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Defense Equal Opportunity Management Institute (DEOMI)
website under the Harassment Prevention area at www.defenseculture.mil.

December 2020



DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE
RESEARCH AND DEVELOPMENT DIRECTORATE
366 Tuskegee Airmen Drive Patrick AFB, FL 32925

Internet Site

The Defense Equal Opportunity Management Institute (DEOMI) website, located at www.defenseculture.mil, provides a variety of tools and information to support leaders, organizations and the climate assessment process.

Cover

DEOMI's graphic artist, Mr. Patrick Phillips, created the cover.

This Guide

This guide assists leaders in identifying types of harassment, recognize harassing behaviors, and to provide ideas and strategies to implement in organizations. It is not intended to be all-inclusive, and methods and strategies discussed within it may be tailored based on unit needs and desires. Suggested improvements and additions to this guide should be submitted to the DEOMI Research and Development Directorate, 366 Tuskegee Airmen Drive, Patrick Air Force Base, Florida 32925.

Acknowledgements

We would like to acknowledge the contributions of Mr. Jay Steinke, Dr. Loring Crepeau, Mr. Shawn Seman, Mr. Scott Emison, and others in the development of this guide.

Disclaimer

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Table of Contents

Overview	2
Harassment.....	3
Reasonable Person Standard	3
Discriminatory Harassment	4
Sexual Harassment.....	6
Bullying	8
Hazing.....	9
Retaliation.....	11
Reprisal (as a form of Retaliation).....	11
Strategies to Identify Harassment	133
Direct	133
Indirect	144
Observations	144
Surveys.....	144
Summary	155

Overview

Harassment is a problem that can occur in any environment and, for all you know, it could be happening in your workplace. Recognizing harassment—and being effective in stopping it—is crucial to maintaining a healthy organizational climate. Furthermore, providing all members with effective education and reinforcement training helps ensure everyone is afforded the opportunity to work in a professional, harassment-free environment.

This guide's purpose is to help leaders, supervisors, and managers identify instances where their workforce members could be experiencing harassment.

Throughout this guide, written comments (displayed on red/green images) from recent anonymous surveys received across the DoD as examples are provided to raise your awareness and to demonstrate that harassment is real and still occurs daily. Names of individual members and organizations involved were removed.

Harassment

Per the DoD Instruction 1020.03, harassment is behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environmentⁱ.

- Harassment can occur through electronic communications including social media, other forms of communication, and in-person.
- Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols.
- Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, are not considered harassment.



Reasonable Person Standard

The "reasonable person test" is used to determine whether a behavior meets the legal standard for unlawful discrimination or sexual harassment. The test requires the hypothetical exposure of a reasonable person (third party) to the same set of facts and circumstances; if, to that third party, the behavior is offensive, then the objective test is met. It is important to note that the reasonable person standard considers *the complainant's* perspective, and does not rely on stereotyped notions of acceptable behavior within that particular work environment.ⁱⁱ

For example:

1. You are out walking and you come across this sign blocking a bridge. You decide to push it out of your way and keep going.



Suddenly you fall off the bridge and twist your ankle. Whose fault is it?

A reasonable person (third party) could say:

- There is a sign that tells you not to enter; it is your own fault that you fell and incurred injuries.

2. Several months ago, a member of your organization spoke to her Equal Opportunity (EO) professional because she felt her supervisor was retaliating against her for an earlier complaint she made to the EO. She discusses her concerns with you as to whether supervisor was doing to her, such as excluding her from meetings she should be attending, bringing in donuts for everyone except her, and offering training opportunities for everyone except her.

A reasonable person (third party) could say:

- Because there are multiple negative actions taken against one particular person (after that person discussed their situation to the EO about their workplace conditions) a reasonable person could determine they are being retaliated against.

So what should you do?

Consider your decisions about disciplining an individual for their professional misbehavior(s):

- Am I being too hard or too easy? Would a reasonable person say “You’re going too far?” or “If you don’t hold them accountable today, they will do it again next week?”
- Does the punishment fit the “crime?” Consider the impact of your corrective action. Will it help the individual learn from their mistake? Corrective or reinforcement training is a strategy that can effectively reinforce positive behaviors. Would a reasonable person say, “That type of punishment doesn’t make sense?”

Consult with your peers/mentor

- Discuss your options with a peer/mentor before implementing them
- Ask if they have ever experienced a similar situation, what they did, and what were the results from the situation

Discriminatory Harassment

Discriminatory harassment is unwelcome or offensive behaviors based on race, color, national origin, religion, sex (including gender identity), or sexual orientation.

