

TEACHING PLAN

SEXUAL HARASSMENT

FOR TRAINING PURPOSES ONLY

DO NOT USE ON THE JOB

The references cited in this lesson are used for training purposes only and support the training objectives. Trainers must refrain from using non-federal government sources and references, which express opinions or information that do not meet the learning objectives.

TABLE OF CHANGES

CURRICULUM REVISION	COMMNETS
New teaching plan	

PART I: SYNOPSIS

OVERVIEW

In the Armed Forces, it is important to understand and recognize dissident and protest activities in order to establish and maintain operational effectiveness. This lesson will inform personnel on *Human Relations* matters critical to an effective workforce and mission readiness. Specifically, this lesson will enlighten students on Definitions; Types; Behaviors; Effects; Strategies; and Resources about Sexual Harassment. This teaching plan is used in conjunction with the standardized DoD Human Relations training template called, *Sexual Harassment*. Governing regulations include Department of Defense Directive (DoDD) 1350.02 and DoDD 1020.02.

TEACHING STRATEGY

One of the most effective strategies for teaching about *Human Relations* issues is Socratic instruction. This strategy is commonly used when teaching about social issues and mainly involves structured *questioning* by the presenter or facilitator. The presentation of this lesson should foster critical thinking, evaluation, and knowledge application in your audience. Socratic questioning should be used as much as possible during the lesson presentation to ensure students understand the content. As you present the material in this lesson consider the following strategies:

1. Provide time for student reflection and thinking. During the presentation, allow students time to consider questions, as well as, their response before requesting them to answer.
2. Avoid yes-no questions (e.g. “Does this make sense to you?”). These types of questions (Polar questions) lead nowhere and do not promote thinking or discussion.
3. Ensure students have a basic understanding of the learning material, as well as, the resources to respond to the questions posed. For the audience to make progress it is important for you (Trainer/Presenter/Facilitator) to understand their levels of knowledge and experience.
4. Employ open-ended and closed questions. Open-ended questions promote critical thinking, while closed questions can focus attention. Always try to ask open-ended questions that encourage your audience to express their thoughts. Questions that begin with “How” and “Why” will give the audience an opportunity to relate themselves to the question.
5. Include clarifying questions, such as, “How does the environment an individual grew up in affect their perspectives on these types of activities?” Be prepared to offer the audience guidance as they reflect on possible answers.
6. Use questions from all levels of thinking. The goal is to help the audience develop higher levels of critical thinking, not just to expand their knowledge and comprehension of the training material.

Guidance for Instructors:

- The information presented herein is intended for education and training purposes only and applies solely to sexual harassment training content and in no other context.

- Instructors using this Teaching Plan can personalize the training to meet Service needs. However, any changes to the content of the training must be coordinated through the local Military Equal Opportunity office or DEOMI-trained Equal Opportunity Advisor, as well as, the local Office of the Staff Judge Advocate, and approved at the appropriate level in the chain of command. Please refer any questions regarding the template or its contents to your respective Component or Military Service Military Equal Opportunity Office.
- Although sexual harassment issues are discussed in this material, it is important to note this training provides only a basic foundation to sexual harassment awareness
- The training emphasis must be placed on the behaviors and effects, as well as, strategies to combat sexual harassment.

INSTRUCTIONAL METHOD

Method	Time
• Informal Lecture	
• Socratic Questioning	
Total Time:	
Note: Break times are at the discretion of the Instructor/Facilitator.	

