personal" problem with a supervisor.
- Listen to the individual. Don't be judgmental or contradict what he or she feels they experienced.
- Maintain confidentiality. Protect the rights of both the accuser and the accused. Rumor causes damage to unit cohesion.
- Contact your Equal Opportunity Representative to be sure you understand command policy and procedures -- then follow them carefully.

Remember, sexual harassment is against the UCMJ; it is a serious matter for both the individuals involved, and the command.

- DON's TOLL-FREE SEXUAL HARASSMENT ADVICE AND COUNSELING TELEPHONE NUMBER: (800) 253-0931 - HQMC HOTLINE: (703) 614-1348/49