

DAU ANTI-HARASSMENT POLICY AND PROCEDURES

1. REFERENCES:

- a. DoD Directive 1440.1 The DoD Civilian Equal Employment Opportunity (EEO) Program
- b. DoD Manual 8910.01, Volume 1, "DoD Information Collections manual: procedures for DoD Internal Information Collections," June 30, 2014
- c. DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020

2. PURPOSE:

This Directive establishes DAU's policy and procedures for preventing and promptly addressing workplace harassment.

3. POLICY:

DAU does not tolerate or condone workplace harassment. Workplace harassment jeopardizes readiness and mission accomplishment, weakens trust, and erodes organizational cohesion. Harassment is fundamentally at odds with the obligations of Service members and DoD civilian employees to treat others with dignity and respect. DAU is committed to maintaining a workplace that is free from harassment and to addressing allegations of harassment promptly and effectively.

4. APPLICABILITY:

This Directive applies to all DAU employees and Federal employees from other agencies that are assigned to DAU on a temporary basis.

5. RELATIONSHIP TO OTHER PROCESSES

The processes and procedures in this Directive are separate and apart from the EEO complaint process or the criminal complaint process. An employee who files a report under this Directive has not filed an EEO complaint under 29 C.F.R. § 1614. An employee who wishes to file an EEO complaint must contact the agency EEO office within 45 days of the alleged harassment. Similarly, harassment allegations of a criminal nature must be reported to the appropriate law enforcement agency.

6. DEFINITIONS:

Unless otherwise noted, the following terms and their definitions apply to this issuance.

- a. Anti-Harassment Coordinator: Refers to the official designated by the DAU President to oversee the Anti-Harassment program.
- b. Civilian Employee: Individual appointed in the civil service by DAU. Generally, contractors are not considered DoD civilian employees.
- c. Harassment: Behavior that is unwelcome or offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile or offensive work environment. (Ref c). Harassing behavior may include but is not limited to unwanted physical contact, offensive jokes, name-calling, insults or put-downs, stereotyping, threatening or provoking remarks, racial or other slurs, bullying, hazing, stalking, and unlawful discriminatory harassment based on an individual's race, color, religion, sex, national origin, age, disability, genetic information, or retaliation. (Ref. c). Harassment can be oral, visual, written, physical, or electronic. Harassment can occur through electronic communications, including social media, other forms of communication, and in person. (Ref. c).
- d. Behavior That is *Not* Harassment: Activities or actions undertaken for a proper military or governmental purpose, such as assignment of work related to the duties and responsibilities of the employee, and performance counseling, are not harassing behaviors. Moreover, this policy prohibiting harassment is not a "general civility code." Behavior that is rude, ignorant, abrasive, or unkind, but does not adversely affect the work environment is not harassment. Examples of what is not considered harassment under this policy include but are not limited to petty slights, simple teasing, annoying behavior, offhand comments, or isolated incidents (unless extremely serious). (Ref. c). In addition, routine supervisory activities such as requiring employees to report on performance, changes to work schedules, work assignments, leave requests, and admonishments are not sufficient to constitute harassment unless an action is objectively shown to be so offensive that it alters the conditions of employment.
- e. Inquiry: An informal or formal process to ascertain facts and collect evidence sufficient to support a final determination of whether an allegation of harassment is substantiated.
- f. Supervisor: A Service member or DoD civilian employee who directly supervises one or more DoD civilian employees.

7. RESPONSIBILITIES:

- a. The Chief of Staff shall:
 - i. Oversee the implementation of this Directive and ensure compliance at all levels of DAU.

