



## DoD INSTRUCTION 1020.03

# HARASSMENT PREVENTION AND RESPONSE IN THE ARMED FORCES

---

<b>Originating Component:</b>	Office of the Under Secretary of Defense for Personnel and Readiness
<b>Effective:</b>	February 8, 2018
<b>Change 1 Effective:</b>	December 29, 2020
<b>Releasability:</b>	Cleared for public release. Available on the Directives Division Website at <a href="https://www.esd.whs.mil/DD/">https://www.esd.whs.mil/DD/</a> .
<b>Incorporates and Cancels:</b>	Under Secretary of Defense for Personnel and Readiness Policy Memorandum, "Prevention and Response to Sexual Harassment," September 19, 2014 Secretary of Defense Memorandum, "Prohibition of Sexual Harassment in the Department of Defense (DoD)," August 22, 1994
<b>Approved by:</b>	Robert L. Wilkie, Under Secretary of Defense for Personnel and Readiness
<b>Change 1 Approved by:</b>	Matthew P. Donovan, Under Secretary of Defense for Personnel and Readiness

---

**Purpose:** In accordance with the authority in DoD Directive (DoDD) 5124.02, this issuance:

- Establishes a comprehensive DoD-wide military harassment prevention and response program.
- Updates military harassment prevention and response policies and programs for Service members.
- Updates harassment prevention and response procedures for Service members to submit harassment complaints, including anonymous complaints; procedures and requirements for responding to, processing, resolving, tracking, and reporting harassment complaints; and training and education requirements and standards.
- Supplements the DoD Retaliation Prevention and Response Strategy (RPRS) Implementation Plan for sexual harassment complaints involving retaliation.

## TABLE OF CONTENTS

SECTION 1: GENERAL ISSUANCE INFORMATION .....	3
1.1. Applicability. ....	3
1.2. Policy. ....	3
1.3. Information Collections. ....	4
1.4. Summary of Change 1. ....	4
SECTION 2: RESPONSIBILITIES .....	5
2.1. Under Secretary of Defense for Personnel and Readiness (USD(P&R)). ....	5
2.2. Executive Director, Force Resiliency. ....	5
2.3. Director, ODEI. ....	5
2.4. Secretaries of the Military Departments. ....	6
2.5. DoD Component Heads other than the Secretaries of the Military Departments. ....	8
2.6. Chief, National Guard Bureau. ....	9
SECTION 3: TYPES OF HARASSMENT AND RETALIATION COVERED BY THIS ISSUANCE .....	10
3.1. Harassment. ....	10
3.2. Means of Harassment. ....	10
3.3. Retaliation. ....	10
3.4. Reprisal. ....	10
SECTION 4: PROCEDURES AND REQUIREMENTS FOR PROCESSING HARASSMENT COMPLAINTS FROM SERVICE MEMBERS .....	11
4.1. Informal Complaints. ....	11
4.2. Formal Harassment Complaints Not Involving Sexual Harassment or Sexual Assault Allegations. ....	11
4.3. Harassment Complaints Involving Sexual Assault Allegations. ....	11
4.4. Sexual Harassment Complaints Not Involving Sexual Assault Allegations. ....	12
4.5. Harassment Complaints in Joint Service Environments. ....	13
4.6. Anonymous Complaints. ....	13
4.7. Supplemental Guidance. ....	13
4.8. Release of Reports. ....	13
SECTION 5: RESPONDING TO HARASSMENT COMPLAINTS FROM SERVICE MEMBERS .....	15
5.1. Responding to Harassment Complaints. ....	15
5.2. Appealing Administrative Findings of Harassment Complaints. ....	15
SECTION 6: PREVENTION AND RESPONSE TRAINING AND EDUCATION .....	16
6.1. Prevention and Response Training and Education Programs. ....	16
6.2. Requirements for Prevention and Response Training and Education Programs. ....	16
SECTION 7: DATA COLLECTION AND REPORTING REQUIREMENTS .....	17
7.1. Data Collection. ....	17
7.2. Reporting Requirements. ....	18
GLOSSARY .....	19
G.1. Acronyms. ....	19
G.2. Definitions. ....	19
REFERENCES .....	24

## **SECTION 1: GENERAL ISSUANCE INFORMATION**

### **1.1. APPLICABILITY.** This issuance:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. Does not apply to DoD civilian employees, who should be referred to DoD Instruction (DoDI) 1020.04.