REFERENCES

1. Local EO/EEO office
2. Office of Diversity Management and Equal Opportunity (ODMEO) website <http://diversity.defense.gov/>
3. Equal Employment Opportunity Commission (EEOC) website http://www.eeoc.gov/laws/types/sexual_harassment.cfm
4. DOD Sexual Assault Prevention and Response Office (SAPRO) website <http://www.sapr.mil/>

INSTRUCTIONAL MATERIAL

Locally Developed

AUDIOVISUAL AIDS AND EQUIPMENT

Power Point Slide Presentation, computer, Screen, and Audio Speakers

TEACHING SYLLABUS

Learning Objective

The objective of this training is to ensure Service members understand how sexual harassment impacts mission readiness. Specifically, students must know:

1. Define Sexual Harassment
2. Identify the Types of Sexual Harassment
3. Recall Behaviors Associated with Sexual Harassment
4. Identify the Effects of Sexual Harassment
5. Identify Sexual Harassment Prevention Strategies

PART II: LESSON

Discussion Point	Instructional Guidance
<p><i>The references cited in this lesson are used for training purposes only and support the training objective. Referenced material from non-federal government sources may not be used for any purpose other than training.</i></p> <p><i>Unless specifically identified as a Department of Defense or other U.S. government source, DEOMI does not endorse the content of any specific reference material, or the organization that is the source of the material</i></p> <p><i>Reference materials from non-federal sources are included in this material solely to expose students to varying points of view and to generate discussion.</i></p> <p><i>The content of this lesson is designed to increase student knowledge while generating academic discussions and debate. The content of this lesson should not be taken out of context.</i></p>	<p>Note: Instructors must refrain from providing their personal opinions throughout this training, and avoid presenting specific solutions as the preferred or recommended way to resolve issues. Instead, instructors should demonstrate how to apply statutory/regulatory guidance, use case-by-case analysis, and evaluate the record of each case as a whole (totality of the circumstances) in presenting the material and answering students' questions.</p> <p>This training is structured to prepare them to identify individual or organizational behaviors which are contrary to DoD policy and that could be detrimental to mission readiness.</p> <p>Emphasize to the student that any training, consultation, or advice they give to their command or organization must align to DoD policy and guidance.</p> <p>Slide #1: Sexual Harassment</p> <p>Attention: <i>Locally Developed</i></p> <p>Motivation: <i>Locally Developed</i></p>

Discussion Point	Instructional Guidance
<p>Objective:</p> <ol style="list-style-type: none"> The objective of this training is to ensure Service members <i>understand how sexual harassment impacts mission readiness.</i> 	<p>Slide #2: Objective</p> <p>Guidance for Instructor:</p> <ul style="list-style-type: none"> The information presented herein is intended for education and training purposes only Although sexual harassment issues are discussed in this material, it is important to note this training provides only a basic foundation to sexual harassment awareness The training emphasis must be placed on the behaviors and effects, as well as, strategies to combat sexual harassment.
<p>Sexual Harassment Overview</p> <ol style="list-style-type: none"> Sexual Harassment Defined Types of Sexual Harassment Behaviors Associated with Sexual Harassment Effects of Sexual Harassment Sexual Harassment Prevention Strategies 	
	<p>TRANSITION:</p>
<p>SEXUAL HARASSMENT DEFINED</p>	<p>TIME:</p>
<p>➤ Sexual Harassment:</p> <ol style="list-style-type: none"> 29 CFR 1604.11 - Sexual Harassment <ol style="list-style-type: none"> Harassment on the basis of sex is a violation of Section 703 of Title VII. 1 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: <ol style="list-style-type: none"> submission to such conduct is made either explicitly or implicitly a term or condition of an individual's 	<p>Slide #4: Sexual Harassment Definition (29 CFR 1604.11, Section 703 of Title VII)</p> <p>Slide #5: Definition</p>

