



Commander U.S. Forces Japan

EEO Bulletin: 2

Processing Command Inquiries into Allegations of Sexual and Non-Sexual Harassment (1561-Inquiry)

Date: 1 June 2009

Reference: Title 10 USC 1561 - Section 1561: Complaints of Sexual Harassment; Investigation by Commanding Officers

The Department of the Navy consistently issues policies and conducts training on the prevention of sexual harassment and has done so for many years. Unfortunately, even though non-sexual harassment is consistently the most commonly alleged claim in Navy EEO complaints it has not received the same attention as sexual harassment.

The intent of this Bulletin is to proactively address all allegations of harassment, regardless of whether or not an EEO basis is alleged, by requiring an immediate inquiry into allegations of harassment and the implementation of appropriate corrective action before the harassing conduct becomes severe, pervasive or unlawful.

Once notified that a US Civilian Employee has been subjected to harassment on the basis of race, color, religion, sex (to include sexual harassment), national origin, age or disability, a management inquiry must be conducted.

The inquiry does not replace the EEO complaint process and if the employee wishes, both processes can commence simultaneously.

1. The Employee reports the offending conduct to any one of the following: the immediate supervisor, senior manager, EEO, HR, or the IG.
2. The "Notified Official" will submit a written description of the allegations to the Commanding Officer. The identity of the involved parties must be released only on a "need to know" basis.
3. The Commanding Officer then designates and assigns someone senior to the alleged offender to conduct the inquiry. It is strongly recommended that the assigned person be at minimum an officer in the grade of O4 or above, a senior non-commissioned officer, or a U.S. civilian employee at the grade of or equivalent to GS 12/YA-2 and above). CNFJ EEO should also be contacted for guidance and assistance (243-9579). The Commanding Officer is responsible for ensuring the inquiry is prompt, thorough and impartial.

4. The extent of the inquiry is based on the facts of the case. It must be sufficiently detailed to allow management the ability to determine whether or not the allegations can be substantiated.
5. Upon completion of the inquiry, the person responsible for final determination (Commanding Officer or designated senior level manager) shall seek guidance from HR, EEO, and OGC on whether allegations are substantiated and what actions are appropriate. If allegations are substantiated, command **MUST** take immediate corrective action to eliminate harassment, including discipline.
6. The Inquiry – Time Frames:
 - a. Within 48 hours of initial contact, complainant or notified official will provide a written description of the incident to the CO/OIC who will forward as a summary to the next superior officer who is authorized to convene a court martial.
 - b. The CO/OIC will initiate an investigation of the sexual harassment complaint within 72 hours.
 - c. The CO/OIC is to complete an investigation within 14 days and report the actions thru the chain of command to the CNO.
 - d. The CO/OIC must notify the aggrieved person in writing within 6 days of receipt of the completed investigation of the findings (whether substantiated or not) and to extent practicable, actions to be taken.
 - e. The CO/OIC is to provide a final report of the investigation including any action taken to next level superior officer within 20 days.

FOR ADDITIONAL INFORMATION ON RESPONDING TO CLAIMS OF SEXUAL AND NONSEXUAL HARASSMENT, PLEASE CONTACT THE CNFJ, EEO OFFICE AT 243-8163/9579.