### **1.2. POLICY.**

a. The Department does not tolerate or condone harassment. Harassment jeopardizes combat readiness and mission accomplishment, weakens trust within the ranks, and erodes unit cohesion. Harassment is fundamentally at odds with the obligations of Service members to treat others with dignity and respect.

b. The Department’s goal is to prevent harassing behavior that: is offensive to a reasonable person; unwelcome to the aggrieved party and creates conditions that interfere with work performance; or creates an intimidating, hostile, or offensive environment before it rises to the level of severe or pervasive.

c. DoD will hold leaders at all levels appropriately accountable for fostering a climate of inclusion that supports diversity, is free from harassment, and does not tolerate retaliation against those filing harassment complaints.

d. Military Departments will incorporate the definitions in the Glossary of this issuance into their respective harassment prevention and response implementing regulations and may supplement the definitions, as necessary.

e. Violations of the policies in this instruction may constitute violations of specific articles of Chapter 47 of Title 10, United States Code (U.S.C.), also known and referred to in this issuance as the “Uniform Code of Military Justice (UCMJ)” and may result in administrative or disciplinary action.

f. This instruction does not limit a commander’s authority to take appropriate administrative or disciplinary actions against Service members or initiate court-martial proceedings for any alleged harassment when the commander deems it appropriate to do so.

g. Military Departments will ensure commanders have the discretion to appropriately investigate harassment and take corrective action to ensure unit cohesion and warfighting effectiveness.

### **1.3. INFORMATION COLLECTIONS.**

a. Reports referred to in Paragraphs 2.1.b, 2.3.e, 2.3.f, 2.4.c, 4.2.d, 4.4.d, 4.4.e, 4.5.d, 4.8, 7.1., and 7.2. do not require licensing with a report control symbol in accordance with Paragraphs 1 and 8 of Volume 1 of DoD Manual (DoDM) 8910.01.

b. The Defense Organizational Climate Survey has been assigned report control symbol DD-P&R(AR)2338 in accordance with the procedures in Volume 1 of DoDM 8910.01. The expiration date of this information collection is listed on the DoD Information Collections Website at [https://www.esd.whs.mil/Directives/collections\\_int/](https://www.esd.whs.mil/Directives/collections_int/).

### **1.4. SUMMARY OF CHANGE 1.** This change:

- a. Updates policy.
- b. Assigns additional responsibilities for the Chief, National Guard Bureau.
- c. Clarifies that harassing conduct based on pregnancy is a form of discriminatory harassment.
- d. Updates organizational titles, including changing the name of the Office of Diversity Management and Equal Opportunity to the Office for Diversity, Equity, and Inclusion (ODEI).
- e. Moves definitions of sexual harassment, hazing, discriminatory harassment, and bullying to the Glossary.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)).** The USD(P&R):

- a. Establishes and oversees DoD-wide policies and programs for military harassment prevention and response.
- b. Establishes standardized DoD Component data reporting requirements for harassment complaints and information collection and tracking, including approval of automated data collection interface systems.

### **2.2. EXECUTIVE DIRECTOR, FORCE RESILIENCY.** Under the authority, direction, and control of the USD(P&R), the Executive Director, Force Resiliency:

- a. Oversees DoD Component implementation and compliance with this instruction.
- b. Oversees and develops harassment prevention and response program strategies and plans.
- c. Provides to the USD(P&R) an assessment of programmatic effectiveness, and compliance with strategies and plans with recommendations for improvements on an annual basis.
- d. Monitors and directs strategic planning based on annual data analysis and assessment provided across Force Resiliency portfolios.
- e. Oversees the collection of data and information related to harassment complaints.
- f. Reviews and refers to the appropriate Military Department harassment complaints sent to the Secretary of Defense or the USD(P&R).

### **2.3. DIRECTOR, ODEI.** Under the authority, direction, and control of the USD(P&R), through the Executive Director, Force Resiliency, the Director, ODEI:

- a. Serves as the DoD principal responsible for developing DoD harassment prevention and response policy.
- b. Directs and manages implementation of the DoD harassment prevention and response program.
- c. Conducts compliance reviews of DoD Component harassment prevention and response policies and programs in accordance with this instruction, including:
  - (1) Assessments of impartiality, timeliness, and sufficiency of harassment complaints.
  - (2) Timeliness and sufficiency of feedback provided to complainants.