Discussion Point	Instructional Guidance
<p>employment,</p> <p>(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or</p> <p>(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an <u>intimidating</u>, <u>hostile</u>, or <u>offensive</u> working environment.</p>	<p>Instructor Note: Ensure the student notices that in both situations, the <u>conditions or terms of employment</u> are contingent on the submission to or rejection of the sexual advance. This is known as quid pro quo sexual harassment (this for that).</p> <p>In the context of this definition, "explicit" is a full precise expression in the form of verbal, nonverbal, or physical behavior(s). In other words, things being said or acted upon or demonstrated in a clear, overt, and open manner that are "clearly out of bounds."</p> <p>"Implicit" means implied or inferred behaviors that are not clearly expressed, but are understood. These behaviors can also be verbal, nonverbal, or physical in nature. Implicit behaviors are closely associated with the subtleties of sexual harassment and often take the form of innuendos. Examples include hints of something improper, indirect remarks, or gestures suggesting impropriety.</p> <p>Instructor Note: A "hostile environment" brings the topic of sex or gender differences into the workplace. It does not necessarily include the more blatant acts of Quid Pro Quo. Rather, it normally includes those actions in the "<u>gray areas</u>" or the nonviolent behaviors which are gender based.</p> <p>In determining whether such behavior constitutes sexual harassment, the impact of the act upon the victim is critical. Service members must understand that what they may consider "joking or horseplay" must be evaluated based on its <u>appropriateness or offensiveness as perceived by the subject or recipient</u>. When attention of a sexual nature is neither wanted, initiated nor solicited, it is considered "unwelcome."</p>

Discussion Point	Instructional Guidance
	<p>Assessing whether the behavior is appropriate or offensive must be done from the perspective of the recipient, <u>not</u> the alleged harasser. <u>The primary concern is the victim's perspective</u> and <u>not the intent of the alleged harasser.</u> While the intent (purpose) of the alleged offender is given consideration, the effect (impact) of such behaviors on the subject or recipient may sometimes cause the intent to be irrelevant.</p>
<p>2. DoDD 1350.02, Department of Defense Military Equal Opportunity (MEO) Program</p> <p>DoDD 1350.02 defines sexual harassment as, “A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.”</p> <p>Same conditions apply as noted in 29 CFR 1604.11.</p>	<p>Slide # 6: Sexual Harassment Definition (DoDD 1350.02)</p> <p>Instructor Note: Rely to the student that, <i>Sexual Harassment</i> is a form of unlawful discrimination that can jeopardize the military’s combat readiness and mission accomplishment by weakening interpersonal bonds and eroding unit cohesion (GAO-11-809).</p> <p>Sexual harassment is a form of unlawful discrimination and is fundamentally at odds with the obligation of men and women in uniform to treat all with dignity and respect.</p> <p>Additional Information: This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in</p>

Discussion Point	Instructional Guidance
	sexual harassment.
<p>Definition Clarification</p> <p>3. Additional Policy and Clarification</p> <p>This definition emphasizes that workplace conduct, to be actionable as “<u>abusive work environment</u>” need not result in concrete psychological harm to the victim, but need only be so severe or pervasive that a <u>reasonable person</u> would perceive, and the victim does perceive, the work environment as hostile or offensive.</p> <ul style="list-style-type: none"> a) Any individual in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. b) Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment. c) Title 10 USC 1561(a) states: A commanding officer in charge of a unit, vessel, facility or area of the Army, Navy, Air Force, or Marine Corps who receives from a member of the command or civilian employee under the supervision of the officer, a complaint alleging sexual harassment by a member of the armed forces or a civilian employee of the DoD shall carry out an investigation of the matter, within 72 hours after receipt of the complaint. 	<p>Slides #7, 8, & 9: Definition Clarification</p> <p>Instructor Note: <u>Work environment</u> is defined according to DoD Directive 1350.2. It is the workplace or any other place that is work-connected, as well as the conditions or atmosphere under which people are required to work. Therefore, "Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.</p> <p><i>The Reasonable Person Standard Test has 2 components:</i></p> <ul style="list-style-type: none"> ➤ objective portion ➤ subjective portion <p>Both are used to determine if behavior meets the legal test for sexual harassment.</p> <p>The <u>objective test</u> requires a hypothetical exposure of a "reasonable person" to the same set of facts and circumstances-- -How would a reasonable person under similar circumstances react or be affected by such behavior?</p> <p>If such "reasonable person" perceives the harassing behaviors as creating an intimidating, hostile or abusive work environment then the objective test has been met.</p> <p>The <u>subjective test</u> requires that the victim or subject perceives the harassing behaviors as intimidating or hostile or as creating an abusive work environment.</p>

