



DEFENSE TECHNICAL INFORMATION CENTER
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FORT BELVOIR, VIRGINIA 22060-6218

IN REPLY: DTIC-D
REFER TO:

November 1, 2023

MEMORANDUM FOR DEFENSE TECHNICAL INFORMATION CENTER EMPLOYEES

SUBJECT: Anti-Harassment Policy Statement and Procedures

I am committed to and ask you to join me in ensuring a work environment free of harassment at DTIC. Workplace harassment destroys morale, teamwork, and productivity; and violates federal law. Workplace harassment described in Equal Employment Opportunity (EEO) and Federal laws, Executive Orders, and regulations includes hostile words and actions against a worker based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability (mental and physical), genetic information (including family medical history), parental status, marital status, military service, and political affiliation. Workplace harassment also includes hostile words and actions taken in retaliation for, or reprisal based on, prior EEO or protected activity. Workplace harassment warrants adverse action when it alters the conditions of an individual's employment either by culminating in a tangible employment action or being sufficiently severe or pervasive as to create a hostile work environment. If you experience harassment, I encourage you to report it, allowing us to both timely address the situation and take corrective measures. We are all responsible for ensuring a positive, harassment-free environment, which requires that everyone who works at DTIC (civilians and contractors) report any instances of harassment they see, and to wholeheartedly support this Anti-Harassment Policy. Individuals who report instances of harassment will be protected against retaliation and will have their confidentiality protected if they elect to file an anonymous complaint of harassment.

Any behavior which undermines the integrity of the employment relationship at DTIC is a violation of our ethical standards. Managers and supervisors are expected to be role models for proper workplace behavior, foster an environment free from any harassment, know how to spot conduct that may be considered harassment, and initiate prompt corrective actions. All DTIC and non-DTIC employees in DTIC workspaces are expected to behave professionally and treat each other with respect.

Harassment of any kind is unacceptable, will not be tolerated, and will be addressed aggressively. Employees who believe they have been harassed or have witnessed conduct that is in violation of this Policy should immediately report the behavior to their supervisor or the Deputy Director for Resource Management. Employees also have the right to contact the DLA EEO Office via email at HQEEOInquiries@dla.mil. Allegations of harassment will undergo a prompt, thorough, and impartial investigation by the DTIC-R Personnel Administrative Team. The appropriate administrative and/or disciplinary action will be initiated for all substantiated instances of harassment.

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- 2 -

The attached procedures describe what an individual must do and where they can go to obtain help if they believe they have been harassed or witnessed harassing behavior. The policy and procedures herein will be available on the DTIC HUB at <https://dod365.sharepoint-mil.us/sites/DTIC-hr/Policy/Forms/AllItems.aspx>.

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Administrator

Attachments:
As Stated

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DTIC Anti-Harassment Policy and Procedures

This establishes the Defense Technical Information Center's policy and procedures for preserving a harassment-free workplace and describes what an individual must do and where they can go to obtain help if they believe they have been harassed or witnessed harassing behavior. This policy applies to all DTIC employees, and the prohibitions defined in this policy apply to all who enter the DTIC workplace.

The objectives of our policy are to:

- A. Define and publicize prohibited harassing or retaliating behavior.
- B. Adhere to the guidance contained in DoD Instruction 1438.06, "DoD Workplace Violence Prevention and Response Policy," January 16, 2014, as amended.
- C. Provide a clear and effective process (distinct from the EEO complaint process) for employees to identify and report harassment or retaliation and to quickly investigate, correct, and prevent harassing and/or retaliating behaviors.
- D. Describe what a manager or supervisor must do when he/she receives an allegation of harassment or retaliation or witnesses harassing or retaliatory behavior.
- E. Ensure appropriate officials are notified and have the opportunity to promptly halt any harassing or retaliatory behavior.
- F. Protect all who report or witness harassment or retaliation of any kind.

The goal of the policy is to prevent and correct improper conduct.

