

# **TO FILE A CLAIM OF SEXUAL HARASSMENT**

Employees have rights under two separate and distinct processes when raising an allegation of sexual harassment. One process is under Title VII, as implemented by 29 CFR 1614, Federal Sector Equal Employment Opportunity and the second process is under Title 10, United States Code, Section 1561. Processes may be used simultaneously.

## **1. 29 CFR 1614 (contact EEO Office at DSN: 314-626-5755)**

Under 29 CFR 1614, an employee may bring to the EEO office an allegation of discrimination based on race, color, national origin, religion, sex, age, disability or reprisal. To be timely, an allegation must be brought to the EEO office within 45 calendar days of the date of the alleged discriminatory action or personnel action. Following completion of a 30-day fact-finding period, an employee will be notified of his/her right to file within 15 calendar days a formal complaint of discrimination. If the complaint is accepted, an investigation will be conducted. Following completion of the investigation, the employee may request either an immediate final agency decision or a hearing decision by an Administrative Judge of the Equal employment Opportunity Commission with final action by the agency.

## **2. Title 10 Section 1561 (contact Commanding Office/Officer in Charge)**

Under Title 10 Section 1561, A Commanding Officer (CO) or Officer in Charge (OIC) who receives a complaint alleging sexual harassment by a member of the armed forces or a civilian employee of the Department of Defense shall carry out an investigation. To the extent practicable, the CO/OIC shall within 72 hours after receipt of the complaint commence, or cause the commencement of, an investigation of the complaint and notify the Complainant the investigation has begun. To the extent practicable, the investigation of the complaint should be completed no later than 14 days after the date on which the investigation is commenced. The CO/OIC is to notify the Complainant in writing of the findings of the investigation within six days of receipt of these findings; the decision made on substantiation of the allegations; and, to the extent practicable, the decision on corrective actions taken or proposed. Please advise civilian member that he/she also has a right to contact the EEO office regarding the allegation.

**POC Contact: DSN: 314-626-5755**