(3) Effectiveness of policies and programs in reducing incidents of harassment and providing appropriate victim services, care, and support.

d. Ensures that DoD Component harassment prevention and response programs incorporate, at minimum:

(1) Long-term goals, objectives, and milestones;

(2) Results-oriented performance measures to assess effectiveness; and

(3) Compliance standards for promoting, supporting, and enforcing policies, plans, and programs.

e. Collects, assesses, and analyzes information and data regarding harassment complaints received by the Military Departments and compiles reports in accordance with reporting requirements outlined in Paragraph 7.2.

f. Makes recommendations to the USD(P&R) through the Executive Director, Force Resiliency, after receiving annual reports from the Military Departments, to establish, update, and maintain harassment prevention and response policies and programs.

g. Directs the Commandant, DEOMI, to:

(1) Establish standards, core competencies, and learning objectives for DoD Component harassment prevention and response training and education programs.

(2) Tailor training materials to Service member professional development levels and associated leadership duties and responsibilities.

(3) Ensure training materials and curriculum include, at minimum, prevention strategies and risk and protective factors.

(4) Review Military Department training plans for compliance with this instruction and sufficiency of content, and report potential deficiencies to the Director, ODEI.

**2.4. SECRETARIES OF THE MILITARY DEPARTMENTS.** The Secretaries of the Military Departments:

a. Establish military harassment prevention and response programs that ensure:

(1) Service members are treated with dignity and respect.

(2) Leaders at all levels are held appropriately accountable for fostering a climate of inclusion within their organizations that supports diversity, is free from harassment, and does not tolerate retaliation for reporting harassment allegations.

(3) Harassment complaints are investigated in an impartial and timely manner.

(4) Complainants receive access to available victim services and support, and will be afforded an opportunity to provide input regarding disposition.

(5) Complainants receive ongoing timely information regarding the status of their complaints and notice of disposition.

b. Oversee Military Department programs, which will include:

(1) Information regarding how to identify harassment, DoD standard definitions, and types of harassment, as outlined in Section 3.

(2) Information regarding how to identify sexual assault under Article 120 of the UCMJ and reporting procedures.

(3) Information regarding reporting options, procedures, and applicable timelines to submit harassment complaints, including anonymous complaints and complaints involving a Service member's commander or supervisor, to the appropriate commander or supervisor, the inspector general's office, military equal opportunity (MEO) office, or staff designated by the Military Service to receive harassment complaints.

(4) Procedures for commanders and supervisors to receive, respond to, investigate, and resolve harassment complaints, including those made in Joint Service environments consistent with Paragraph 4.5.

(5) Training and education requirements for commanders, supervisors, Service members, and any other appropriate personnel (e.g., chaplains, judge advocates, investigating officers, inspectors general, MEO personnel, and staff designated by the Service to receive complaints). In addition to requirements in Section 6, training will include at minimum training modules and materials provided by DEOMI. Service developed training plans for such personnel will be submitted to DEOMI for review before implementation.

(6) Mechanisms to collect, track, assess, and analyze data and information related to harassment complaints in accordance with Section 7.

(7) Mechanisms to maintain data regarding harassment complaints in a manner that will ensure adequate tracking of complaints from Service members assigned, detailed, or otherwise working in a DoD Component, other than a Military Department, consistent with Service-specific record retention policies and procedures and DoDI 5015.02.

(8) Requirements to prominently post and publicize information regarding Military Department harassment prevention and response policies and programs, including information stated in Paragraphs 2.4.b.(1).

c. Respond to ODEI data calls in accordance with Section 7, including data and reports to support annual Congressional and DoD fiscal year reports. Data and reports will be submitted as follows:

(1) Hazing and bullying data by December 1, in accordance with the December 23, 2015, Deputy Secretary of Defense Memorandum.