DTIC's policy:

- A. Strives to create and maintain a work environment in which people are treated with dignity, decency, and respect; and are free from harassment. Our workplace should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation.
- B. Does not tolerate the use of derogatory words, phrases, epithets, gestures, pictures, drawings, cartoons, or any behavior, regardless of the means of delivery (e.g., oral or electronic communication), that targets race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability (mental and physical), genetic information (including family medical history), parental status, marital status, military service, and/or political affiliation.
- C. Does not tolerate retaliation against any employee for reporting matters in good faith under this policy, for assisting in an investigation related to such a report, or for exercising any rights, whether under Federal Law, Executive Order, regulations, policy, or applicable Collective Bargaining Agreements.

D. Takes appropriate corrective and disciplinary action when an incident of harassment or retaliation has occurred, or when a manager or supervisor fails to follow the procedures in this policy.

All employees, regardless of their positions, are covered by and expected to comply with this policy.

The Authorities specifically relevant to our anti-harassment policy are:

A. DoD Instruction 1438.06, "DoD Workplace Violence Prevention and Response Policy," January 16, 2014, as amended.

B. DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020.

C. 5 U.S.C. § 2302 of the Civil Service Reform Act of 1978, as amended.

D. DoD Instruction 1400.25, Volume 771, "DoD Civilian Personnel Management System: Administrative Grievance System," December 26, 2013, as amended.

E. Administrative Grievance Procedures contained in the DTIC/American Federation of Government Employees (AFGE) Master Labor Agreement (a.k.a. Collective Bargaining Agreement).

F. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance: Reasonable Accommodation, Notice 915.002, October 17, 2002.

G. DLAI 1440.02, "Equal Employment Opportunity Complaints Program," September 12, 2022.

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DEFINITION OF TERMS:

A. Employment actions refer to decisions that significantly change an employee's employment status. Such actions include, but are not limited to, hiring, firing, promoting, demoting, and reassigning an employee.

B. Retaliation or reprisal occurs when employees are treated differently because they are, or were, involved in a harassment or retaliation complaint or a protected EEO or labor activity. Protected activities include, but are not limited to, providing testimony in a harassment or EEO investigation, filing a complaint, or speaking out against activities that are discriminatory or involve harassment.

C. Unlawful harassment includes hostile words and actions taken in retaliation for or reprisal based on prior EEO or protected activity. Unlawful harassment also includes unwelcome intimidation, ridicule, insults, comments, or digital, verbal, or physical conduct that is based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability (mental and physical), genetic information (including family medical history), parental status, marital status, military service, and political affiliation, when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) A manager/supervisor makes an employee's submission to or rejection of such conduct the basis for employment decisions affecting the employee; and/or,

(3) The conduct is intended to or actually has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

D. Workplace harassment is any form of unwelcome, pervasive, persistent, and unsolicited digital/electronic, verbal, non-verbal, written, and/or physical conduct that is objectively offensive, altering the victim's terms and conditions of employment. This happens by either culminating in a tangible employment action or by being sufficiently severe or pervasive as to unreasonably interfere with an employee's work performance by creating an intimidating, abusive, offensive, or hostile work environment.

E. Sexual harassment is a particularly serious form of unlawful harassment that includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical harassment of a sexual nature. Sexual harassment can include, but is not limited to, offensive remarks about a person's sex (including sexual orientation, pregnancy, and gender identity). For example, it is illegal to harass a woman by making offensive comments about women in general. Both men and women can be victims of sexual harassment, as well as harassers. Additionally, sexual harassment can occur between a man and a woman, a woman and a woman, and a man and a man.

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Who is responsible for implementing the Anti-Harassment Policy?

Table 1: Responsibilities for the Anti-Harassment Policy	
This official...	Is responsible for...
A. The Administrator	<ul style="list-style-type: none">(1) Providing overall direction for the Agency's Anti-Harassment Program;(2) Ensuring Directorate members implement Agency-wide Policy;(3) Appropriately evaluating Directors on their performance under this policy; and(4) Taking appropriate action in cases involving substantiated harassment that have not been resolved at a lower management level.
B. Director, Resource Management	<p>Through her/his designee...</p> <ul style="list-style-type: none">(1) Ensuring guidance is disseminated to all new DTIC civilian employees during the onboarding process;(2) Issuing annual reminders to all employees on this policy and its requirements;(3) Providing training to all managers and supervisors on this policy and its requirements;(4) Receiving and responding to reports of violations of this policy and seeking further inquiries into such reports as necessary;(5) Providing guidance and support, in coordination with DTIC Legal Counsel, to DTIC managers and supervisors to assure compliance with this policy; and(6) Reporting to the Administrator, on a quarterly basis any alleged harassment, findings, and actions taken at DTIC.