What you should look for. When observing a group, watch how they treat one another. These observed interactions could indicate a potential problem:

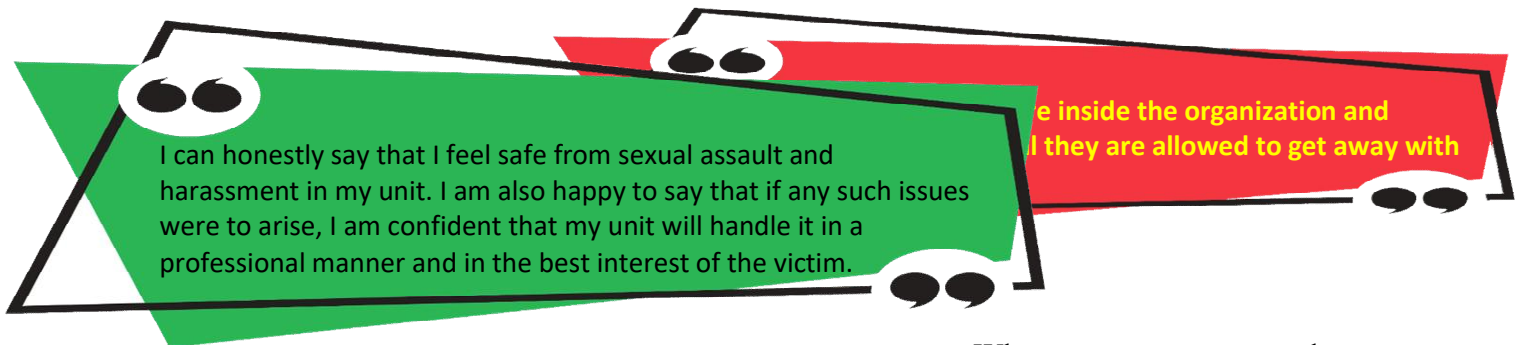
- Antilocution type behaviors: Individually targeted “jokes.” Jokes that appear to target certain members. Jokes that some may consider harmless can, in fact, have a significantly detrimental effect upon an individual, though it may not be obvious.
- Avoidance behaviors: Members appearing to avoid other members. Imagine a group of several people on the sidewalk standing around talking, and you observe someone crossing the street and then back again as a way to avoid being near the group.
- Excluding behaviors: At lunch, you observe several people sitting together and not inviting others who are not in their clique. Another form of exclusion is polarization,

where individuals/groups exclude others who do not look like them (e.g., based on sex, race, ethnicity, etc.).

- Arguments: Verbal and physical altercations targeting specific members, especially those considered outsiders
- Complaints: Anonymous, informal, or formal complaints of harassment in the workplace

So what should you do when you see comments like these?

- When you receive positive comments on a climate survey, but want to understand what you are doing right in the eyes of your subordinates so that you can continue these positive practices, ask them what makes them feel this way?



- When comments suggest the workplace suffers from harassing behaviors, be visible and vocal about professionalism. This can help discourage behaviors such as inappropriate jokes, images, or behaviors, reducing probability of future discriminating behaviors.
- Know you are not alone. Others have received positive and negative comments also. The question is what are you going to do with the information you just received?
 - Use the tools (e.g. policies, regulations/instructions) and resources (e.g. time, people) available to you.
 - Conduct your own research on how best to resolve inappropriate situations.
 - Include others (seniors, peers, and subordinates)

Here are a few additional strategies to consider:


- Role reversal: Question the wrongdoer. Ask members of your organization if the inappropriate behavior was happening to them, how would they feel?
- Imagining: What if someone did this to your mother, father, sibling, or spouse, what would you do? What if this behavior was happening and you were not there to protect them?
- Conduct a follow-up: After your decision (whether administrative, UCMJ, other corrective action, or no action), at around the 30-45 day mark, physically and individually talk to all members involved. Discuss their current situation. Ask about how they feel they are currently being treated and any additional concerns they may have.

Sexual Harassment

Sexual Harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual natureⁱⁱⁱ.

What you should look for:

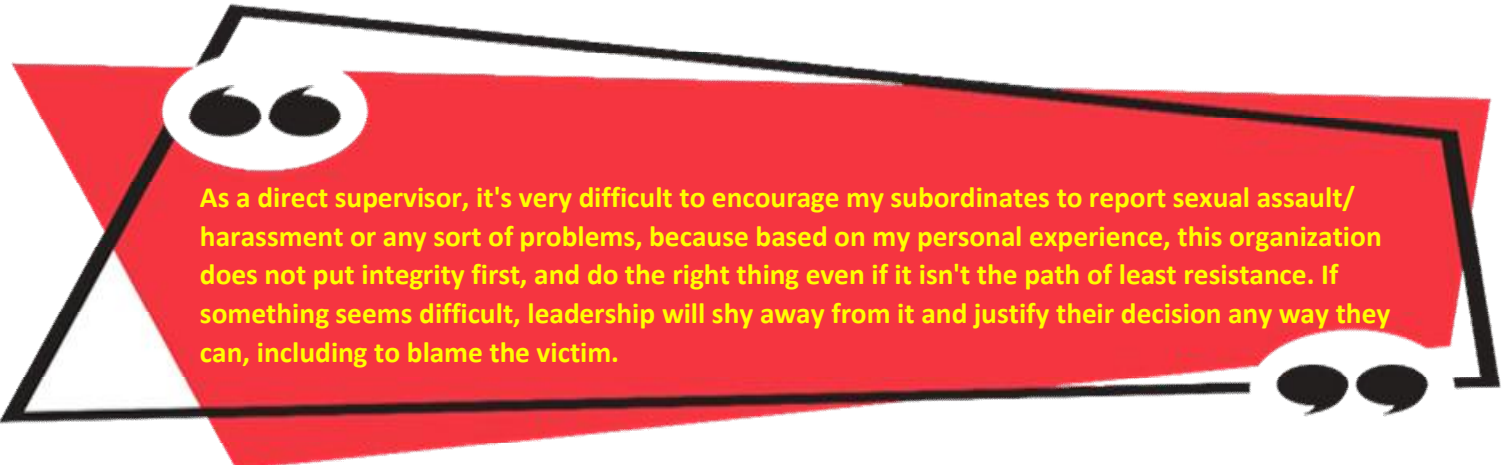
- As potential offenders: look for those who target same sex or opposite sex members engaging in “horse playing” inappropriate comments, joking around, and/or touching. Those individuals may be testing boundaries to see how others will react and what they can get away with.
- As potential victims: look for individuals who are “closed off” or loners. Pay attention to changes in behaviors when certain members come around. Watch for high absenteeism, sick call rates, tardiness, or non-work related reasons to be away from the office.



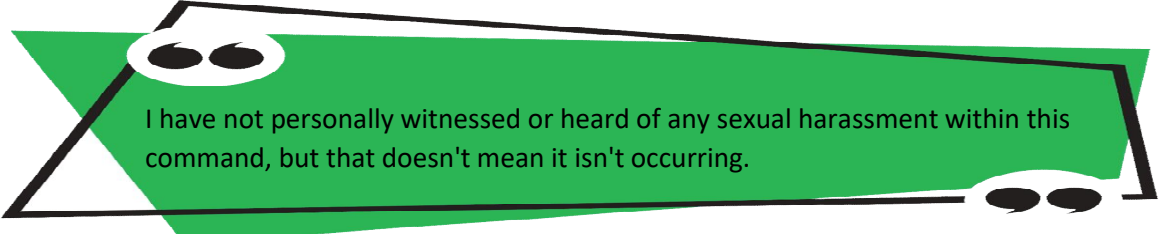
There has been multiple times where I have encountered unwanted sexual jokes and or experienced comments from the female ___ in my workplace.



There is zero issues with EO/EEO/SHARP or discrimination in this organization.



As a direct supervisor, it's very difficult to encourage my subordinates to report sexual assault/harassment or any sort of problems, because based on my personal experience, this organization does not put integrity first, and do the right thing even if it isn't the path of least resistance. If something seems difficult, leadership will shy away from it and justify their decision any way they can, including to blame the victim.



I have not personally witnessed or heard of any sexual harassment within this command, but that doesn't mean it isn't occurring.

So what

should you do when you see comments like these?

Begin by researching policy statements from different organizations and developing your own written strategy to stop any current sexual harassment and prevent future sexually harassing behaviors. Since leaders of every DoD organization are required to create and maintain an anti-sexual harassment policy letter, read several from different organizations.

1. Identify information from the best written policies.
2. Read regulations, policies, and instructions; determine what is required in your policy.
3. Write a draft policy letter.
4. Consult with your legal staff to ensure the policy is legally sufficient.
5. Make modifications as needed, then post your policy letter in high-visibility areas.
6. Share your policy with the workforce and stand behind it; hold offenders appropriately accountable.

Once your policy letters are posted, share it with everyone by talking about sexual harassment, and encourage others to talk about it too. If a member of your workforce appears to be sexually harassed, comply with your agency's investigative requirements, and hold all confirmed offenders appropriately accountable for their actions.

Here are a few additional strategies to consider:

Education: Educating members regarding the facts, including the legal definitions of sexual harassment, avenues for lodging a complaint, and institutional protections against reprisal. For example, the EEOC website can provide you with historical cases of inappropriate behavior complaints, including sexual harassment.

