



DoD INSTRUCTION 1020.03

HARASSMENT PREVENTION AND RESPONSE IN THE ARMED FORCES

Originating Component:	Office of the Under Secretary of Defense for Personnel and Readiness
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Incorporates and Cancels:	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
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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.
- Implements Section 1561 of Title 10, United States Code (U.S.C.).

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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 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. Applies to DoD civilian employees who allege formal complaints of sexual harassment pursuant to Paragraph 4.4 of this issuance. Otherwise, does not apply to DoD civilian employees, who should be referred to DoD Instruction (DoDI) 1020.04.

1.2. POLICY.

a. The DoD 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 and DoD civilian employees to treat others with dignity and respect.

b. The DoD’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.

e. Violations of the policies in this issuance may constitute violations of specific articles of Chapter 47 of Title 10, 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 issuance 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.

h. A formal complaint of sexual harassment investigated pursuant to Paragraph 4.4. does not prevent DoD civilian employees from pursuing other available avenues of redress, such as a harassment complaint pursuant to DoDI 1020.04 or an Equal Employment Opportunity complaint pursuant to Volume 1614 of DoDI 1400.25.

1.3. SUMMARY OF CHANGE 3. The changes to this issuance:

- a. Implement Section 1561 of Title 10, U.S.C.
- b. Provide procedures for processing formal complaints of sexual harassment, including independent investigation of such complaints.
- c. Require initiation of involuntary separation of Service members against whom a formal complaint of sexual harassment is substantiated.
- d. Designate the Under Secretary of Defense for Intelligence and Security as responsible for developing the training curriculum for independent investigators of formal complaints of sexual harassment.
- e. Clarify procedures for harassment complaints arising in joint Service environments.
- f. Specify training requirements for independent investigators of formal sexual harassment complaints.
- g. Update definitions, organizational titles, information collections requirements, and references for accuracy.

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 issuance.
- 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, OFFICE FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY POLICY (OCREOP). Under the authority, direction, and control of the USD(P&R), through the Executive Director, Force Resiliency, the Director, OCREOP:

- 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 issuance, 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.

(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, Defense Equal Opportunity Management Institute, 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 issuance and sufficiency of content and report potential deficiencies to the Director, OCREOP.

2.4. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY. In coordination with the Secretaries of the Military Departments, the Under Secretary of Defense for Intelligence and Security develops the training curriculum for independent investigators of formal complaints of sexual harassment.

2.5. 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, thorough, 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.

(6) Investigators of formal complaints of sexual harassment are appropriately trained in accordance with Paragraph 6.3. prior to performing duties as an independent investigator of formal complaints of sexual harassment.

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, 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 Military Service to receive complaints). Service-developed MEO training will be submitted to the Defense Equal Opportunity Management Institute 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 to, detailed to, 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 Paragraph 2.5.b.(1).

c. Respond to OCREOP 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 May 31.

(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.

f. In cases involving substantiated formal complaints of sexual harassment, ensure:

(1) Initiation of involuntary separation of Service members against whom a formal complaint of sexual harassment is substantiated.

(2) The identification of appropriate opportunities for corrective action in lieu of administrative separation for Service members whose involuntary separation has been initiated.

g. Ensure formal complaints of sexual harassment against DoD civilian employees are referred for investigation by a trained, independent investigator, consistent with Paragraph 4.4. of this issuance.

h. Mandate that substantiated complaints are annotated on performance evaluations 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.

i. Assist and support harassment complainants in accordance with DoDIs 1030.02 and 6400.07. Complainants should be provided adequate protection and care and should 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.

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

- 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 to, detailed to, 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 2.5.b.(1).
- e. Mandate that substantiated complaints are annotated on performance evaluations 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 DoDIs 1030.02 and 6400.07. Complainants should be provided adequate protection and care and should 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.
- i. Ensure formal complaints of sexual harassment against Service members and DoD civilian employees are referred for investigation by a trained, independent investigator, consistent with Paragraph 4.4.

2.7. CHIEF, NATIONAL GUARD BUREAU. In addition to the responsibilities in Paragraph 2.6., 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 COVERED BY THIS ISSUANCE

3.1. HARASSMENT.

a. 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. It includes hazing and bullying.

b. In certain circumstances, harassment may constitute a criminal offense. The following types of harassment allegations will be referred to specially trained investigators.

(1) **Sexual Harassment.** Formal complaints of sexual harassment will be referred to a military criminal investigation organization (MCIO) or other independent investigator for investigation, as determined by Service regulations and in accordance with Paragraph 4.4.