Table 1: Responsibilities for the Anti-Harassment Policy

These officials...	Are responsible for...
<p>C. Supervisors and Managers</p>	<ul style="list-style-type: none"> (1) Ensuring a workplace free from harassment and retaliation; (2) Ensuring employees are aware of this policy and its requirements; (3) In consultation with DTIC-R Personnel Administrative Team, investigating allegations of harassment and retaliation; and (4) Consulting with DTIC-R Personnel Administrative Team and taking prompt and appropriate corrective action and/or disciplinary action in response to substantiated cases of harassment or retaliation. Failing to address allegations of harassment or retaliation may result in serious consequences for DTIC and DTIC personnel and will not be tolerated.
<p>D. Employees and other people who are performing work on behalf of DTIC</p>	<ul style="list-style-type: none"> (1) Acting professionally and refraining from engaging in harassment or retaliation; (2) Considering whether their words or conduct could be offensive; (3) Understanding the provisions of these procedures, complying with all procedural requirements, and cooperating with any investigation; (4) Participating in periodic training; and (5) Promptly taking actions regarding incidents of harassment or retaliation that are experienced or witnessed as this policy requires.

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PROCEDURES FOR REPORTING HARASSMENT

Procedures for reporting harassment¹ are organized into four basic steps as shown below in sections A through D.

A. Reporting harassment or retaliation:

(1) If circumstances suggest that it can be done peacefully, promptly, and professionally, inform the offender that his or her behavior is unwelcome and must stop.

(2) Any person (employee or non-employee, including applicants) who believes that he or she has been the subject of harassment or retaliation in violation of this policy should immediately report the matter to the supervisor of the employee engaging in the harassing or retaliatory behavior (if known), his or her supervisor, or the DTIC-R Personnel Administrative Team.

(3) Any person (employee or non-employee) who witnesses harassing or retaliatory behavior should report the matter to the supervisor of the employee engaging in the harassing or retaliatory behavior (if known), his or her supervisor, or the DTIC-R Personnel Administrative Team.

(4) To the greatest extent possible, DTIC management will protect the confidentiality of the person who reports harassment or retaliation, except as necessary, to conduct an appropriate investigation of the alleged violation(s). DTIC is committed to ensuring that allegations of harassment and retaliation are shared only with those with a need-to-know.

(5) Lodging a bona fide harassment or retaliation complaint will in no way be used against the employee or have an adverse impact on the individual's employment status.

B. Responding to allegations of harassment or retaliation:

(1) When a manager or supervisor receives an allegation of harassment or retaliation direct from an individual, is a witness to harassment or retaliation, or is informed about an allegation of harassment or retaliation, he/she must:

(a) Within one (1) business day, report the allegation to the DTIC-R Personnel Administrative Team. Failure to timely report the allegation could result in disciplinary or adverse action against the manager or supervisor for not adhering to this policy.

(b) Ensure the employee who came forward with the allegation understands the following:

(i) DTIC will make every effort to conduct a prompt, thorough, objective, and impartial investigation within ten (10) calendar days of receiving the allegation; DTIC will protect the confidentiality of his/her harassment or retaliation complaint(s) to the maximum

¹ As noted in the Definitions section, harassment, as used in this policy, includes retaliation or reprisal in response to or based on prior EEO or protected activities.

extent possible; and DTIC will take immediate and appropriate corrective action if the investigation determines harassment or retaliation has occurred.

(ii) DTIC's internal process is separate and distinct from the EEO complaint process, statutory appeals process, and/or grievance process, and DTIC's policy is not equivalent to filing an EEO complaint under 29 C.F.R. Part 1614.