(2) Data and reports on all other types of harassment, including sexual harassment, by January 31.

d. Ensure that a minimum of one 24-hour toll-free or local hotline (or advice line) provides information on harassment policies and procedures covered within this issuance, including how and where to file complaints, the behaviors that constitute harassment, and information about the DoD-wide hotline for Sexual Assault at <https://www.SafeHelpline.org>.

e. Ensure appropriate administrative or disciplinary action is taken against Service members in cases involving substantiated harassment complaints.

f. Mandate that substantiated complaints are annotated on fitness report(s) or Service-level reporting and tracking system(s). The Service-level tracking system must be reviewed for substantiated harassment incidents prior to Service members' selection for promotion and other favorable personnel actions.

g. Verify that commanders conduct climate assessments and take appropriate action as required.

h. Assist and support harassment complainants in accordance with DoDI 1030.02, and DoDI 6400.07. Complainants should be provided adequate protection and care, and be informed about available support resources, including:

(1) Military and civilian emergency medical and support services.

(2) Public and private programs that are available to provide counseling, treatment, and other support.

(3) Organizations and entities on- and off-base that provide victim and witness services and support.

**2.5. DOD COMPONENT HEADS OTHER THAN THE SECRETARIES OF THE MILITARY DEPARTMENTS.** The DoD Component heads other than the Secretaries of the Military Departments will:

a. Ensure Service members are treated with dignity and respect.

b. Hold leaders at all levels appropriately accountable for fostering a climate of inclusion within their organizations that supports diversity, is free from harassment, and does not tolerate retaliation for reporting harassment allegations.

c. Refer harassment complaints from Service members assigned, detailed, or otherwise working in a DoD Component other than a Military Department to the Service member's Military Department and provide them information regarding reporting options.



d. Prominently post and publicize information regarding Military Department harassment prevention and response policies and programs, including information stated in Paragraph 2.4.b.(1).

e. Mandate that substantiated complaints are annotated on fitness reports or Service-level reporting and tracking system(s). The Service-level tracking system must be reviewed for substantiated harassment incidents prior to Service members' selection for promotion and other favorable personnel actions.

f. Support investigations by providing access to information, as appropriate, to ensure that investigations are impartial and timely.

g. Ensure training and education requirements are consistent with those outlined in Section 6.

h. Assist and support harassment complainants in accordance with DoDI 1030.02, and DoDI 6400.07. Complainants should be provided adequate protection and care, and informed about available support resources, including:

- (1) Military and civilian emergency medical and support services.
- (2) Public and private programs that are available to provide counseling, treatment, and other support.
- (3) Organizations and entities on- and off-base that provide victim and witness services and support.

**2.6. CHIEF, NATIONAL GUARD BUREAU.** In addition to the responsibilities in Paragraph 2.5, the Chief, National Guard Bureau, implements the policies and procedures outlined in this issuance and fulfills the responsibilities for equal opportunity within the Chief's jurisdiction, fully consistent with the broader DoD objectives and Section 2000d of Title 42, U.S.C.

## **SECTION 3: TYPES OF HARASSMENT AND RETALIATION COVERED BY THIS ISSUANCE**

**3.1. HARASSMENT.** Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Types of harassment include, but are not limited to, discriminatory harassment, sexual harassment, hazing, bullying, and stalking. Stalking must be reported to the appropriate Military Criminal Investigative Organization.

**3.2. MEANS OF HARASSMENT.** Harassment can be oral, written, or physical. Harassment can occur in person, through electronic communications, including social media; and through wrongful broadcast or distribution of intimate visual images and other forms of communication.

**3.3. RETALIATION.** Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06. Retaliation for reporting a criminal offense can occur in several ways, including reprisal. Investigation of complaints of non-criminal retaliatory actions other than reprisal will be processed consistent with Service-specific regulations. In addition to reprisal, defined in Paragraph 3.4, additional retaliatory behaviors include ostracism, maltreatment, and criminal acts for a retaliatory purpose in connection with an alleged sex-related offense or sexual harassment; or for performance of duties concerning an alleged sex-related offense or sexual harassment. For detailed definitions of the full range of retaliatory behaviors, see the RPRS Implementation Plan.

**3.4. REPRISAL.** In accordance with Section 1034 of Title 10, U.S.C., as implemented by DoDD 7050.06, reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.

