



DEFENSE HEALTH AGENCY
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DHA-Policy Memorandum 23-007
October 30, 2023

MEMORANDUM FOR SEE DISTRIBUTION LIST

SUBJECT: Defense Health Agency Anti-Harassment Policy Memorandum

- Reference:
- (a) Department of Defense (DoD) Directives 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013, as amended
 - (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013, as amended
 - (c) DHA-Procedural Instruction 5025.01, "Publication System," April 1, 2022
 - (d) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces" February 8, 2018, as amended
 - (e) DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees" June 30, 2020
 - (f) DHA-Administration Instruction 040, "Management Directed Inquiries of Employee Conduct" September 14, 2018

This Defense Health Agency-Policy Memorandum, based on the authorities of References (a) through (c), and in accordance with the guidance of Reference (d), provides guidance on the Anti-Harassment Program, managed by the Defense Health Agency (DHA) Force Resilience Office (FRO). The DHA Enterprise, components and activities under the authority, direction, and control of the DHA to include assigned, attached, allotted, or detailed personnel.

The DHA is committed to maintaining a workplace free of harassment. Harassment is any unwelcome verbal or physical conduct based on protected categories such as race, color, religion, sex (including sexual orientation, gender identity, and pregnancy), national origin, age (40 and over), disability, protected genetic information, or protected Equal Employment Opportunity (EEO) activity. Prohibited harassment also includes behaviors that are unwelcome or offensive to a reasonable person, interferes with work performance, and creates an intimidating, hostile, or offensive work environment. Harassment can be oral, visual, written, physical, or electronic. Harassing behaviors that detract from an efficient workplace include, but are not limited to:

- (1) Unwanted physical contact;
- (2) Offensive jokes;
- (3) Epithets or name-calling;
- (4) Ridicule or mockery;

- (5) Insults or put-downs;
- (6) Displays of offensive objects or imagery;
- (7) Offensive non-verbal gestures;
- (8) Stereotyping;
- (9) Intimidating acts;
- (10) Veiled threats of violence;
- (11) Threatening or provoking remarks;
- (12) Racial or other slurs;
- (13) Derogatory remarks about a person's accent or disability;
- (14) Displays of racially offensive symbols;
- (15) Hazing;
- (16) Bullying.

Unlawful harassing conduct may include, but is not limited to:

- (1) Unlawful discriminatory harassment;
- (2) Sexual harassment;
- (3) Stalking.

The DHA will not tolerate or condone any type of harassment, to include harassment that is not unlawful but adversely affects the work environment. Harassment has a negative impact on the mission and morale. To continue our path of success, we must ensure that all members of our team are afforded a professional work environment in which they are treated fairly. I charge all leaders, managers, and supervisors at every level with maintaining an environment free of any form of workplace harassment and to immediately respond to reports of harassment.

Service members assigned, detailed, or otherwise working for DHA will be referred to the Service Member's Military Department for information regarding report options for harassment.

Any employee who believes they have been subjected to harassment within the Anti-Harassment scope of the laws and regulations enforced by the Equal Employment Opportunity Commission can report the matter to their immediate supervisor (or second-line supervisor in the event the first-line supervisor is the alleged harasser) or the DHA Anti-Harassment Program at dha.ncr.readiness.mbx.office-force-resilience@health.mil. There is no time limit on when employees can report harassment.

Individuals who perceive they are being harassed or who witness harassment are

encouraged to report it. Immediate reporting can help to bring about timely resolution to problematic situations and assist management in taking appropriate corrective action. Employees should promptly report incidents of harassment to their supervisor or someone in their chain of supervision. Employees may also report incidents of harassment to multiple sources outside the supervisory chain, such as to the FRO, EEO, Human Resources, or Legal officials. Allowing an employee to bypass their chain of supervision provides additional assurance that the harassment report will be handled in an impartial manner. Numerous laws, statutes, and regulations have contributed to the development of the Anti-Harassment Program. The reporting process embedded in that program provides a forum for individuals to exercise their right to address perceived incidents of harassment, ideally before it becomes severe, pervasive, or escalates to the level of unlawful harassment.