(iii) The employee may seek counseling from the servicing EEO office within forty-five (45) calendar days from the date of the alleged harassment or retaliation if the basis for the behavior is covered under EEO laws or statutes.

(iv) If the alleged harassing or retaliatory behavior produced consequences covered by the DTIC/AFGE Master Labor Agreement (a.k.a. Collective Bargaining Agreement (CBA)), the employee may file a grievance in accordance with the Agreement's terms.

[Note: If the alleged harassment or retaliation is covered by the CBA and permits the allegation to be addressed via the negotiated grievance procedure, then the employee wishing to file an EEO complaint or a grievance must elect to raise the matter under 29 C.F.R. Part 1614 or the CBA's negotiated grievance procedure, but not both. Employees are encouraged to review the CBA and timely contact the Union and servicing EEO Office for assistance in considering their filing options to ensure that any and all filing deadlines are met.]

(c) When an allegation of harassment or retaliation occurs in a manager's or supervisor's area of responsibility, he/she should take measures to stop any inappropriate conduct and prevent further harassment or retaliation while an investigation is being conducted. An example of such measures would be to change work schedules to avoid contact between the parties or to temporarily transfer the alleged harasser to a physically different work area. The alleged victim should not be involuntarily transferred or otherwise burdened.

(d) The agency will take timely and appropriate corrective action (i.e., within sixty (60) calendar days), up to and including removal, against personnel who have engaged in harassment or who have not carried out their responsibilities under this policy.²

² Corrective action includes but is not limited to ensuring that: the harassing behavior ceases; the alleged offender(s) and alleged victim(s) are separated and measures are emplaced to safeguard the alleged victim; the legal and procedural rights of both the alleged offender(s) and victim(s) are safeguarded; the investigation of the allegation(s) are conducted in a prompt, thorough, and impartial manner; and, the due process rights of the alleged offender(s) are complied with in the event of any disciplinary action up to and including removal from Federal Service. The commitment to take corrective action within sixty (60) calendar days is NOT a guarantee that either the investigation or appropriate disciplinary action, in the case of substantiated allegations, will be completed in that timeframe. Depending on the complexity of the allegations against the offender(s) and the personnel action proposed by management (e.g., contrast written counseling to removal from Federal Service), completion of the investigation, any related adverse personnel action, or both may exceed sixty (60) calendar days. The alleged victim(s) shall be kept informed, to the maximum extent allowable under applicable law, regulation, and policy, of the status and processing of their case.

(2) When the servicing EEO Office receives an allegation of harassment or retaliation, the staff in that office must, within two (2) business day, report the allegation to DTIC-R Personnel Administrative Team, and provide the alleged victim's name and contact information.

C. Inquiries/Investigations:

(1) Managers or supervisors must ensure a prompt investigation of allegations of harassing or retaliatory behavior. Normally, the lowest level supervisor, who is not implicated or otherwise involved in the allegation, will conduct the investigation.

(2) An investigation is an examination that usually involves collecting statements and, if relevant, supporting documents and evidence. The investigation must result in a record sufficient to support corrective or disciplinary action in cases of substantiated allegations of harassment or retaliation or to document an insufficiency of evidence in those cases of an unsubstantiated allegation of harassment or retaliation. The investigator must contact the DTIC Legal Counsel on how to conduct the investigation, to include how to take witness statements, access appropriate records, maintain confidentiality during the investigation, and meet all labor relations obligations, to include, but not limited to, compliance with applicable provisions of the CBA, such as Union notification requirements and representational rights.

(3) Subject to approval by the DTIC-R Personnel Administrative Team, management officials may use one of the following resources to conduct the investigation:

- (a) A supervisor or manager from within DTIC,
- (b) A supervisor or manager from outside of DTIC,
- (c) A contractor from an investigative firm, or
- (d) A detailed investigator from the DLA Inspector General's Office.