## **SECTION 4: PROCEDURES AND REQUIREMENTS FOR PROCESSING HARASSMENT COMPLAINTS FROM SERVICE MEMBERS**

**4.1. INFORMAL COMPLAINTS.** Informal complaints, as defined in this instruction, should be addressed at the lowest appropriate level. Data collection requirements, in accordance with Section 7, are applicable to informal complaints.

**4.2. FORMAL HARASSMENT COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT OR SEXUAL ASSAULT ALLEGATIONS.** Formal harassment complaints will be processed in accordance with the following timelines and requirements:

a. To the extent practicable, within 5 duty days of receipt of the complaint, forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the chain of command who is authorized to convene a general court-martial.

b. Commence, or cause the commencement of, an investigation of the complaint within 5 duty days of receipt of the complaint.

c. Notify complainants when an investigation begins, provide them information about the investigation process and victim support resources available, on- and off-base, and any appeal rights. When the investigation is complete, the complainant must be notified whether the complaint was substantiated or unsubstantiated.

d. Closely monitor and ensure timely completion of any investigation and, to the extent practicable, direct the investigation to be completed not later than 30 days after the date on which the investigation is commenced. In addition:

(1) A final report on the results of the investigation, including any action taken, will be submitted to the next superior officer as referenced in Paragraph 4.2.a. within 36 days after the date on which the investigation is commenced; or

(2) If the investigation cannot be completed within the timeline stated in Paragraph 4.2.d., a report on the progress made in completing the investigation will be submitted to the superior officer as referenced in Paragraph 4.2.a. after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the next superior officer as referenced in Paragraph 4.2.a.

e. All harassment complaint investigation reports should be reviewed for legal sufficiency.

**4.3. HARASSMENT COMPLAINTS INVOLVING SEXUAL ASSAULT ALLEGATIONS.** Harassment complaints involving sexual assault allegations must be:

- a. Reported to a sexual assault response coordinator for victim support services in accordance with DoDD 6495.01, DoDI 6495.02, and the DoD RPRS Implementation Plan.
- b. Reported for investigation to the appropriate military criminal investigative organization, in accordance with DoDI 5505.18.

**4.4. SEXUAL HARASSMENT COMPLAINTS NOT INVOLVING SEXUAL ASSAULT ALLEGATIONS.** Sexual harassment complaints will be processed in accordance with the following timelines and requirements, in accordance with Section 1561 of Title 10, U.S.C.:

- a. To the extent practicable, within 72 hours of receipt of the complaint, forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the chain of command who is authorized to convene a general court-martial.
- b. Commence, or cause the commencement of, an investigation of the complaint within 72 hours of receipt of the complaint.
- c. Notify complainants when an investigation begins, provide them information about the investigation process and victim support resources available, on- and off-base, and any appeal rights. When the investigation is complete, the complainant must be notified whether the complaint was substantiated or unsubstantiated.
- d. Closely monitor and ensure timely completion of any investigation and, to the extent practicable, direct the investigation to be completed not later than 14 days after the date on which the investigation is commenced. In addition:
  - (1) A final report on the results of the investigation, including any action taken, will be submitted to the next superior officer as referenced in Paragraph 4.4.a. within 20 days after the date on which the investigation is commenced; or
  - (2) If the investigation cannot be completed within the timeline stated in Paragraph 4.4.d., a report on the progress made in completing the investigation will be submitted to the superior officer as referenced in Paragraph 4.4.a. after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report of the investigation must be submitted, including any action taken, to the next superior officer as referenced in Paragraph 4.4.a.
- e. All reports of investigation of sexual harassment complaints must be reviewed for legal sufficiency.
- f. Follow procedures for processing sexual harassment complaints, including anonymous complaints, occurring in confinement facilities and involving military inmates, in accordance with Section 15601 of Title 42, U.S.C., also known as the “Prison Rape Elimination Act of 2003.”

#### **4.5. HARASSMENT COMPLAINTS IN JOINT SERVICE ENVIRONMENTS.**

##### Secretaries of Military Departments

- a. Ensure that harassment complaints are processed through the Command or Service that has administrative control, or disciplinary authority, or a combination thereof, over the complainant.
- b. Ensure that joint commanders forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the alleged offender's chain of command who is authorized to convene a general court-martial.
- c. Require the complainant's commander or supervisor to provide updates, as appropriate, to the alleged offender's commander or supervisor, upon receipt of complaint through final disposition.
- d. Ensure, upon completion and final disposition of the complaint, that the complainant's commander and the offender's commander are informed of the final disposition for proper tracking, documentation, file maintenance, and records management purposes.
- e. Respond to incidents of harassment and comply with investigation timelines and notification requirements established in this issuance.