- ii. Ensure that all Deans, Directors, and supervisors (to include military personnel) are trained on this policy within one year of assuming a supervisory position for the first time.
 - iii. Ensure that refresher training for DAU civilian employees and supervisors is provided at least once every 3 years.
 - iv. Designate a factfinder to investigate allegations of harassment where necessary.
- b. The Anti-Harassment Coordinator (AHC) shall:
- i. Provide advice, assistance, and support to supervisors, employees, and others, as needed, to achieve and maintain compliance with this policy.
 - ii. Ensure that new DAU civilian employees and Service members review this policy during the onboarding process. Provide current employees with periodic training on this policy at least once every 3 years.
 - iii. Provide appropriate updates to the reporting individual on the status of any inquiry into and/or response to an allegation of harassment.
 - iv. Evaluate and monitor trends in relation to this policy as well as the overall effectiveness of this policy to promote a workplace free of harassment.
 - v. Collect and submit data to the Director, Office for Diversity, Equity, and Inclusion (ODEI), for the DoD annual report to the USD (P&R).
- c. DAU Deans, Directors, supervisors, and management officials shall:
- i. Promote a workplace free from harassment. Promptly notify the AHC of allegations of harassment.
 - ii. Act promptly to address alleged harassment when it is observed or reported.
 - iii. Ensure supervisors are held accountable for adhering to this policy.
 - iv. Maintain a work environment where employees are free to report harassment or participate in an inquiry of the same without fear of retaliation. Protect the confidentiality of employees who report harassment, to the extent possible.
 - v. Participate in required anti-harassment training and ensure that subordinates complete this required training.
 - vi. Evaluate supervisors on their performance in complying with this policy, to include whether the supervisor fostered a workplace free from harassment and retaliation.

- vii. Take appropriate and prompt corrective action as necessary under this policy in consultation with HR and OGC.
- d. DAU employees shall:
- i. Refrain from any form of harassment in the workplace that could interfere with another person's rights and/or ability to perform his or her job.
 - ii. Comply with the provisions of this policy.
 - iii. Promptly report incidents of alleged harassment.
 - iv. Cooperate fully in any investigation pursuant to this policy. Refusal to testify under oath, concealment of material facts, or providing willfully inaccurate testimony in connection with an administrative investigation may be grounds for disciplinary action up and including removal.
 - v. Complete anti-harassment training as required by the agency.
- e. The Investigating Officer (IO) shall:
- i. In accordance with DAU Directive 401, conduct a prompt, thorough, and impartial investigation into allegations of harassment described in the appointment letter.
 - ii. Ensure that any information about investigatory activities are protected from unauthorized disclosure to the maximum extent possible. Information about the investigation should be shared strictly on a need-to-know basis. Protect all sensitive documents with Privacy Act Coversheets.
 - iii. Immediately notify the appointing authority in the event there is a conflict of interest.
 - iv. Immediately report any suspected criminal activity to the appointing official, OGC, and HR.
 - v. Prepare a final report of investigation setting forth the relevant findings and conclusions, with references to specific items of evidence supporting each such xx

8. PROCEDURE:

a. Reporting Harassment

- i. An employee who believes he/she has been subjected to, or witnessed, harassment should immediately report it to his/her supervisor or to the supervisor of the employee who engaged in the inappropriate conduct and document the incident using the DAU Anti-Harassment Intake Form. (attached).

- ii. If the employee believes that his/her supervisor is the source of the harassment, or if the employee is reluctant to report the matter to his/her supervisor, then the employee should promptly report the conduct to another member of management who may be outside of the employee's specific chain of command.
- iii. In the alternative, employees may also report allegations of harassment to the AHC.
- iv. An employee's initial report of alleged harassment must be documented on the DAU Anti-Harassment Intake form. Employees should also provide any supporting evidence with the intake form.

b. Responding to Harassment Allegations

- i. Upon receipt of a complaint, the AHC will first assess whether the alleged conduct is covered under this policy. If the alleged conduct is not covered by this policy, AHC will promptly notify the complaining employee of the determination.
- ii. If the alleged conduct is covered by this policy, the AHC shall promptly take the following steps:
 - (1) Acknowledge receipt of the report and determine whether the report can be addressed through informal means or whether a formal inquiry is required.
 - (2) Advise the reporting employee that he/she has an obligation to cooperate with the review process, and failure to do so will limit the information upon which a determination of whether the employee was subjected to harassment is made, and may affect any potential corrective action.
 - (3) Notify the employee that information obtained during the review process will be used for official purposes and maintained on a confidential basis to the greatest extent practicable.
 - (4) Inform the employee that DAU will not tolerate retaliation against any employee who either makes an allegation of harassment, or hostile or abusive conduct, or participates in any inquiry regarding such allegation(s).
 - (5) Inform the employee reporting unlawful discriminatory harassment of his/ her right to also contact an EEO counselor to begin the EEO complaint process and inform the employee that he/she must initiate such contact within 45 days of the harassing incident in order to file a timely complaint;
 - (6) Inform the employee of his/her entitlement to a reasonable amount of official time upon request to his/her immediate supervisor to gather and submit all relevant information associated with the allegation of harassment and to respond to requests for information from the IO.