The Agency will protect the confidentiality of the employee or applicant making the harassment report to the fullest extent possible. The agency cannot guarantee complete confidentiality since it cannot conduct an effective investigation without revealing certain information to the alleged harasser(s) and potential witnesses. Information about the allegation of harassment will be shared only with those who have a genuine need to know. A conflict between an employee's desire for confidentiality and the agency's duty to investigate may arise if an employee informs a supervisor about alleged harassment but asks them to keep the matter confidential and take no action. Inaction by the supervisor in such circumstances could lead to agency liability. While it may seem reasonable to let the employee determine whether to pursue a complaint, the agency must discharge its duty to prevent and stop all discriminatory harassment regardless of whether it rises to the level of a violation of law. Employees may also report harassment anonymously, but the agency may be limited in what actions it can take in response to anonymous reports.

When an employee reports alleged harassment to management, whether verbally or in writing, management will notify the FRO. The Agency is to initiate a prompt, thorough, and impartial investigation of the allegation within ten (10) days of the initial report. Depending on the scope of the allegations contained within the report, with consultation from the Office of General Counsel (OGC) and Labor Management and Employee Relations (LMER), management may conduct a fact-finding inquiry into the report and/or utilize the Management Directed Inquiry process outlined in reference (f), (or a similarly equivalent inquiry such as a military Command Directed Investigation).

Documentation of all reports of harassment to management must be provided to the DHA FRO by emailing dha.ncr.readiness.mbx.office-force-resilience@health.mil with the date of initial

report, start date of inquiry/investigation, any remedial measures taken, summary of inquiry/investigation outcome (founded/unfounded), date inquiry/investigation concluded, any

corrective actions taken, and date(s) any corrective actions were taken. If retaliation is reported in association with a harassment report, the FRO must be notified. An executive summary of the inquiry will be provided to the reporter(s), including when DHA determines its response has been completed and excluding any information protected by labor or other privacy laws/regulations.

Corrective action should occur within approximately 60 days of receiving a harassment report when the report is substantiated. Retaliation or reprisal against an employee or applicant for reporting, expressing an intent to report, or cooperating with an investigation of allegations of harassment is strictly prohibited and may result in appropriate disciplinary action. Management should undertake whatever measures necessary to ensure that reprisal and retaliation does not occur.

Management will undertake immediate and appropriate corrective action, including disciplinary action (when warranted), up to and including removal of the harasser, whenever it determines that harassment has occurred in violation of this policy (with consultation from OGC and LMER). In some instances, it may be necessary to undertake immediate interim measures before the investigation is complete to ensure further harassment does not occur. Remedial measures should be taken to prevent and stop the harassment, correct its effects on the employee, and ensure that the harassment does not recur. These remedial measures need not be those that the employee requests or prefers, as long as they are effective. I expect leaders to participate in and support Alternative Dispute Resolution (mediation) at every opportunity, and they are encouraged to help resolve complaints at both the pre-complaint and formal stages of the process.

Allegations of unlawful discriminatory harassment based on a protected EEO category can be raised in EEO complaints. To file an EEO complaint, employees and applicants must contact the DHA EEO office within 45 calendar days of a discriminatory event by sending an email to dha.ncr.eeo.mbx.eodm@health.mil. The EEO process is separate from the anti-harassment reporting process. All reports of harassment made during a EEO allegation/investigation will be referred to the DHA FRO.

Reporting harassment or retaliation to a supervisor, management official, or the Force Resilience Office does not satisfy the filing requirements for an EEO complaint, union grievance, Merit Systems Protection Board (MSPB) appeal, or other procedures and obtaining

remedies pursuant to them, nor does it delay the time limits for initiating those procedures. Harassment allegations of a criminal nature will be reported immediately to the appropriate law enforcement agency.

Mandatory training is required annually for all DHA civilian employees and their military supervisors. Training may be accessed through the DHA Learning Management System hosted by the Joint Knowledge Online course: DHA-US481, Anti-Harassment Workplace Training (0.5 hours)

This policy will be posted on all official bulletin boards and websites, and it will be distributed throughout the enterprise.

This DHA-Policy Memorandum is cleared for public release, and available on the internet from the Health.mil site at: <https://health.mil/Reference-Center/Policies>. It is also available to authorized users from the DHA SharePoint site at: [https://info.health.mil/cos/admin/pubs/SitePages/DHA%20Publications%20System%20Office%20\(PSO\).aspx](https://info.health.mil/cos/admin/pubs/SitePages/DHA%20Publications%20System%20Office%20(PSO).aspx).

This DHA-Policy Memorandum is effective upon signature. It will expire five (5) years from the date of signature if it has not been reissued or canceled before this date in accordance with Reference (c).

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