

# Department of the Navy Prevention of Sexual Harassment (POSH)/ Anti-Harassment

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## Welcome

Welcome to the Department of the Navy's Prevention of Sexual Harassment, or POSH, and Anti-Harassment web-based training course.

## What is Harassment?

Harassment is a form of employment discrimination that involves any unwelcome verbal or physical conduct based on: race, color, sex, sex identity, sexual orientation, age, national origin, mental or physical disability, religion, genetic information, reprisal, marital status, political affiliation, or parental status.

## Harassment is Unlawful

Harassment is a form of employment discrimination that violates Title Seven of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967, or ADEA; and the Americans with Disabilities Act of 1990, or ADA.

Harassment becomes unlawful when:

- enduring the offensive conduct becomes a condition of continued employment;
- the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. "Hostile" or "abusive" is determined by:
  - Frequency of discriminatory conduct,
  - Severity of discriminatory conduct,
  - Potential impact of behavior on employee, or
  - Unreasonable interference with employee's work performance.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals.

## Examples of Harassment

Examples of Harassment include:

- Epithets;
- Name-calling, even nicknames;
- Offensive jokes or slurs;
- Obscene gestures or sounds;
- Obscene, vulgar, or abusive language;
- Negative stereotypes;
- Threatening, intimidating, or hostile acts;
- Disparaging remarks about an individual's birthplace or ancestry;
- Negative comments about one's religious beliefs, or lack of religious beliefs;

- Written or graphic material that belittles or shows hostility or dislike toward an individual or group that is sent via email, Twitter, or Facebook, placed on walls, bulletin boards, or elsewhere on the employer's premises or circulated in the workplace.

## Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is a form of sex discrimination and can be identified when:

- submission to or rejection of such conduct is either explicitly or implicitly 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;
- or such conduct interferes with an individual's performance or creates an intimidating, hostile or offensive work environment.

The point to remember here is that the behavior does not have to be blatant. Many times it's very subtle. Note that it says "explicitly or implicitly".

The following are some examples of what could constitute sexual harassment:

- Verbal sexual harassment includes:
  - Sexual stories;
  - Questions about a person's sexual experiences or preferences;
  - Jokes;
  - Inappropriate comments on a person's body and/or appearance; or
  - Asking for dates after being told "No".
- Non-Verbal sexual harassment includes:
  - Staring at a person;
  - Showing sexually explicit pictures, cartoons, or other visuals;
  - Making suggestive gestures;
  - Sending unwanted notes or other material; or
  - Giving unwanted personal gifts.
- Physical sexual harassment includes:
  - Touching a person;
  - Leaning over a person;
  - Standing too close to a person;
  - Kissing;
  - Caressing; or
  - Pinching.

## Types of Sexual Harassment

The Equal Employment Opportunity Commission, or EEOC, defines two kinds of sexual harassment in its guidelines.

### Quid Pro Quo

The first type of sexual harassment is the classic “quid pro quo”, in which submission to, or rejection of, unwelcome sexual conduct by an individual is used as the basis for employment decisions affecting such individual. That is, the harasser threatens to withhold or promises to give employment benefits (for example, promotion or demotion, reassignment, work assignment, or award) in exchange for sexual favors.

### Hostile Work Environment

The second type of sexual harassment is a “hostile work environment” in which unwelcome sexual conduct unreasonably interferes with an individual’s job performance or creates an intimidating, hostile or offensive working environment.

Harassment is severe and pervasive when it occurs frequently, entails humiliation or physical threats. This applies when the conduct:

- interferes with employee’s work performance;
- creates an intimidating, hostile, or offensive work environment; or
- affects the employee’s employment or unreasonably interferes with the victim’s work performance (that is, the loss of pay or promotion opportunity).

A hostile work environment can be created by employers, supervisors, co-workers, customers, or clients.

## Work Environment

So, what is considered a “work environment”? Work environment, in the literal sense, means your surroundings at your place of occupation; that is, inside, outside, at a desk, in a cubicle, etc.