iv. The AHC will take steps to prevent further harassment while management initiates an inquiry into the allegation(s) and in consultation with the OGC, determine whether interim relief for the alleged victim of harassment is warranted while the inquiry is being conducted, and make a recommendation to the appropriate Dean/Director.

c. Conducting a Formal Inquiry

i. A formal inquiry, if determined necessary by the AH, will be conducted in accordance with DAU Directive 401. In addition to Directive 401, the following will also apply:

(1) The reporting employee will be informed of the assigned IO.

(2) After the legal sufficiency review is complete, the final ROI will be returned to the IO to be signed and submitted to the AHC, who will inform the COS that the report has been completed. The AH will forward the ROI to the appropriate Dean/Director for further action if warranted.

(3) After the final ROI is forwarded to the Dean/Director, the AHC will notify the reporting individual of the completion and outcome of the process to the extent permitted under the Privacy Act. The reporting individual does not have a need to know and may not be provided the outcome of any disciplinary action, nor is he or she to be provided with a copy of the ROI.

9. CORRECTIVE ACTION:

a. Following receipt of a ROI with substantiated allegations of harassment and after consulting with HR and GC, management will:

i. Take prompt and appropriate corrective action including administrative and disciplinary action if warranted.

ii. Implement remedial measures designed to stop the harassment and ensure that the harassment does not reoccur.

iii. Provide the individual subjected to the harassment with adequate protection, care, and information about available support resources, including civilian emergency medical and support services, EAP, or other available support.

iv. Determine whether an organizational climate assessment is warranted or additional training is required.

- v. Inform the individual or individuals who experienced harassment of the availability of an executive summary of the response to the allegation of harassment.
- b. Written confirmation of the corrective actions taken or not taken will be sent to the AHC for inclusion in the record.
- c. A supervisor who fails to carry out his or her responsibilities as provided for in this directive may be subject to appropriate disciplinary or performance-based actions.
- d. Any employee who retaliates against any individual who either reports harassment and/or provides information in response to a harassment investigation may be subject to appropriate disciplinary action, up to and including removal.

10. CONFIDENTIALITY AND RECORD-KEEPING:

- a. Information relating to reports of harassment will be maintained on a confidential basis to the greatest extent possible.
- b. Allegations of harassment in which the reporter desires anonymity may be treated as anonymous allegations for purposes of keeping the identity of the person confidential. However, information concerning the reporter as a victim of or a witness to alleged harassment may be revealed as part of the response process. Therefore, complete anonymity is not guaranteed. An effective inquiry or investigation may require revealing certain information to the alleged offender and potential witnesses. Moreover, certain means of resolving a harassment allegation, such as a formal EEO complaint of unlawful discriminatory harassment, require revealing the identity of the person making the harassment allegation.
- c. If an employee informs a supervisor of alleged harassment and asks the official to keep the matter confidential and not to take action, agency management cannot honor this request. Agency supervisors must act promptly to prevent and correct alleged harassment when it is observed or reported, and failure to do so could lead to liability on the part of the agency. In addition, a supervisor failure to act can also result in disciplinary action for the supervisor.
- d. The AHC shall maintain all reports of harassment and related records in a secure location. These records are protected by the Privacy Act and will be maintained in accordance.
- e. The maintenance of records and any disclosures of information from these records shall be in complete compliance with the Privacy Act of 1974, 5 U.S.C. § 552a, DoDI 5400.11, and DoD 5400.11-R, as applicable.

- f. Information gathered pursuant to this Directive may be disclosed as necessary to defend the agency in any litigation in which the information may be relevant and necessary, or for any other purpose consistent with law, regulation, or agency policy.

FOR FURTHER INFORMATION: For questions about this Directive contact the AHC or DAU's General Counsel.

