



Quote of Note

Congressman Bennie G. Thompson (D-MS), Ranking Member of the Committee on Homeland Security, has been active in efforts to have the Rebel Battle Flag removed from the Mississippi State flag, and is the only member of Congress who does not station a state flag outside of his office. He has explained:

"Claims that the flag represents a benign segment of Southern history, ruled by some sort of gentile charm and virtuous code of conduct, are patently offensive to every American whose ancestors were brutalized by the stinging pains of slavery or ostracized by its illegitimate progeny, Jim Crow."

CIVIL RIGHTS DIRECTORATE

- Ms. Terri Dickerson, Director
- Ms. Francine Blyther, Office of Civil Rights Operations
- CAPT Jennifer Ketchum, Office of Civil Rights Policy, Planning, and Resources
- Ms. Dayra Harbison, Chief, Compliance & Procedures Division
- Ms. Barbara Stewart, Chief, Solutions and Complaints Division
- CDR Kirby Sniffen, Chief, Planning and Resource Management Division
- CDR Eric Hoernemann, Executive Assistant
- Ms. Emily Harcum, Communications Specialist

Coast Guard's Stance on Harassment and Hate

In a recent response for clarification on the Coast Guard's policy on displays of the Confederate Flag, the Civil Rights Director wrote: "CG leaders at all levels of the chain of command shall continue to be guided by Chapter 2 of the CG's [Civil Rights Manual \(COMDTINST M5350.4C\)](#), which prescribes our Anti-Harassment and Hate Incident (AHHI) policies and procedures. Page 2-C.2 clearly defines prohibited harassment as "...conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile environment..."



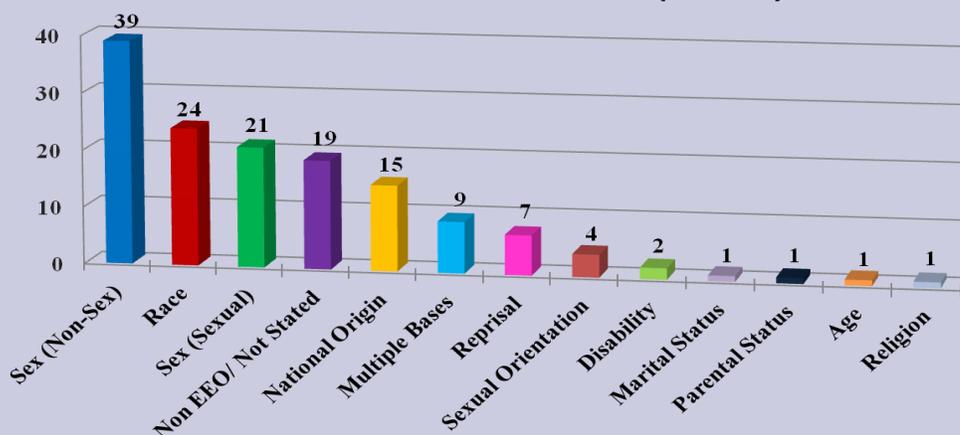
Page 2-C.6 of the Civil Rights Manual provides examples of hate symbology and prohibits their presentation. Nevertheless, no policy, law, or regulation can possibly address every specific or potentially offensive item. Therefore, [COMDTINST M5350.4C](#) lays out the foundation and spirit of the CG's policy as it pertains to the display of hate symbols, such as the Confederate flag; which intimidates, offends, and creates a hostile work environment. Also, the Anti-Defamation League, a respectable and definitive source on hate symbology, considers the Confederate flag to be a "general racist symbol". In addition, the Coast Guard's Uniform Regulations ([COMDTINST M1000.6G](#)) and Discipline and Conduct ([COMDTINST M1600.2](#)) also emphasize that displays or behavior that interfere with an individual's work performance or create an intimidating, offensive, hostile environment are prohibited and actionable. CG leaders, civilian and military, (are expected) to exercise their authority and good judgment to eliminate inappropriate symbology from the CG facilities; and to reaffirm their intolerance for all forms of prohibited discriminating conduct." Submitted by Ms. Francine Blyther

Response: Proactive Prevention at Coast Guard

One way to examine CG's commitment to swift and appropriate response to claims of harassment and hate incidents is by looking at recent data. During FY12, Commands promptly investigated 8 hate and 136 harassment reports; and took corrective action on 97% of the substantiated incidents. Corrective actions ranged from informal/formal counseling to removals. Further, Commanding Officers/Officers in Charge initiated proactive measures for 11% percent of unsubstantiated findings.

What does all this data mean? It means that harassment and hate incidents are taken seriously at the CG, and leadership is committed to addressing them.