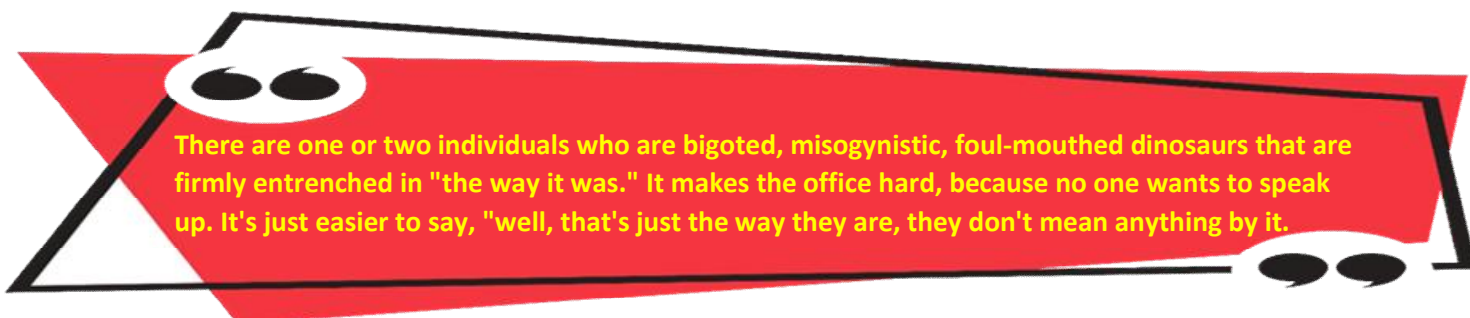
Training: Effectively training members includes training them at the appropriate level. Depending on the target audience, consider different training approaches, training session length, and develop a strategy where successive training builds on previous training sessions.

Awareness: Awareness in this instance involves combining education and training, and encouraging others to remain vigilant to recognize inappropriate behaviors when they occur. Furthermore, raising others' awareness works best when leaders advocate doing the right thing by encouraging peers to be observant, recognize inappropriate behaviors, and confront offending individuals or report the inappropriate behaviors.

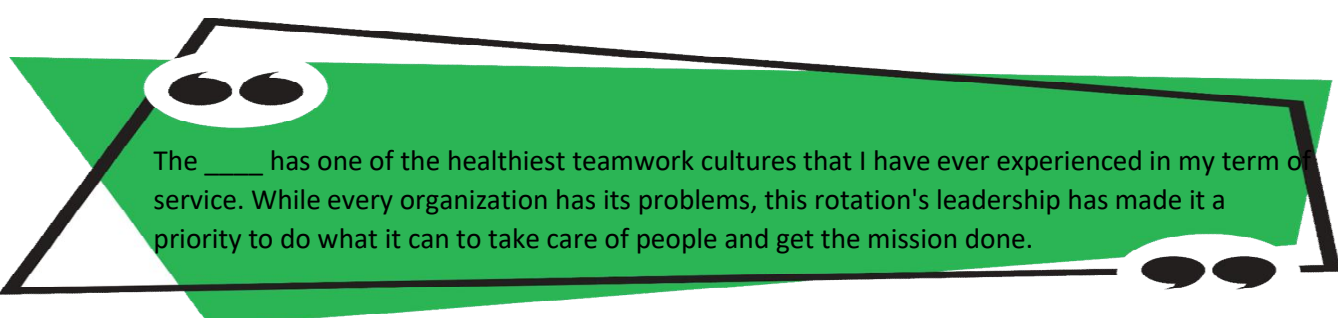
Bullying

Bullying is a form of harassment that includes acts of aggression by Service members or DoD civilian employees, with a nexus to military service, with the intent of harming a Service member either physically or psychologically, without a proper military or other governmental purpose.

- Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak.
- It often involves an imbalance of power between the aggressor and the victim.
- Bullying can occur through electronic communications including social media, other forms of communication, and in-person.

