



FORCE MANAGEMENT
POUCY

ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

FEB 25 1998



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES
DEFENSE PARTNERSHIP COUNCIL

SUBJECT: Department of Defense (DoD) Interim Policy for Implementation of 10 U.S.C. 1561,
Sexual Harassment Investigations and Reports

This directive-type memorandum provides interim DoD policy for implementing Section 591 of the National Defense Authorization Act for Fiscal Year 1998 (attached). Section 591 (to be codified at title 10, United States Code, Chapter 80, Section 1561) establishes new requirements for processing complaints alleging sexual harassment. It directs specific actions by commanding officers, sets time guidelines for the commencement and completion of investigations, and establishes reporting requirements for Commanders, general courts-martial convening authorities, the Secretaries of the Military Departments, and the Secretary of Defense.

This directive-type memorandum applies to "formal" complaints alleging sexual harassment filed by active duty military personnel as defined in DoDD 1350.2, enclosure 2. The Secretaries of the Military Departments will immediately take steps necessary to implement the requirements of the new law with regard to investigating, processing, and reporting formal complaints filed by active duty military personnel alleging sexual harassment.

The DoD policies and procedures governing investigating and reporting sexual harassment complaints are contained in DoD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, August 18, 1995. When processing sexual harassment complaints, the definition of sexual harassment in DoDD 1350.2 shall be used. This definition is broader than the definition in the new law and therefore encompasses all matters that could be raised under the law. To the extent not inconsistent with the law and this directive-type memorandum, the policies and procedures in DoD Directive 1350.2 with regard to investigating and processing formal sexual harassment complaints filed by active duty military personnel alleging sexual harassment shall be followed.



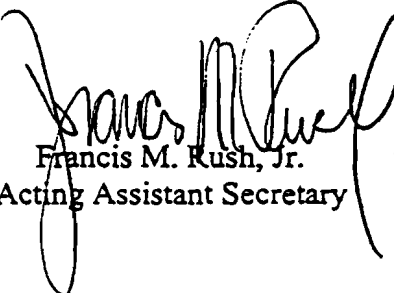
The new law also requires that by April 1, 1998, and by April 1, 1999, the Secretary of Defense transmit reports to Congress forwarding reports provided by the Secretaries of the Military Departments along with the Secretary of Defense's assessment of those reports. To comply with this requirement, I request that each Military Department Secretary forward a report, along with their assessment, for Fiscal Year 1997 to the Secretary of Defense (through **ODASD(EO)**) by March 9, 1998, and for Fiscal Year 1998 by March 1, 1999. Each report **shall** contain the following information:

1. The total number of **formal** sexual harassment complaints filed by active duty military **personnel** during Fiscal Year 1997 or Fiscal Year 1998, as applicable.
2. The total number of those complaints that were closed.
3. The total number of those complaints substantiated/unsubstantiated.
4. Actions taken as a result of the investigations by category of action; **e.g. verbal** reprimands, letters of reprimand, Article **15s**, courts-martial.
5. The total number of Fiscal Year 1998 complaints meeting the **timeline** guidelines specified in the new law. (This requirement applies to **FY98** only.)
6. An assessment by the Service Secretary of the **information** in items 1 through 5 above.

Under separate cover, please provide an after actions report to my office through the **ODASD(EO)** by May 15, 1998, on the steps you have taken to implement the law. This report should include a copy of implementing instructions, a discussion of any problems encountered, and recommendations for addressing these problems or changes to **DoD** policies. In our review of current policy guidance regarding military equal opportunity complaints, we will consider your recommendations.

. Pending receipt of separate guidance, please continue to follow current procedures for civilian employees and reserve component service members.

The **Office** of the Secretary of Defense point of contact for this matter is Colonel Rob **Brady**, Director of **Military** Equal Opportunity, at 697-6381.


Francis M. Rush, Jr.
Acting Assistant Secretary

Attachment:
As stated