**4.6. ANONYMOUS COMPLAINTS.** Actions taken regarding anonymous complaints will depend upon the extent of information provided by complainants. If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with this instruction and any Service-specific guidance. If an anonymous complaint does not contain sufficient information to permit the initiation of an investigation, the information should be documented in a Memorandum for Record and maintained on file in accordance with disposition instructions and the central point of contact responsible for processing harassment complaints. The Memorandum for Record should contain the following information, if available:

- a. Date and time the information was received;
- b. A detailed description of the facts and circumstances included in the complaint;
- c. Date and time the complaint was resolved and by whom; and
- d. Any other pertinent information.

**4.7. SUPPLEMENTAL GUIDANCE.** Military Departments will establish supplemental guidance for receiving, responding to, investigating, and resolving harassment complaints consistent with the timelines and procedures outlined in this instruction.

#### **4.8. RELEASE OF REPORTS.**

- a. Inform complainants of their right to request a copy of the final investigative report redacted as necessary to comply with Section 552a of Title 5, U.S.C., also known as the “Privacy Act of 1974,” as amended, and any other applicable laws and regulations.
- b. Freedom of Information Act requests will be processed in accordance with DoDM 5400.07.

## **SECTION 5: RESPONDING TO HARASSMENT COMPLAINTS FROM SERVICE MEMBERS**

**5.1. RESPONDING TO HARASSMENT COMPLAINTS.** Commanders and supervisors will:

a. Inform Service members of available reporting options and procedures, including to their commander, supervisor, the inspector general's office, MEO office, or staff designated by the Military Service to receive complaints. One official will be specifically designated to receive allegations of harassment involving commanders and supervisors to ensure impartial adjudication of such complaints.

b. Advise Service members of available support resources.

c. Respond to and, as appropriate, investigate all harassment complaints as identified in Section 4.

d. Follow additional procedures and comply with requirements set forth in Component-specific policies and guidance.

e. Follow the procedures in the RPRS Implementation Plan if the complainant alleges sexual harassment and retaliation.

f. Take appropriate disciplinary or administrative action when a complaint is substantiated.

g. Determine whether a climate assessment is warranted or additional unit training is required.

**5.2. APPEALING ADMINISTRATIVE FINDINGS OF HARASSMENT COMPLAINTS.** Commanders and supervisors will inform complainants of the process for appealing administrative findings of complaints in accordance with DoDI 1350.02

## **SECTION 6: PREVENTION AND RESPONSE TRAINING AND EDUCATION**

### **6.1. PREVENTION AND RESPONSE TRAINING AND EDUCATION PROGRAMS.**

DoD Component heads will ensure harassment prevention and response training and education programs are established at all levels of professional military development from the accession point to the assumption of senior leader grade.

### **6.2. REQUIREMENTS FOR PREVENTION AND RESPONSE TRAINING AND EDUCATION PROGRAMS.** Harassment prevention and response training and education programs will include:

- a. Mechanisms to ensure training is delivered only by instructors who possess the appropriate skills and competencies.
- b. To the extent practicable, training to the same audiences and in the same venues (e.g., command training and unit status reports) as sexual assault prevention and response training.
- c. Roles and responsibilities of Service members, including fostering a culture free from harassment.
- d. Information on how to identify harassment, DoD standard definitions and types of harassment as outlined in Section 3.
- e. Options and procedures for submitting informal (as applicable), formal, and anonymous harassment complaints.
- f. Information regarding how to identify sexual assault under Article 120 of the UCMJ and reporting procedures.
- g. Information regarding the Service-specific office of primary responsibility for sexual assault complaints.
- h. Information regarding how to identify and report retaliation in accordance with the RPRS Implementation Plan.
- i. Information regarding how to identify and report reprisal in accordance with DoDD 7050.06.
- j. Information regarding bystander intervention to ensure Service members have the skills to recognize when to intervene and the tools necessary to implement the intervention.
- k. Information regarding any administrative or disciplinary action that could be taken.



