

# Article 134 UCMJ Sexual Harassment

## What is Military Sexual Harassment?



### ELEMENTS OF MILITARY SEXUAL HARASSMENT

A person subject to this chapter commits sexual harassment when such person knowingly:

- makes a sexual advance;
- demands or requests a sexual favor; or
- engages in other conduct of a sexual nature;

And, the conduct that such person committed is unwelcome;

And, under the circumstances, on the basis of the record as a whole, such conduct would cause a reasonable person to:

- believe that submission to, or rejection of, such conduct would be made, either explicitly or implicitly, a term or condition of a person's military duties, job, pay, career, benefits, or entitlements;
- believe that submission to, or rejection of, such conduct would be used as a basis for military career or employment decisions affecting that person; or
- perceive an intimidating, hostile, or offensive duty or working environment due to the severity, repetitiveness, or pervasiveness of such conduct; and
- a person, who by some duty or military-related reason works or is associated with the accused, did reasonably believe or perceive as described above.

### OTHER CONDUCT

Whether other conduct would cause a reasonable person to believe it is of a sexual nature shall be dependent upon the circumstances of the act alleged and may include conduct that, without context, would not appear to be sexual in nature.



### LOCATION AND MEANS OF ACT

An act constituting sexual harassment under this section:

- may occur at any location and without regard to whether the victim or accused is on or off duty at the time of the alleged act;
- does not require physical proximity between the victim and the accused; and
- may be transmitted through any means, including written, oral, online, or other electronic means.



For more information on UCMJ Article 134, Military Sexual Harassment, contact the military lawyers at González & Waddington.

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1-800-921-8607