Joseph E. Johnson
Chief of Staff

ATTACHMENT:
DAU Anti-Harassment Intake Form



Defense Acquisition University
9820 Belvoir Road
Ft. Belvoir, Va 22060

ANTI-HARASSMENT INTAKE FORM

(To be completed by the employee)

1. CONTACT INFORMATION

a. FULL NAME

b. EMAIL ADDRESS

2. EMPLOYMENT INFORMATION

a. TITLE

d. SERIES/NH LEVEL

b. INDICATE YOUR CURRENT JOB STATUS OR AFFILIATION

- DAU EMPLOYEE
 CONTRACTOR
 STUDENT
OTHER (*Explain*)

e. OFFICE ADDRESS (*Street, City, State, ZIP Code*)

c. COMPONENT

f. TELEPHONE NUMBER

3. IDENTIFY THE PERSON(S) YOU BELIEVE IS SUBJECTING YOU TO HARASSMENT

NAME

TITLE/OFFICE

4. DESCRIBE THE CONDUCT THAT YOU CONSIDER TO BE HARASSMENT AND WHY YOU BELIEVE YOU WERE/ARE BEING HARASSED. (*If more space is needed, please attach an additional page.*)

5. WHEN DID THIS CONDUCT OCCUR? HOW OFTEN DID IT OCCUR? IS IT STILL OCCURRING?

(*If more space is needed, please attach an additional page.*)

6. WERE THERE ANY WITNESSES TO THE HARASSMENT? (*If so, please list their names and titles.*)

7. WHAT CORRECTIVE ACTION ARE YOU SEEKING?

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8. HAVE YOU PREVIOUSLY REPORTED THE HARASSMENT? IF SO, WHEN AND TO WHOM DID YOU REPORT THE HARASSMENT?

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9. IF YOU BELIEVE YOU ARE BEING HARASSED BECAUSE OF ANY OF THE BASES LISTED BELOW, PLEASE INDICATE WHICH ONE(S) AND SPECIFY WHY

<input type="checkbox"/> a. RACE	<i>(Specify)</i>	<input type="checkbox"/> f. SEXUAL ORIENTATION	<i>(Specify)</i>
<input type="checkbox"/> b. COLOR	<i>(Specify)</i>	<input type="checkbox"/> g. DISABILITY	<i>(Specify)</i>
<input type="checkbox"/> c. NATIONAL ORIGIN	<i>(Specify)</i>	<input type="checkbox"/> h. GENETIC INFORMATION	<i>(Specify)</i>
<input type="checkbox"/> d. RELIGION	<i>(Specify)</i>	<input type="checkbox"/> i. REPRISAL	<i>(Specify prior EEO activity)</i>
<input type="checkbox"/> e. SEX	<i>(Specify)</i>	<input type="checkbox"/> j. AGE	Date of Birth:

THE STATEMENTS CONTAINED IN THIS INTAKE FORM ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. ADDITIONALLY, I UNDERSTAND THAT THIS PROCESS IS COMPLETELY SEPARATE FROM THE EEO PROCESS AND IF I INTEND TO FILE AN EEO COMPLAINT I MUST DO SO WITHIN 45 DAYS OF THE ALLEGED HARASSMENT.

SIGNATURE	DATE
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PRIVACY ACT STATEMENT

Authority: The Civil Rights Act of 1964 § 7, as amended, 42 U.S.C. § 2000e; Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. §§ 621-634; Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101-12213; Rehabilitation Act of 1973, as amended, 29 U.S.C. § 501 et seq.

Purpose: The principal purpose for collecting this information is to permit the Defense Acquisition University (DAU), through its Anti-Harassment Policy, to assist the individuals referenced herein in determining whether unlawful harassment has occurred and what immediate corrective actions must be taken. Additionally, DAU collects and maintains this information to process, resolve, record, and track reports of harassment. Information collected in connection with a request for anti-harassment services may be shared only pursuant to terms outlined in the DAU Anti-Harassment policy.

Routine Uses: The records and information in the records may be used pursuant to the Routine Uses for the system found in the System of Records Notice EEOC/GOVT1, Equal Employment Opportunity (EEO) in the Federal Government Complaint and Appeal Records, 81 Fed. Reg. 81,116 (Nov. 17, 2016).

Effect of Disclosure: The provision of information is voluntary; however, if you do not provide this information, DAU may not be able provide you with anti-harassment services, and you may not receive important information.