



## UNITED STATES MARINE CORPS

HEADQUARTERS MARINE CORPS AIR STATION MIRAMAR  
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StaO 12713.2

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### STATION ORDER 12713.2

From: Commanding Officer  
To: Distribution List

Subj: PREVENTION OF SEXUAL HARASSMENT

Ref: (a) 29 CFR Part 1604.11 (NOTAL)  
(b) EEOC MD 704 (NOTAL)  
(c) OCPMINST 12720.1 (NOTAL)  
(d) CPI 752 (NOTAL)  
(e) OPNAVINST 5510.1H

Encl: (1) Sexual Harassment Policy Statement

1. Purpose. To disseminate information concerning the prevention of sexual harassment to all appropriated and non appropriated fund civilian employees, per references (a) through (e).
2. Applicability. This Order applies to both appropriated and non appropriated civilian employees at Marine Corps Air Station Miramar.
3. Background. Statistics developed in recent years indicate that sexual harassment is a serious problem for a large number of Federal employees. References (a) and (b) published the Equal Employment Opportunity Commission (EEOC) guidelines on the subject and required implementation of a program designed to prevent sexual harassment within the Federal work force. Reference (c) provides policy and guidance regarding sexual harassment in the Department of the Navy (DON) and directs specific action.
4. Information
  - a. Sexual harassment is unacceptable conduct and will not be tolerated. Personnel at all levels, both military and civilian, are expected to maintain high standards of honesty, impartiality and conduct to assure proper accomplishment of assigned missions. Sexual harassment violates those standards and undermines the integrity of the employment relationship.

b. Civilian employees who engage in sexual harassment while conducting business with military or civilian personnel of the activity, with employees of other Federal agencies, with persons employed in the private sector or with other members of the public, are violating standards of conduct and will be subject to disciplinary action. Such conduct erodes morale and interferes with the work productivity of an organization.

5. Legal and Regulatory Bases

a. Sexual harassment is a form of illegal sex discrimination and therefore violates Section 703, Title VII of the Civil Rights Act of 1964 as amended, which covers all Federal employees.

b. Sexual harassment constitutes a prohibited personnel practice and is a violation of merit principles and therefore violates the provisions of the Civil Service Reform Act of 1978.

c. Sexual harassment violates the Government Code of Ethics which provides for proper performance of the government's business by all its employees.

d. In some instances of sexual harassment, various laws dealing with such incidents as extortion, assault, battery or sex crimes may be violated.

e. Individuals accused of sexual harassment are presumed innocent until proven otherwise. An accused person has full access to all legal and regulatory protections and both civilian and military are protected from self-incrimination by the 5th Amendment of the U.S. Constitution or Article 31 of the Uniform Code of Military Justice.

6. Definition. The criteria for determining whether conduct of sexual nature constitutes sexual harassment are:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

d. Under EEOC guidelines, employers are responsible for any sexual harassment acts when the supervisory chain of command knew or should have known of their occurrence. This strict liability standard will be applied on a case by case basis. Once an employee reports an allegation of sexual harassment to a supervisor or another responsible official, these agents are responsible for taking immediate and appropriate corrective action. If the employee has not complained, but sexual harassment acts are such that supervisors should have known of their occurrence, the employer may still be liable.

e. An employer is responsible for acts of sexual harassment between employees in the work place where the employer (or its supervisors or managers) know or should have known of the conduct, unless the employer can show that immediate and appropriate corrective action was taken.

f. An employer may also be responsible for acts of sexual harassment conduct in the work place by non-employees where the employer (or its supervisors or managers) knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

g. When employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or request for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for, but denied that opportunity or benefit.

## 7. Action

a. Department heads, supervisors and managers with cognizance over civilian personnel will ensure wide dissemination of this Order.

b. As directed by reference (c), all commands within the Department of Defense (DOD) will ensure that the applicable requirements contained in the DoD Eight-Point Program to Eradicate Sexual Harassment are met. The requirements are:

(1) The Secretary of the Navy (SECNAV) will issue an annual policy statement to reaffirm the DON policy on sexual harassment each Fiscal Year (FY) starting with FY89.