Discussion Point	Instructional Guidance
<p>d) Under this law, Commanders are required to investigate allegations of sexual harassment for both military and civilian employees under their command.</p>	
<p>The Difference Between Sexual Harassment & Sexual Assault</p> <p>Sexual Harassment is distinct from sexual assault.</p> <ol style="list-style-type: none"> 1. Sexual Assault = Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. 2. The term "sexual assault" includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: <ul style="list-style-type: none"> • Rape • Sexual Assault • Aggravated Sexual Contact • Abusive Sexual Contact • Forcible Sodomy • Or, Attempts to Commit These Offenses 	<p>Slide #10: Definition Clarification (Sexual Harassment vs. Sexual Assault)</p> <p>Instructor Note: It is important to note that sexual assault and sexual harassment are not the same, although they are related to each other. If left unchallenged, sexual harassment can result in sexual assault. Sexual harassment MAY be a crime, depending on the form it takes, but sexual assault is <u>ALWAYS</u> a crime. Both sexual harassment and sexual assault are punishable under the UCMJ.</p> <p>There are multiple official definitions of sexual assault; however, the underlying concept is intentional sexual contact, characterized by use of force, physical threat or abuse of authority, or when the victim does not or cannot consent. Sexual assault is a crime that can occur without regard to gender or spousal relationship or age of victim. And although young women are the most common victims of sexual assault, anyone regardless of age or gender can be a victim of sexual assault.</p>
	<p>TRANSITION:</p>
<p>TYPES OF SEXUAL HARASSMENT</p>	<p>TIME:</p>
<p>➤ Types of Sexual Harassment:</p> <p>As a general rule, there are two types of sexual harassment:</p> <ol style="list-style-type: none"> 1. Those acts that involve; "Quid Pro Quo" (Latin—"something for something") 	<p>Slide #11: Types of Sexual Harassment</p> <p>Instructor Note: The common thread among these two types of sexual harassment in the workplace involves the legal requirement that the act of harassment must be <i>unwelcome</i>.</p>

Discussion Point	Instructional Guidance
<p>2. Those acts that are classified as falling into a "Hostile Environment"</p>	
<p>Quid Pro Quo Examples:</p> <ol style="list-style-type: none"> 1. A person in a position of authority or power pressures subordinates for dates, makes sexual advances, or requests sexual favors in return for a favorable personnel action or reward. 2. The victim is usually a person who feels s/he must respond to the sexual advance in order to gain something in return. It is important to note that it is not necessary for the victim to respond or act upon the sexual advance for the sexual harassment offense under "quid pro quo" to apply. 	<p>Slide #12: Types of Sexual Harassment (Quid Pro Quo)</p> <p>Lead-off Question (LOQ): <i>Locally Developed</i></p> <p>Anticipated Response: <i>Locally Developed</i></p> <p>Follow-up Question: <i>Locally Developed</i></p> <p>Anticipated Response: <i>Locally Developed</i></p>
<p>Hostile Environment Examples:</p> <ol style="list-style-type: none"> 1. Examples of hostile environment sexual harassment include unwelcome touching, leering, sexually oriented jokes or cartoons, sexually oriented comments and epithets, pornographic posters, or sexually explicit electronic correspondence. 2. The behaviors need only be so severe or pervasive that a <u>reasonable person</u> would perceive, and the victim does perceive, the work environment as hostile or offensive. 	<p>Slide #13: Types of Sexual Harassment (Hostile Work Environment)</p>
	<p>TRANSITION:</p>