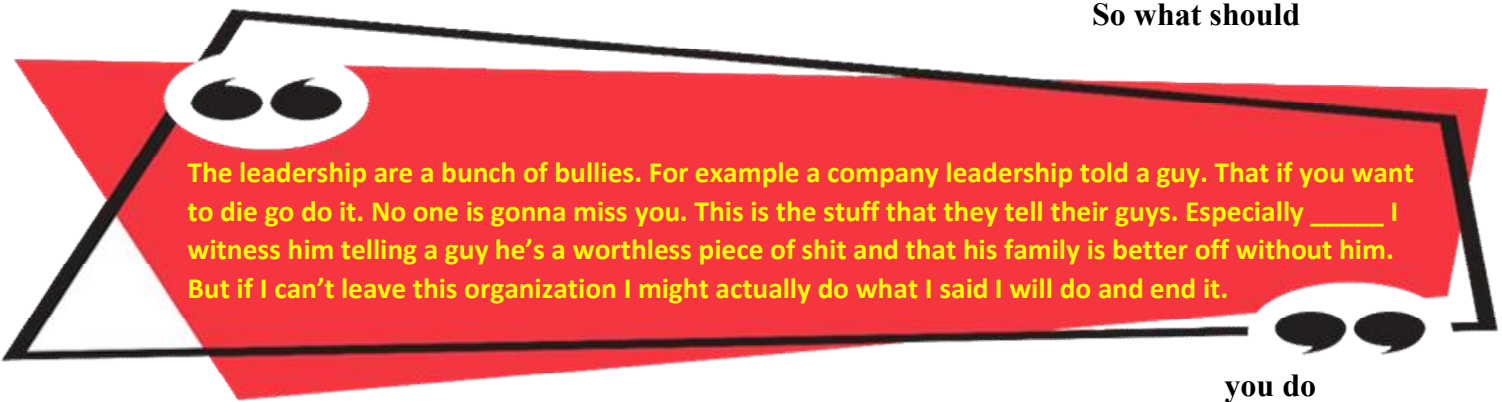


There are one or two individuals who are bigoted, misogynistic, foul-mouthed dinosaurs that are firmly entrenched in "the way it was." It makes the office hard, because no one wants to speak up. It's just easier to say, "well, that's just the way they are, they don't mean anything by it."



The ____ has one of the healthiest teamwork cultures that I have ever experienced in my term of service. While every organization has its problems, this rotation's leadership has made it a priority to do what it can to take care of people and get the mission done.

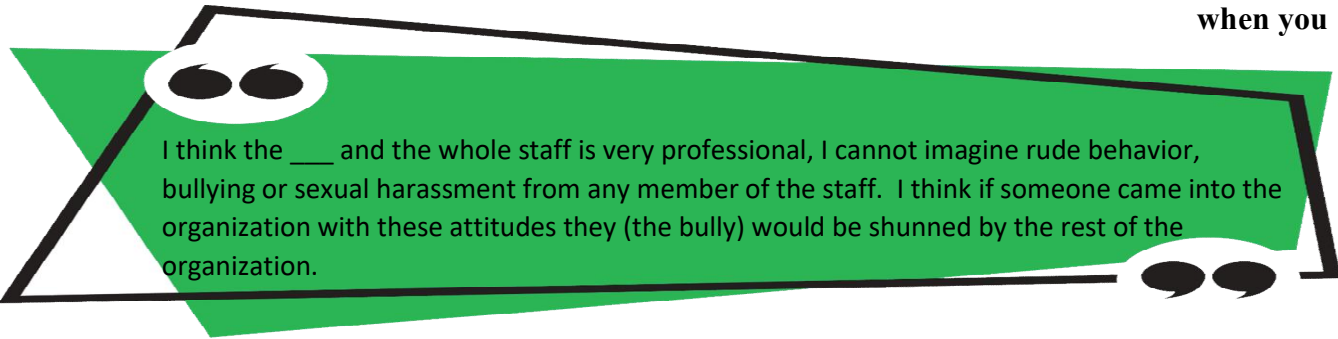
So what should



The leadership are a bunch of bullies. For example a company leadership told a guy. That if you want to die go do it. No one is gonna miss you. This is the stuff that they tell their guys. Especially ____ I witness him telling a guy he's a worthless piece of shit and that his family is better off without him. But if I can't leave this organization I might actually do what I said I will do and end it.

you do

when you



I think the ____ and the whole staff is very professional, I cannot imagine rude behavior, bullying or sexual harassment from any member of the staff. I think if someone came into the organization with these attitudes they (the bully) would be shunned by the rest of the organization.

see comments like these?

- Stop what you are doing behind your desk, and spend time with your subordinates; try to do this frequently and without a direct task/purpose (not to inspect/evaluate).
- Look at what is going on. Who is doing most of the work? Is someone yelling at his or her subordinates/peers? The non-verbal signals like the overall workplace mood or individuals who appear isolated and emotionally withdrawn can also tell a lot.
- Listen to what your members are saying in climate surveys and during one-on-one conversations.

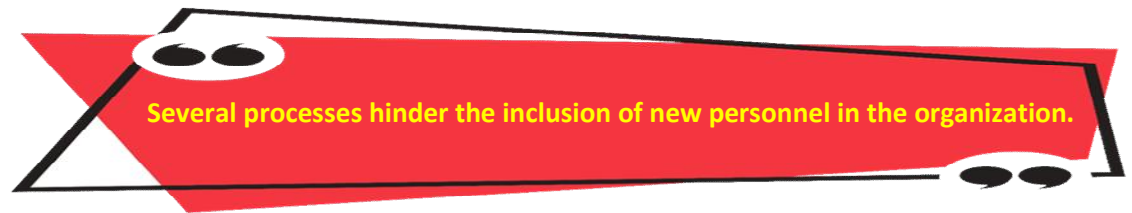
Here are a few additional strategies to consider:

- When possible, rotate junior leaders to balance roles and responsibilities.
- Express your intolerance for bullying behaviors and other harassing behaviors and your readiness to hold offenders accountable.