(2) Heads of activities and commands will issue an annual policy statement reaffirming the DON policy on sexual harassment starting with FY89.

(3) Heads of activities and commands, managers and supervisors are to be held accountable for ensuring that employees understand the definition of sexual harassment as defined above.

(4) Heads of commands and activities, as well as managers and supervisors of civilian employees are to ensure that employees are informed of avenues of redress available for incidents of sexual harassment.

(5) Heads of commands and activities are to ensure that employees understand what constitutes sexual harassment and are held accountable for the overall quality of prevention of sexual harassment training. Supervisors are to take an active role in the training process and in communicating what constitutes sexual harassment.

(6) Heads of commands and activities are to ensure prompt, thorough and impartial investigation of all complaints of sexual harassment, prompt resolution of complaints, and are to report corrective action(s) taken and penalties levied.

(7) Heads of activities and commands are to ensure both the full use of the range of administrative penalties and other non disciplinary consequences for sexual harassment to include:

(a) Penalties set forth in the DON Table of Penalties, reference (d).

(b) Suspension of access to classified information and the forwarding of information concerning a finding of misconduct associated with sexual harassment to the appropriate determination authority for revocation of denial of a personnel security clearance, reference (e).

(8) Heads of major commands and heads of activities and commands are to ensure the use of annual supervisory performance ratings and fitness reports for reporting a lack of compliance with the Equal Employment Opportunity (EEO) Program including the policy on prevention of sexual harassment.

c. The following training requirements apply to all managers and supervisors of civilian employees as well as to non supervisory personnel:

(1) Non supervisory, as well as supervisory and managerial personnel, will receive prevention of sexual harassment training.

(2) New employees (non supervisory) and newly appointed supervisors and managers shall receive training in the prevention of sexual harassment within 1 year of reporting to duty or within 1 year of appointment into a supervisory or managerial position.

(3) At a minimum, all prevention of sexual harassment training will include:

(a) An explanation of the DON policy on sexual harassment, how it is implemented, and how the policy relates to practice.

(b) Definitions of sex discrimination, sex role stereotyping and examples of behaviors or situations that may constitute sexual harassment.

(c) Legal and regulatory directives prohibiting sexual harassment, legal rights and procedures for reporting instances and filing charges of sexual harassment, information on relevant case law and the table of penalties for sexual harassers.

(d) Responsibilities of supervisors and employees for preventing sexual harassment, as well as liabilities involved.

  
T. A. CASPARY

Distribution: A

SEXUAL HARASSMENT POLICY STATEMENT

As the Commanding Officer of Marine Corps Air Station Miramar, it is my personal commitment and policy to ensure that all employees enjoy a work environment free from sexual harassment. Sexual harassment is 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:

- a. Submission to or rejection of such conduct is made, either explicitly or implicitly, as a term or condition of a person's job, pay, or career, or
- b. Submission to or rejection of such conduct is used as the basis for career or employment decisions affecting another person, or
- c. Such conduct interferes with an individual's ability to perform on the job or creates an intimidating, hostile or offensive environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Sexual harassment is unacceptable, inappropriate and demeaning behavior which undermines the integrity of the employer/employee relationship. It lowers morale and interferes with work productivity.

Any employee or supervisor who practices or condones implicit or explicit sexual behavior to control, influence or affect the career or pay of a military member or civilian employee, or practices deliberate or repeated unwelcome verbal comments, gestures or physical contact of a sexual nature is engaging in sexual harassment.

MCAS Miramar employees, both military and civilian, are responsible for maintaining high standards of honesty, integrity, and personal conduct consistent with the proper performance of government business. Employee conduct, including sexual harassment, which violates these standards will not be tolerated.

Employees who participate in sexual harassment are subject to the full range of military or civilian disciplinary action.

T. A. CAUGHLAN  
Colonel, U.S. Marine Corps