The definition of a work environment also includes the conditions or atmosphere under which people are required to work.

For DON employees, the work environment would be anywhere employees are engaged in official DON business, as well as command-sponsored social, recreational and sporting events, regardless of location.

## Effects of Sexual Harassment

It's important to know that sexual harassment in the workplace is damaging to both employees and the organization.

The economic costs of sexual harassment are significant. Even more harmful, however, are the negative effects on productivity and readiness, including: increased absenteeism, greater personnel turnover, lowered employee morale, decreased effectiveness, law suits, negative publicity, lengthy formal investigations, and a loss of personal, organizational, and public trust.

While not easily quantified, these costs are real and seriously affect DON's ability to accomplish its mission.

## More on Sexual Harassment

Sexual harassment can result or occur in a variety of circumstances:

- The victim, as well as the harasser, may be a woman or a man – the victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- And the victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

All cases of sexual harassment will be investigated in accordance with U.S. Code 10 Section 1561, even if the employee chooses not to pursue under the EEO complaint process. U.S. Code 10 Section 1561 establishes the procedures for processing allegations of sexual harassment.

## Action

If you feel that you have been harassed, either sexually or non-sexually, you should take action as soon as possible. If you feel comfortable enough to talk with the person you feel has harassed you, let them know that their conduct toward you is unwelcome, unacceptable and must not continue.

You can report the incident to your supervisor or the alleged harasser's supervisor. You can also report the incident to your local EEO Office.

It's important that you keep good documentation to support your claim of harassment. Document every incident in writing, with details about the other person's behavior and how you responded to it.

## Discipline System

It is the EEOC's policy that a model workplace be maintained free from harassment and other forms of discrimination based on race, color, religion, sex, national origin, age, disability, sex identity and sexual orientation. Accordingly, EEOC has zero tolerance for harassment or any other form of unlawful discrimination.

The system to be employed for discipline of harassment offenders varies with the offender's employer. For example:

- If the offender is a military member, the responsible authority is his or her military superior. Plausible closure could result in Captain's Mast.
- If the offender is a civilian employee, the responsible authority is his or her supervisor. Plausible closure could range from reprimand to removal.

## Help is Available

Whenever possible, sexual harassment issues should be resolved at the lowest possible level.

The following are resources available to you if you wish to seek advice:

- Call the DON Sexual Harassment Advice Line at 800-253-0931
- Contact your local EEO Office
- Or reach out to your local Labor/Employee Relations Office

## Knowledge Check

### Question 1

Now, let's take a moment to see what you've learned.

If you feel you have been harassed you should:

- a) Ignore the problem. Addressing the issue will only escalate problems.
- b) Respond promptly. If comfortable, tell the offender that the conduct is unwelcome.
- c) Document every incident in writing with details.
- d) Both B and C.

The correct answer is d. If you feel you have been harassed you should respond promptly and document every incident in writing with details.

## Question 2

A hostile work environment is created when harassing conduct:

- a) Interferes with employee's work performance.
- b) Creates an intimidating, hostile, or offensive work environment.
- c) In some ways affects the employee's employment.
- d) All of the above.

The correct answer is d. All of the above.

## Resources

Refer to the following resources for further information regarding the POSH/Anti-Harassment:

- Search the [Government Publishing Office Federal Digital System](#) for "10 U.S. Code Section 1561"
- Visit the [EEOC website](#) for information on
  - the [Age Discrimination in Employment Act of 1967](#), or ADEA
  - Title 1 of the [Americans with Disabilities Act of 1990](#), or ADA
  - [Title 7 of the Civil Rights Act of 1964](#), or Title 7

## Completion

Congratulations! You have just completed training on Prevention of Sexual Harassment / Anti-Harassment.



# *Certificate of Completion*

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Has completed

DON Prevention of Sexual Harassment (POSH)/  
Anti-Harassment Training

*Celina M. Kline*

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