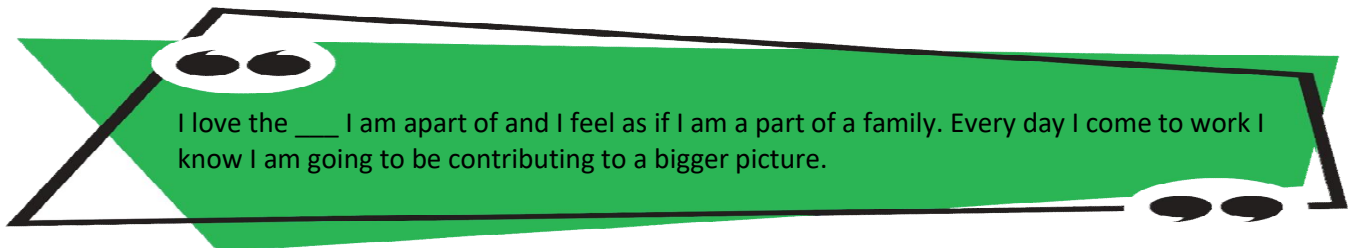
Hazing

Hazing is a form of harassment that includes conduct through which Service members or DoD employees, without a proper military or other governmental purpose but with a nexus to military service, physically or psychologically injures or creates a risk of physical or psychological injury to Service members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DoD civilian organization.

- Hazing can occur through electronic communications including social media, other forms of communication, and in-person.



So what should you do when you see comments like these?



- Modify your organization's



induction/promotion process, or create a new one; ensure it begins and ends when you say



so.

- When members of the organization are promoted, be there. Moreover, if any inappropriate behavior occurs during these rites of passage, intervene immediately.

Here are a few additional strategies to consider:

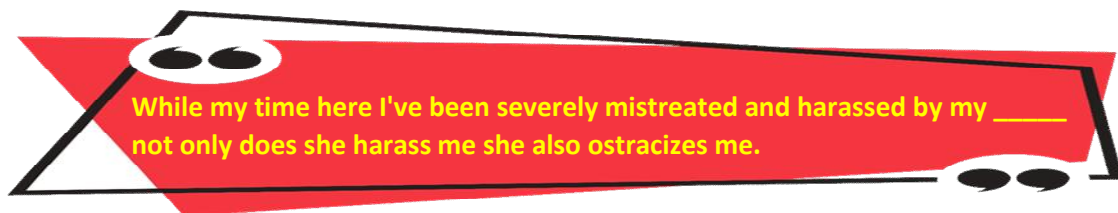
- Mandate mentorship programs beginning immediately after a new member arrives.
- Direct one-on-one introductions with all new members, and conduct a 30-45 day follow-up to evaluate the newcomer's induction process, in an effort to continuously improve it for subsequent newcomers.
- Provide "welcome packets" for all new members with important information (e.g., names, phone numbers, maps for support).

Retaliation

Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication. Retaliation for reporting a criminal offense can occur in several ways, including reprisal.

Reprisal (as a form of Retaliation)

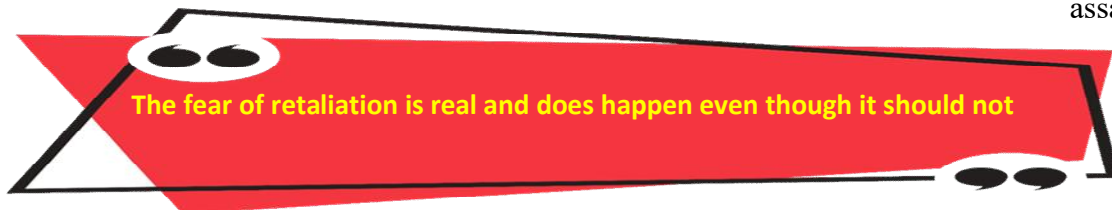
Reprisal is taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.



Protected communications include: a communication that a military member reasonably believes

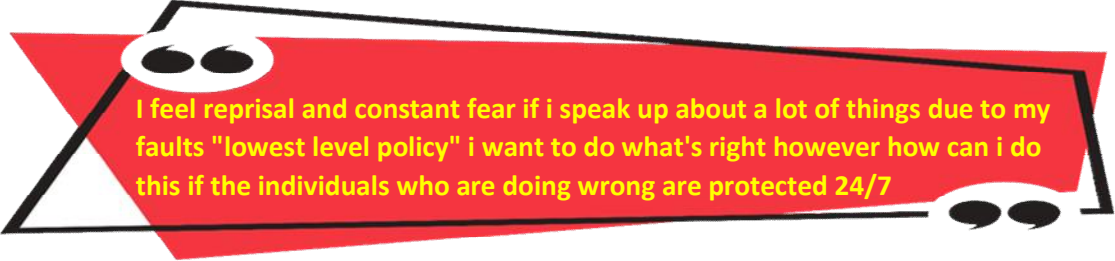


evidences a violation of law or regulation, including a law or regulation prohibiting rape, sexual assault,

