



DEFENSE
HEALTH AGENCY

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS**

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DEC 10 2015

MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY EMPLOYEES

SUBJECT: Anti-Harassment Policy

The Defense Health Agency (DHA) is committed to a workplace free of discriminatory harassment. In this effort, DHA will not tolerate any harassment, based on sex (with or without sexual conduct), race, color, religion, national origin, age, disability, sexual orientation, reprisal (and/or participating in the complaint process as a complainant or witness), by *anyone* in the workplace – supervisors, co-workers or non-employees.

Everyone is encouraged to report harassment *before* it becomes severe or pervasive. While isolated incidents of harassment generally do not violate federal law, a pattern of such incidents may be unlawful. Therefore, to discharge our duty of preventing discriminatory harassment in the DHA workplace, we want to make it clear to our employees that we will make every effort to prevent and stop any discriminatory harassment, regardless of whether it violates federal law.

Harassment can be verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; actions or conduct which has the purpose or effect of creating an intimidating, hostile, or offensive work environment; unreasonably interferes with work performance; or otherwise adversely affects employment opportunities for an employee or applicant. Harassing conduct includes, but is not limited to, use of epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts, written or verbal comments, or graphic material to denigrate or show hostility, or aversion toward an individual or group based upon any protected status, or directed toward an employee or applicant because of his or her membership in a protected category.

Sexual harassment is a form of gender based discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is present when such conduct is made a condition of a person's job, or used for employment decisions affecting that person, or when it creates an intimidating, hostile or offensive environment, or interferes with the performance of an employee's duties.

When an employee complains to management about alleged harassment, the agency is obligated to investigate the allegation regardless of whether it conforms to a particular format or is made in writing. Allowing an employee to bypass his or her chain of supervision, under this policy, provides additional assurance that the harassment complaint will be handled in an impartial manner, since an employee who reports alleged harassment by his or her supervisor may feel that officials within the chain of supervision will more readily believe the supervisor's version of events. Retaliating or discriminating against an employee or applicant for reporting or

cooperating with an investigation of allegations of harassment is reprisal, which is strictly prohibited and may result in appropriate disciplinary action. Management should undertake whatever measures necessary to ensure that reprisal and retaliation do not occur.

The Agency will protect the confidentiality of the employee or applicant making the harassment allegations to the extent possible. The Agency cannot guarantee complete confidentiality, since it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. Information about the allegation of harassment will be shared only with those who need to know about it. 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 him or her 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 employer must discharge its duty to prevent and stop all discriminatory harassment regardless of whether it rises to the level of a violation of law.

The Agency will undertake immediate and appropriate corrective action, including when warranted, disciplinary action up to and including removal of the harasser, whenever it determines that harassment has occurred in violation of this policy. Remedial measures will be designed 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.

Individuals who perceive they are being harassed or who witness any form of discriminatory harassment are encouraged to take immediate action to stop the unacceptable harassing behavior. Employees should promptly report incidents of harassment to their supervisor or someone in their chain of supervision.

To report an incident or to pursue a discrimination complaint, if the harassment is within the scope of the laws and regulations enforced by the Equal Employment Opportunity Commission, you may contact Mr. Gregory Byard, EODM Director. Mr. Byard may be reached at DSN 761- 4029, commercial (703) 681-4029, or gregory.s.byard.civ@mail.mil.


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Director