## **SECTION 7: DATA COLLECTION AND REPORTING REQUIREMENTS**

**7.1. DATA COLLECTION.** Secretaries of the Military Departments will ensure that the Military Departments maintain data on harassment complaints, including informal (if applicable); formal; and anonymous (if provided). Military Departments will annually report data to the Director, ODEI, through a DoD approved automated data collection interface. At a minimum, the Military Departments' data will include:

- a. The type of complaint (i.e., informal (if applicable), formal or anonymous).
- b. The number of complaints received and the types of harassment alleged.
- c. The number of complaints substantiated, the types of harassment alleged, and the types of harassment substantiated, if any.
- d. The demographics (e.g., race/ethnicity, gender, and grade) of the complainant and alleged offender.
- e. The relationship between the complainant and the alleged offender at the time of the incident(s) (e.g., superior, coworker, subordinate).
- f. The duty status of both the complainant and alleged offender (e.g., training, temporary duty, leave, and on-duty or off-duty).
- g. Whether the alleged offender has prior substantiated harassment complaints documented in his or her personnel file.
- h. A narrative description of the alleged incident(s), including the use of social media.
- i. For Service members assigned, detailed, or otherwise working in a DoD or OSD Component other than a Military Department, the identification of the DoD Component in which the harassment complaint arose.
- j. The location of the alleged incident.
- k. The timeline of events from the date of complaint to final disposition, and reason(s) for any delays.
- l. The adjudication and disposition of substantiated complaints, including by whom and at what level of the organization the allegation was investigated, and by whom and at what level of the organization the allegation was adjudicated.
- m. Data on retaliation complaints associated with complaints of sexual harassment, in accordance with the RPRS Implementation Plan.

**7.2. REPORTING REQUIREMENTS.** The Director, ODEI, will provide a consolidated annual report to the USD(P&R), through the Executive Director, Force Resiliency, that incorporates non-personally identifiable information and data collected by the Military Departments related to harassment complaints identified in Paragraph 7.1. The report will include:

a. An aggregation and assessment of the information and data provided by the Military Departments, to include:

(1) The number of complaints substantiated, the types of harassment alleged, and the types of harassment substantiated.

(2) Data on retaliation complaints associated with complaints of sexual harassment, in accordance with the RPRS Implementation Plan.

b. Information regarding DoD efforts to improve harassment prevention and response policies and procedures.

c. Recommendations to strengthen harassment prevention and response efforts, if appropriate.

## GLOSSARY

### G.1. ACRONYMS.

DEOMI	Defense Equal Opportunity Management Institute
DoDD	DoD directive
DoDI	DoD instruction
DoDM	DoD manual
MEO	military equal opportunity
ODEI	Office for Diversity, Equity, and Inclusion
RPRS	retaliation prevention and response strategy
UCMJ	Uniform Code of Military Justice
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
U.S.C.	United States Code

**G.2. DEFINITIONS.** Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

**anonymous complaint.** Complaint received by a commanding officer or supervisor, regardless of the means of transmission, from an unknown or unidentified source, alleging harassment. The individual is not required to divulge any personally identifiable information.

**bullying.** A form of harassment that includes acts of aggression by Service members or DoD civilian employees, with a nexus to military service, with the intent of harming a Service member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person. Bullying is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

Physically striking another person in any manner or threatening to do the same.

Intimidating, teasing, or taunting another person.

Oral or written berating of another person with the purpose of belittling or humiliating.

Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts.

Playing abusive or malicious tricks.

Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person.

Subjecting another person to excessive or abusive use of water.

Forcing another person to consume food, alcohol, drugs, or any other substance.

Degrading or damaging another's property or reputation.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of bullying.

Bullying does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to prepare for such activities (e.g., command-authorized physical training).

Service members may be responsible for an act of bullying even if there was actual or implied consent from the victim, and regardless of the grade or rank, status, or Service of the victim.

Bullying is prohibited in all circumstances and environments, including off-duty or "unofficial" unit functions and settings.

**civilian employee.** As defined in Section 2105 of Title 5, U.S.C.

**complaint.** An allegation of harassment made by a Service member to a commander, supervisor, the inspector general's office, MEO office, or staff designated by the Military Service to receive harassment complaints.