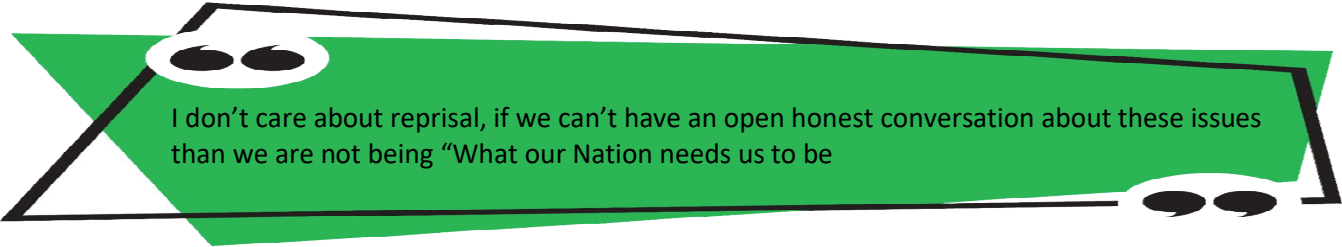


or other sexual misconduct in violation of articles 120 through 120c of the Uniform Code of Military Justice, sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, a substantial and specific danger to public health or safety, or a threat by another member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, Federal, or civilian property, when the communication is made to: a member of Congress; an IG; a member of a DoD audit, inspection, or law enforcement organization; any person or organization in the chain of

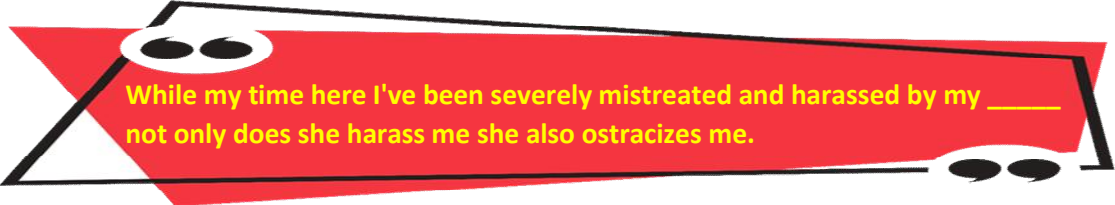
command; a court-martial proceeding; or any other person designated pursuant to regulations or other established administrative procedures to receive such communications.



I feel reprisal and constant fear if i speak up about a lot of things due to my faults "lowest level policy" i want to do what's right however how can i do this if the individuals who are doing wrong are protected 24/7



I don't care about reprisal, if we can't have an open honest conversation about these issues than we are not being "What our Nation needs us to be



While my time here I've been severely mistreated and harassed by my _____ not only does she harass me she also ostracizes me.



I am very comfortable with expressing my opinion without fear of reprisal

So what should you do when you see comments like these?

- For every harassment and retaliation allegation received, immediately and **individually** counsel **all** members involved. Remind them about your—and your agency's—policy regarding retaliation, and explain the consequences for retaliating.
- **Document all counseling; have all members sign** memorandums stating they are aware of retaliation and the consequences of engaging in it.
- Do what you can as a leader; if you become aware of retaliation, inform the appropriate individuals according to your organization's requirements and, when appropriate, hold offenders accountable for their actions.
- If retaliation is reported and an investigation is initiated, support the investigators; help ensure all members are available when requested.
- Remain neutral! Although this may sound easy, some leaders and members can have a tendency to believe the person who first raises the concern.
- When authorized, establish written no-contact orders or support civilian restraining orders.

Here are a few additional strategies to consider:

- When individually counseling members, stagger the schedule to avoid unnecessary contact among other involved members.
- Consider separating members to reduce exposure to each other.
 - Modify work schedules.
 - Assign individuals—temporarily or permanently, as needed—to different tasks.
 - DO NOT automatically reassign the member who filed the retaliation allegation. Consider all options first; you could be unwittingly re-victimizing the complainant and creating a new and undue hardship. This can certainly be the case if the complainant has a good workplace support group.

Strategies to Identify Harassment

First and foremost, you need to know the members who work for you. Typically, someone in charge will not be harassed; the people who are harassed are the ones who can be harassed, so remain aware of power disparity among members in your organization. Also, pay attention to how new employees, or members who appear to be different, are being treated.

Direct

A trusted supervisor might be directly informed that a subordinate was subjected to harassing behaviors. Trust does not automatically exist when a supervisor assumes that position, or when a new employee arrives. Instead, individuals learn to trust supervisors who consistently display honesty and integrity and proactively strive to support their needs. Subordinates of such supervisors will have the confidence and trust to report being harassed.