Discussion Point	Instructional Guidance
BEHAVIORS ASSOCIATED WITH SEXUAL HARASSMENT	TIME:
<p>➤ Behavioral Categories Associated with Sexual Harassment:</p> <p>Sexual harassment behaviors fall into three categories:</p> <ol style="list-style-type: none"> 1. Verbal 2. Nonverbal 3. Physical 	<p>Slide #15: Behavioral Categories Associated with Sexual Harassment</p>
<p>1. Verbal Behaviors</p> <ol style="list-style-type: none"> a. Turning work discussions into sexual topics b. Sexual connotations or innuendos while referring to someone as honey, baby, hunk, stud, darling, etc. c. Telling lies or spreading rumors about a person's sex life d. Telling jokes or stories and making comments with sexual connotations e. Making sexual comments about a person's clothing, body, or sexual activities f. Asking questions about a person's sexual life, fantasies, preferences or history g. Whistling or making catcalls at someone 	<p>Slide #15: Verbal Behaviors</p> <p>Instructor Note: Although behaviors are not blatant or overt in nature, if they convey overtones or undertones that are suggestive in nature, it might result in sexual harassment. In terms of service policies and regulations, either suggesting or encouraging a subordinate to wear shorter or tighter clothing could also result in sexual harassment.</p> <p>It is difficult to determine the nature of the behavior that would constitute sexual harassment. Although a behavior may be very much unprofessional, if behavior does not have a sexual connotation, it does not constitute sexual harassment.</p>
<p>2. Non-Verbal Examples:</p> <ol style="list-style-type: none"> a. Paying unwanted attention to someone by ogling or staring at their body b. Displaying sexually suggestive visuals (centerfolds, calendars, cartoons) c. Items depicting sexual parts of the body (decals, coffee cups, figurines) 	<p>Slide #16: Non-Verbal Behaviors</p> <p>Lead-off Question (LOQ): <i>Locally Developed</i></p> <p>Anticipated Response: <i>Locally Developed</i></p> <p>Follow-up Question: <i>Locally Developed</i></p>

Discussion Point	Instructional Guidance
<ul style="list-style-type: none"> d. Sexually oriented entertainment in organizations, base facilities, or officially sanctioned functions e. Sexually suggestive gestures with hands or through body movement (blowing kisses, licking lips, winking, grabbing crotch, lowering pants, raising skirts) f. E-mails, text messages, or any type of electronic communication that is sexual in nature 	<p>Anticipated Response: <i>Locally Developed</i></p>
<p>3. Physical Behaviors:</p> <ul style="list-style-type: none"> a. Hanging around, standing close to or brushing against a person b. Touching a person's clothing, hair, or body c. Hugging, kissing, patting, or stroking d. Touching, pinching, bumping, or cornering e. Blocking a passageway 	<p>Slide #17: Physical Behaviors</p> <p>Instructor Note: Sexual harassment crosses the line to sexual assault when it becomes physical with unwanted, inappropriate sexual contact.</p>
	<p>TRANSITION:</p>
<p>EFFECTS OF SEXUAL HARASSMENT</p>	<p>TIME:</p>
<p>➤ Effects of Sexual Harassment:</p> <p>Sexual Harassment in the workplace has an effect on multiple areas, including:</p> <ul style="list-style-type: none"> 1. Individual Effects 2. Organizational Effects 3. Economic Effects 	<p>Slide #18: Effects of Sexual Harassment</p> <p>Instructor Note: The consequences to the individual employee can be many and serious. In some situations, a harassed employee risks losing his/her job or the chance for a promotion if he/she refuses to give in to the sexual demands of someone in authority. In other situations, the unwelcome sexual conduct of co-workers makes the working conditions hostile and unpleasant- putting indirect pressure on an individual to leave the job. Sometimes, the individual is so traumatized by the harassment that he/she suffers serious emotional and physical consequences—and very often, becomes unable to perform the job properly.</p> <p>The effect on the morale of all other employees can also be</p>