**discriminatory harassment.** A form of harassment that is unwelcome conduct based on race, color, national origin, religion, sex (including pregnancy), gender-identity or sexual orientation.

**formal complaint.** An allegation submitted in writing to the staff designated to receive such complaints in Military Department operating instructions and regulations; or an informal complaint, which the commanding officer or other person in charge of the organization, determines warrants an investigation.

**harassment.** Behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment.

**hazing.** A form of harassment that includes conduct through which Service members or DoD employees, without a proper military or other governmental purpose, but with a nexus to Military Service, physically or psychologically injure or create a risk of physical or psychological injury to Service members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or continued membership in any military or DoD civilian organization. Hazing can be conducted through the use of electronic devices or communications, and by other

means including social media, as well as in person. Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

Any form of initiation or congratulatory act that involves physically striking another person in any manner or threatening to do the same.

Pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object.

Oral or written berating of another person with the purpose of belittling or humiliating.

Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts.

Playing abusive or malicious tricks.

Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person.

Subjecting another person to excessive or abusive use of water.

Forcing another person to consume food, alcohol, drugs, or any other substance.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing.

Hazing does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to prepare for such activities (e.g., administrative corrective measures, extra military instruction, or command-authorized physical training).

Service members or DoD civilian employees may be responsible for an act of hazing, even if there was actual or implied consent from the victim, and regardless of the grade or rank, status, or Service of the victim.

Hazing is prohibited in all circumstances and environments including off-duty or "unofficial" unit functions and settings.

**informal complaint.** An allegation, made either orally or in writing, that is not processed or resolved as a formal complaint through the office designated to receive harassment complaints. The allegation may be submitted to a person in a position of authority within the Service member's organization or outside of the Service member's organization.

**investigation.** An examination into allegations of wrongdoing or misconduct.

**joint service environment.** A locality from which operations of two or more of the Military Departments are projected or supported and which is manned by significant elements of two or more Military Departments or in which significant elements of two or more Military

Departments are located. Includes joint commands, joint bases, Defense Agencies, and joint field activities that involve more than one branch of Military Service.

**military criminal investigative organization.** The U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

**Service member.** A Regular or Reserve Component officer (commissioned or warrant) or enlisted member of the Army, Navy, Air Force, Marine Corps, and the Coast Guard (when it is operating as a Service in the Navy) on active duty.

**sexual harassment.** Conduct that:

Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

Submission to such conduct is, either explicitly or implicitly, made a term or condition of a person's job, pay, or career

Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a civilian employee of the Department of Defense.

Any deliberate or repeated unwelcome verbal comments or gesture of a sexual nature by any member of the Armed Forces or a civilian employee of the Department of Defense.

There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

**social media.** Web-based tools, websites, applications, and media that connect users and allow them to engage in dialogue, share information, collaborate, and interact.

**stalking.** Includes, but it is not limited to, a person:

Who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner.

Who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner.

When the conduct induces reasonable fear of death or bodily harm in the specific person, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner. (For further information refer to Section 930 of Title 10 USC)

**supervisor.** A commissioned officer, non-commissioned officer or DoD civilian employee in a supervisory or command position.

**sexual assault.** Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. As used in this Instruction, the term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses.

## REFERENCES

- Deputy Secretary of Defense Memorandum, “Hazing and Bullying Prevention and Response in the Armed Forces,” December 23, 2015
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- DoD Directive 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, as amended
- DoD Directive 7050.06, “Military Whistleblower Protection,” April 17, 2015
- DoD Instruction 1020.04, “Harassment Prevention and Response for DoD Civilian Employees,” June 30, 2020
- DoD Instruction 1030.02, “Victim and Witness Assistance,” September 2, 2020
- DoD Instruction 1350.02, “DoD Military Equal Opportunity Program,” September 4, 2020
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” March 22, 2017, as amended
- DoD Instruction 6400.07, “Standards for Victim Assistance Services in the Military Community,” November 25, 2013, as amended
- DoD Instruction 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” March 28, 2013, as amended
- DoD Manual 5400.07, “DoD Freedom of Information Act (FOIA) Program,” January 25, 2017
- DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended
- DoD Retaliation and Prevention and Response Strategy Implementation Plan, January 2017
- United States Code, Title 5
- United States Code, Title 10
- United States Code, Title 42