Indirect

There are numerous methods of being indirectly notified of inappropriate behavior. Some include: anonymous surveys, comment boxes, medical personnel, military chaplains or spiritual clergy leaders, DoD Inspector General (IG)—including the DoD IG hotline (www.DoDIG.mil), or the organization's Equal Opportunity (EO) professional.

Observations

Carefully watching your subordinates' behaviors and knowing them well enough may help you recognize potential warning signs of workplace harassment. Changes in behaviors may involve individuals actively avoiding certain individuals, showing up late, increased absenteeism, or increased medical appointments. Another way of being indirectly informed is to read the "writing on the wall." Consider what you see around you, literally. Look for graffiti on walls, or in restroom stalls. In addition, you may encounter writings in performance reports that can suggest harassment is occurring. For example, when the language in one member's performance report appears starkly different in form and tone from all other subordinates', it might suggest that member is being harassed. For more information about conducting observations, go to DEOMI's website (www.defenseculture.mil).

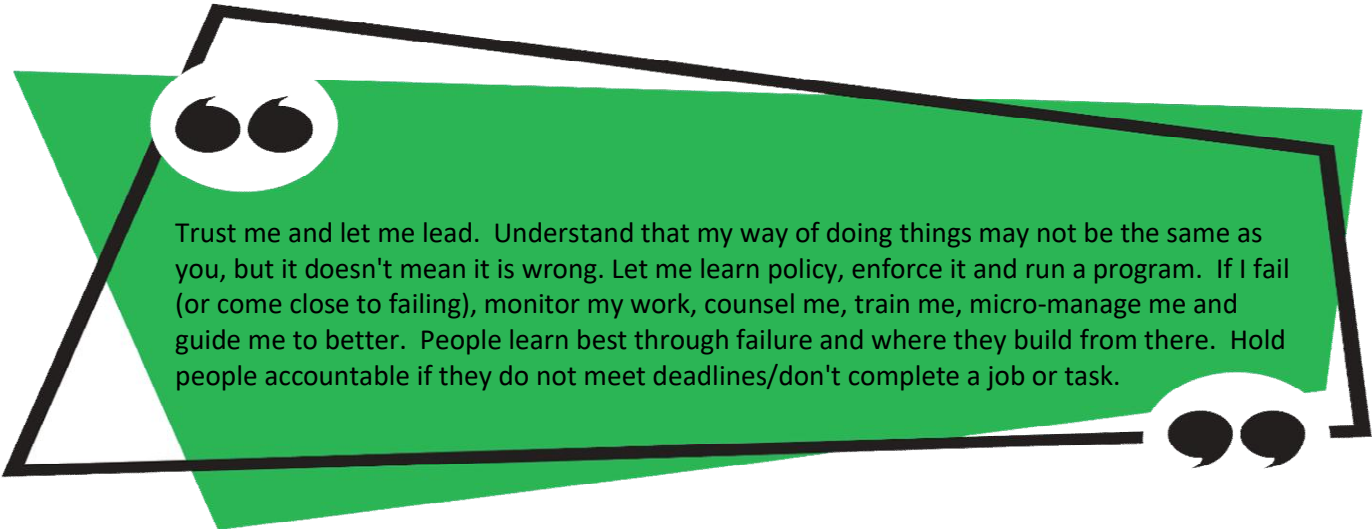
Surveys

Conducting anonymous surveys allows you to ask direct questions of the workforce, while protecting the identity of individuals. Still, it is important to remember that an anonymous survey should not be used as the sole reason for leveling concrete accusations against anyone. Survey results need to be validated using inquiries, investigations, or other fact-finding endeavors. For more information about surveys, go to DEOMI's website (www.defenseculture.mil).

Summary

Harassment in any organization should never be accepted, ignored, or permitted. If harassment or retaliation of any type is suspected, leadership should thoroughly investigate. If harassment is identified, it should be immediately addressed, and all offenders must be held appropriately accountable for their behavior.

As a leader it is important to know that you are never alone in your decision making process. Every leader has a supervisor, a peer, or someone they can talk to who may have experienced a similar situation themselves. If you have any doubts about the proper actions to take, contact your agency's legal department, or your human resources department.



Trust me and let me lead. Understand that my way of doing things may not be the same as you, but it doesn't mean it is wrong. Let me learn policy, enforce it and run a program. If I fail (or come close to failing), monitor my work, counsel me, train me, micro-manage me and guide me to better. People learn best through failure and where they build from there. Hold people accountable if they do not meet deadlines/don't complete a job or task.

References

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- ⁱ<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/102003.pdf>
- ⁱⁱ<https://www.jag.navy.mil/distrib/instructions/OPNAV5354.1FCH-1.EO.pdf>
- ⁱⁱⁱhttps://www.deocs.net/public/A2S-4_1/main-eo-eeo-fair.cfm