(4) The management official must ensure that the person conducting the investigation:

(a) Does not have a conflict of interest with either the alleged victim or the alleged subject of the harassment or retaliation allegation,

(b) Has the ability to objectively interview witnesses, evaluate credibility, and diligently gather facts; and

(c) Provides, normally within 21 business days, a written summary of the facts relevant to each allegation. DTIC will make every effort to ensure that, depending on the complexity and seriousness of the case, corrective action occurs in a timely manner (i.e., within sixty (60) calendar days) after receiving notice of a harassment or retaliation

allegation.³

(5) The person conducting the investigation should, at a minimum, adhere to the following process:

(a) Coordinate with the manager or supervisor responsible for the investigation and the DTIC-R Personnel Administrative Team to ensure that all obligations, such as Union notification and representational rights, are met to begin the investigation.

(b) Consult and receive advice from the DTIC Legal Counsel prior to beginning the investigation and throughout the investigation, as needed.

(c) Refrain from injecting his or her opinion into any recordings of witness statements or reports offered to management officials.

(d) Inform all interviewees that the person who reported the harassment, the alleged victim, and all witnesses are protected against retaliation.

(e) Submit the completed investigation to the DTIC Legal Counsel for legal review prior to official closure of the investigation.

D. Taking action(s) after an investigation is complete:

(1) If the investigation determines harassing or retaliatory behavior occurred, the findings will be reported to the Administrator or Deputy Administrator, the Chief of Staff, the DTIC-R Director or Deputy Director, and the DTIC Legal Counsel.

(2) The appropriate supervisory or management official in the affected office, in coordination with the DTIC-R Personnel Administrative Team and the DTIC Legal Counsel, will ensure appropriate corrective and/or disciplinary action is taken, up to and including removal.

(3) If the investigation establishes that a manager or supervisor did not properly carry out his/her responsibilities under this policy, he/she is subject to appropriate corrective and/or disciplinary action, up to and including removal.

(4) If the results of the investigation are inconclusive (e.g., the allegation of harassment or retaliation was unsubstantiated), affected managers should consider whether additional preventive measures are warranted, such as training and monitoring.

(5) The DTIC-R Personnel Administrative Team must maintain a record of all investigations related to allegations of harassment or retaliation.

³ See footnote 2 supra.

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REPORTING REQUIREMENTS

The Servicing EEO will respond to any requests for reports from the EEOC and provide reporting format(s) for any data calls.

Compliance with the Anti-Harassment Policy and procedures does not replace, substitute, or otherwise satisfy the separate obligations under the EEO complaint process, the Collective Bargaining Agreement (CBA), any applicable administrative grievance process, or any other statutory or regulatory process.

Employees who want to pursue an EEO complaint alleging harassment or retaliation must contact an EEO Counselor no later than 45 calendar days after the date of the alleged harassment or retaliation. For more information about filing an EEO complaint, see EEO Complaint Processing at: <http://www.dla.mil/EEO/Business/ComplaintProcess.aspx>. An overview of the EEO process is available at: <https://www.eeoc.gov/federal-sector/overview-federal-sector-eeo-complaint-process>.

Employees covered under the CBA should refer to the agreement for instructions on filing a grievance using the negotiated grievance procedures therein. The CBA, depending on the nature of the grievance and its basis, has specific timeliness provisions that must be complied with (e.g., filing within 15 workdays or 20 workdays from incident giving rise to the grievance for a formal or informal grievance respectively). Aggrieved employees are encouraged to review the CBA and timely contact the Union for assistance to ensure that any and all filing deadlines are met.

Employees who want to pursue an administrative grievance or redress outside the EEO process or the CBA are encouraged to consult with representatives at the servicing EEO Office and/or Union for assistance and advice. An overview of the EEO process is available at: <https://www.eeoc.gov/federal-sector/overview-federal-sector-eeo-complaint-process>. For rights under the Fair Labor Standards Act, employees are encouraged to go to: <https://www.dol.gov/agencies/whd/flsa>.

Questions regarding this policy can be directed to the following personnel listed below:

DTIC Points of Contact			
Name	Title	Phone#	Email
Julie Zollner	Deputy Director, Resource Management	571-448-9717	julie.a.zollner.civ@mail.mil
Michele Finley	Chief of Staff	571-448-9902	michele.l.finley2.civ@mail.mil