Total Anti-Harassment and Hate Incidents Reported by Basis in FY12



The chart above shows incidents at the CG by bases and frequencies. The three most common claims were: 1) Sex (Non-Sexual Harassment), 2) Race, and 3) Sex (Sexual Harassment). These were also the same leading bases for FY11. To learn more, see CG's [Civil Rights Manual, COMDTINST M5350.4C](#). Submitted by Ms. de Lesa Hanson and Ms. Emily Harcum

Complaints Corner: Prompt Investigation of Noose Incident Curbs Navy's Liability



The Department of the Navy was not liable according to a recent ruling by the Equal Employment Opportunity Commission (EEOC), because it took immediate and appropriate corrective action. An employee at the Navy alleged discrimination based on race (black) and reprisal (prior EEO involvement) when an electrical cord fashioned into a hangman's noose was left on the employee's office doorknob. The Navy took corrective actions, including informing all employees that the conduct would not be tolerated and conducting a thorough investigation (taking fingerprints and DNA samples). The EEOC determined that finding of a noose in the workplace was sufficiently severe to constitute an abusive work environment. However, because the Navy demonstrated that it immediately acted upon learning of the incident, the agency was not liable. (See *Davis v. Department of The Navy*, Appeal No. 0120112360). Submitted by Ms. Rita Moscuza

Common Command Questions About Anti-Harassment and Hate Incidents



Q: How is a hate incident different from harassment?

A: A **hate incident** is a form of harassment. The CG Civil Rights Manual defines a hate incident as “any intentional act (conduct or speech) of intolerance committed against a person, a group of individuals, or property which is motivated, in whole or in part, by the offender’s bias against a [protected class] and which is intended to or is more likely than not to have the effect of intimidating others or inciting others to similar conduct.” Examples include the use of historically hateful or oppressive symbols (such as swastikas, nooses, and burning crosses). **Harassment claims** usually involve a series of actions directed at an individual. Because hate incidents have the tendency to affect multiple people and attract negative attention, at the USCG, hate incidents require additional expedient notifications. Submitted by Ms. Gina Huck

Q: What is the difference between the AHHI process and the EEO/EO complaint process? Why do we have both?

A. The Anti-Harassment & Hate Incident (AHHI) Process:

- Provides a prompt, thorough and impartial investigation into claims of harassment (30 days)
- Is administered by the Command;
- Is separate and distinct from the EEO/EO complaint process;
- Is overseen by the Civil Rights Directorate (CRD); however, law does not prescribe its location. At some components, oversight of AHHI is with Human Resources, Investigative Services, or General Counsel; and
- Allows all claims of harassment to be addressed.

The Equal Employment Opportunity/Equal Opportunity (EEO/EO) Complaint Process:

- Is a step-by-step statutorily driven process that, in some cases, can take up to a year for adjudication;
- Is administered by the CRD in accordance with regulation;
- Is ultimately decided by the head of the CG, DHS, U.S. EEOC, or the Courts; and
- Only allows claims which violate the law to be accepted and investigated.

By law, both processes are required; however, the AHHI process offers leadership the opportunity to quickly respond to claims of harassment, and to take appropriate corrective action when claims are substantiated. This protects the agency from what the EEOC deems “Vicarious Employer Liability for Unlawful Harassment by Supervisors”. Submitted by Mr. Johnny McAfee



Command Toolbox: Resources for Identifying Hate Symbols

Commanding Officers, Officers-in-Charge, and the workforce often request assistance with identifying symbols that are known to be offensive. The number and evolving nature of hate symbols renders such a list infeasible. However, help – from your local [Civil Rights Service Provider](#) as well as various web sites, publications, and videos – is available. Hate symbology in the workforce is harassment, a form of employment discrimination that violates civil rights laws and regulations and interferes with work performance. The key ingredients to eliminating harassment are: (1) Education - by highlighting the contributions of all groups to our nation and (2) Leadership - by responding to reported incidents. See CG's [Civil Rights Manual, COMDTINST M5350.4C](#), Anti-Harassment and Hate Incident Instructions for how to respond to hate symbology in the workplace. Submitted by Ms. Deborah Gant

Prevention in Practice: Silent, No More

Recently, the Leadership Diversity Advisory Councils (LDACs) of District Seven (D7), Base Miami Beach, and Air Station Miami hosted a two hour Lesbian, Gay, Bisexual, and Transgender (LGBT) Forum. This historical event raised awareness and educated CG members. Speakers included D7 Legal, D7 Chaplain and honorary guest, Mr. Peter Robinson, of the Fort Lauderdale Chapter of Parents, Families, and Friends of Lesbians and Gays (PFLAG). During the event, courageous active duty CG members, LCDR Shaun L. Edwards and FN Casey J. Stripling, shared their experiences of serving openly in the CG, including the impact of the “Don't Ask Don't Tell Repeal” and how it affected their lives. For some, this forum was a particularly emotional milestone in CG history: it gave LGBT members a voice, an opportunity to spread awareness and education, and presented an opportunity for all shipmates to seek knowledge and gain understanding. The observance embraced acceptance, awareness, and tolerance - proactive steps to preventing harassment and hate incidents and ensuring a discrimination-free environment at the CG.



Pictured (L to R): Mr. Miguel Flores (Equal Opportunity Specialist, Zone 7), Mr. Robinson, FN Stripling, LCDR Edwards, and Ms. Davidad Langley (Equal Opportunity Specialist, Zone 7). Submitted by Ms. Davidad Langley