Discussion Point	Instructional Guidance
	serious. All members in a workplace can find their work disrupted by sexual harassment even if they are not directly involved. Sexual harassment can have a demoralizing effect on everyone within range of it, and it often negatively impacts productivity and mission readiness.
<p>1. Individual Effects:</p> <p>Studies have shown that some of the negative job ramifications for victims of sexual harassment include:</p> <ul style="list-style-type: none"> a. Decreased job satisfaction b. Decline in job performance c. Decreased motivation d. Interrupted careers e. Decreased morale f. Increased absenteeism g. Lowered productivity h. Health and family issues i. Impaired relationships between co-workers 	<p>Slide #19: Effects of Sexual Harassment (Individual)</p>
<p>2. Organizational Effects:</p> <p>Some of the organizational effects of sexual harassment resemble individual effects and include:</p> <ul style="list-style-type: none"> a. Lower productivity b. Damaged reputation c. Emotional factors d. Organizational withdrawal 	<p>Slide #20: Effects of Sexual Harassment (Organizational)</p> <p>Instructor Note: Understanding the impact that sexual harassment can have on your unit will help you to help your leadership improve policy and action regarding filing and processing sexual harassment complaints and help design prevention programs.</p>
<p>3. Economic Effects:</p> <p>The costs to the military include things such as: lost duty time,</p>	<p>Slide #20: Effects of Sexual Harassment (Economic)</p> <p>Instructor Note: Imagine the economic impact of the time</p>

Discussion Point	Instructional Guidance
lost productivity, decreased unit morale/cohesion, mission accomplishment, medical treatment, reassignment costs, family impacts, suicide, etc.	spent on inquiries/investigations (investigator, alleged harasser, complainant, witness(es), and others), training stand-downs, unplanned losses (harasser and/or complainant).
	TRANSITION:
SEXUAL HARASSMENT PREVENTION STRATEGIES	TIME:
<p>➤ Proactive Strategies:</p> <ol style="list-style-type: none"> 1. The best approach will be positive and oriented toward addressing the issue or concern 2. Sexual harassment programs should be direct and not overly threatening, and should include everyone - employees at all levels 3. Using social media for passing on information concerning prevention of sexual harassment 4. Conducting sexual harassment prevention trainings 5. Conducting unit climate assessments 6. Address and challenge questionable behavior before it escalates 	<p>Slide #21: Proactive Strategies</p> <p>Instructor Note: Prevention is the best tool to eliminate sexual harassment in the workplace. Leaders are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training and by establishing an effective complaint or grievance process and taking immediate and appropriate action when inappropriate behavior occurs.</p>
<p>➤ Reactive Strategies:</p> <ol style="list-style-type: none"> 1. Direct Approach 2. Indirect Approach 3. Third Party Approach 4. Report The Harassment To The Chain Of Command 5. Utilize EO/EEO Resources 	<p>Slide #22: Reactive Strategies</p> <p>LOQ: Once a sexually harassing behavior occurs, how do you address it?</p> <p>Anticipated Responses:</p> <p>Here are some reactive strategies.</p> <ul style="list-style-type: none"> • Confront the harasser, outline the behavior and request that it stop immediately (Direct Approach) • Write a letter or email (Indirect Approach) • Ask a co-worker or friend to intervene on your behalf (Third Party Approach)

Discussion Point	Instructional Guidance
	<ul style="list-style-type: none"> • Report the harassment to your supervisor, manager, or commander • File a complaint or grievance through your EO/EEO office
	TRANSITION:
	TIME:
<p>Summary:</p> <ol style="list-style-type: none"> 1. Define Sexual Harassment 2. Identify the Types of Sexual Harassment 3. Recall Behaviors Associated with Sexual Harassment 4. Identify the Effects of Sexual Harassment 5. Identify Sexual Harassment Prevention Strategies 	<p>Slide #23: Summary</p>
RESOURCES & REFERENCES	TIME:
<p>Governing regulations include Department of Defense Directive (DoDD) 1350.02 and DoDD 1020.02.</p> <ul style="list-style-type: none"> • Local EO/EEO Office • Office Of Diversity Management And Equal Opportunity (ODMEO) Website Http://Diversity.Defense.Gov/ • Equal Employment Opportunity Commission (EEOC) Website Http://Www.Eeoc.Gov/Laws/Types/Sexual_Harassment.Cfm • DoDd Sexual Assault Prevention And Response Office (SAPRO) Website Http://Www.Sapr.Mil/ 	<p>Slide #24: References & Resources</p>