



DIRECTOR'S POLICY 500-14

Anti-Harassment and Prevention of Sexual Harassment

Originating Component:	Equal Employment Opportunity (EEO)
Effective:	March 24, 2023
Releasability:	Unlimited. This Director's Policy (DP) is approved for public release and is located throughout the workplace and on DeCA's Internet Web site, www.commissaries.com .
Reissues and Cancels:	DP 500-14, "Anti-Harassment and Prevention of Sexual Harassment," June 29, 2018

1. PURPOSE: This DP sets forth the Director's anti-harassment and prevention of sexual harassment policies. This is in accordance with Department of Defense (DoD) 5025.1 "DoD Issuance Program:"

Section 1: General Issuance Information

1.1. APPLICABILITY. This DP applies to all DeCA activities and all DeCA personnel. This DP assigns responsibility for accomplishing the requirements of DoD Publications program, in accordance with DoDI 5025.01.

1.2. POLICY. As Director, it is my policy to provide employees a workplace free from harassment, to include sexual harassment. All allegations of workplace harassment, sexual and non-sexual, will be promptly, thoroughly, and impartially investigated and, where appropriate, corrective action will be taken. We have an obligation to treat all others with dignity and respect, all the time. Any forms of harassment, including sexual harassment, is strictly prohibited.

a. Unlawful harassment:

(1) Title VII of the Civil Rights Act of 1964, as amended, defines harassment as unwelcome conduct that is based on characteristics protected by Equal Employment Opportunity (EEO) laws including race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability (mental or physical), or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

(2) Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment may also include written or graphic material that denigrates or shows hostility towards an individual or group based on their protected characteristics, whether that material is sent by email; placed on walls, bulletin boards, computer screens or other devices, or elsewhere on the premises; or circulated in the workplace. Harassment can also occur through electronic communications, including social media, and other forms of communication, as well as in person.

(3) Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination harassment complaint/charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws; or otherwise participating in the EEO process.

(4) Sexual harassment is a particularly serious form of unlawful harassment that includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, when: 1) it has the purpose or effect of unreasonably

interfering with an individual's work performance; 2) it creates an intimidating, hostile, or offensive working environment; 3) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or 4) submission to or rejection of the conduct by an individual is used as a basis for tangible employment actions taken toward her/him. Harassment can include offensive remarks about a person's sex, sexual orientation or gender identity. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

b. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

c. Actions such as inappropriate workplace banter, general incivility or unwelcoming behavior can damage team work and mission accomplishment. These behaviors are also against DeCA policy.

SECTION 2: RESPONSIBILITIES.

2.1. EMPLOYEES:

- a. Will perform their duties and exhibit personal conduct consistent with this policy.
- b. Will report potentially harassing conduct. Employees may report conduct to their supervisor, another manager, the anti-harassment program manager, Human Resources or the Equal Employment Opportunity Office. Employees are encouraged to report offensive behavior through these channels at the earliest opportunity.
- c. Have the right to report an incident of harassment without fear of retaliation. If requested, and appropriate under the process, employees also may be granted anonymity concerning their report.
- d. Are not required to tell the alleged harasser to cease the inappropriate conduct. Also, they are not required to complain/report first to their supervisor about alleged harassment when the supervisor is the harasser.
- e. Are required to participate in and provide required information they possess as it relates to official matters involving harassment claims. This includes promptly providing signed sworn statements or providing other evidence related to the claim.
- f. Will promptly complete training related to this policy, including Prevention of Sexual Harassment (POSH) training.

2.2. SUPERVISORS AND MANAGERS:

- a. Are responsible for maintaining a harassment-free work environment for all employees and other persons in the DeCA workplace.
- b. Will communicate the contents of this policy to every DeCA employee and make training available as specified by the Agency.
- c. Are responsible for separating individuals involved in incidents of alleged harassment and conducting a prompt inquiry or investigation into complaints of harassment. To be considered prompt, supervisors must initiate the inquiry or investigation as soon as possible, but generally no later than 4 business days. Upon completion of the inquiry or investigation, supervisors will use their findings as the basis for appropriate action. Supervisors must complete a separate inquiry or investigation of the harassment allegation even if the employee is pursuing EEO counseling or has filed a formal complaint of discrimination regarding the matter.

d. Will consult with the Labor and Management-Employee (LMER) specialists when initiating disciplinary action to stop the harassment. Supervisors and managers who tolerate harassment or fail to take prompt corrective action upon becoming aware of such activities may also be subject to disciplinary action.

e. Will protect the privacy of individual involved in harassment complaints to the greatest extent possible, and consistent with the requirements of the Privacy Act. Confidentiality cannot be guaranteed since the Agency cannot conduct an appropriate inquiry without revealing certain information, however the Privacy Act will be strictly observed. The Agency will limit information to those who have a need to know.

2.4. ANTI-HARASSMENT PROGRAM MANAGER. The Agency's Anti-Harassment Program Manager is Ms. Tiffany Session - tiffany.session@deca.mil or 804-734-8000 ext 48870. The Agency will provide updates including any changes to the point of contact for the program at this web site: <https://www.commissaries.com/eo-anti-harassment>.

2.3. HUMAN RESOURCES, GENERAL COUNSEL AND EEO: Human Resources, General Counsel, and EEO will provide advice and support to employees and supervisors relative to this policy.



William F. Moore
Director