(2) **Stalking, Revenge Porn, Other Sexual Misconduct.** Formal complaints involving conduct that may be punishable under Articles 130 (stalking); 117a (wrongful broadcast or distribution of intimate visual images); and 120c (other sexual misconduct) of the UCMJ will be referred to an MCIO or other law enforcement organization with criminal investigators who are specially trained to conduct such investigations.

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 other forms of communication.

3.3. RETALIATION AND REPRISAL. Commanders and any designated recipients of complaints who receive complaints of reprisal or retaliation pursuant to DoDD 7050.06 will refer the complaints to the Inspector General of the Department of Defense, the appropriate Service Inspector General, or the Service member's chain of command, as outlined in Service-specific guidance.

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

4.1. INFORMAL HARASSMENT COMPLAINTS. Informal complaints (including informal sexual harassment complaints), as defined in this issuance, should be addressed at the lowest appropriate level and in accordance with Service policy. 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 complainant when an investigation begins and provide 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 not substantiated.
- 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.1., 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 final reports on the results of the investigations must be coordinated with supporting legal counsel in accordance with respective Military Service regulations.

4.3. INFORMAL AND FORMAL HARASSMENT COMPLAINTS INVOLVING SEXUAL ASSAULT ALLEGATIONS.

a. If a designated recipient of complaints receives an informal or formal harassment complaint that involves adult sexual assault allegations, the recipient of the complaint will, with the complainant's consent:

(1) Forward the complaint to a sexual assault response coordinator for victim advocacy and notification of victim services (e.g., Special Victims' Counsel), in accordance with DoDD 6495.01 and Volume 1 of DoDI 6495.02.

(2) In accordance with the No Wrong Door approach, conduct a warm handoff by accompanying the victim to the correct location in person, through an approved virtual platform, or through a conference call to introduce them to the appropriate sexual assault response coordinator or sexual assault prevention and response victim advocate.

b. If a commanding officer receives an informal or formal harassment complaint that involves sexual assault allegations, in accordance with the requirement in Volume 1 of DoDI 6495.02, the commanding officer will:

(1) Contact the appropriate MCIO, in accordance with DoDI 5505.18.

(2) Notify the appropriate Office of Special Trial Counsel.

(3) Not conduct internal, command-directed investigations on sexual assault allegations (e.g., no referrals to appointed command investigators or inquiry officers) or delay immediately contacting the MCIOs or Office of Special Trial Counsel concerned while attempting to assess the credibility of the report.

c. Volume 1 of DoDI 6495.02 takes precedence if a conflict exists between its guidance and the guidance in this issuance.

4.4. FORMAL COMPLAINTS INVOLVING SEXUAL HARASSMENT

ALLEGATIONS. The procedures in this paragraph apply regardless of whether the complainant or alleged offender is a Service member or a DoD civilian employee. For purposes of this paragraph, the terms, "commanding officer" and "chain of command," include the responsible management officials of DoD civilian employees. Investigations will be conducted in accordance with the procedures in DoDIs 5505.03 and 5505.16 and applicable DoD Component procedures, consistent with Section 1561 of Title 10, U.S.C. and this issuance. If the complainant and the alleged offender are in two separate chains of command (i.e., do not share a summary court-martial convening authority or equivalent), the commanding officer or designated office that receives a formal complaint involving sexual harassment allegations will immediately forward the complaint to the commanding officer of the alleged offender to commence an investigation. In such cases, the commanding officer of the alleged offender will keep the commanding officer of the complainant informed of the status of the investigation and outcome.

a. To the extent practicable, the commanding officer of the alleged offender will have 72 hours to:

(1) Forward the formal complaint to an independent, trained investigator for investigation. Independent investigators must meet the training requirements outlined in Paragraph 6.3.

(2) Forward the formal complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial.

b. To the extent practicable, the commanding officer of the complainant will have 72 hours to:

(1) Inform the complainant when the investigation has been initiated.

(2) In coordination with the commanding officer of the alleged offender, obtain information about the investigation.

(3) Provide information to the complainant about the investigation process and available victim support resources.

c. An independent investigator that receives a formal complaint of sexual harassment for investigation will, within 14 calendar days, to the extent practicable, after beginning the investigation:

(1) Complete the investigation.

(2) Provide the report of investigation to the commanding officer of the alleged offender to determine whether the complaint is substantiated in accordance with their respective Service regulations.

d. The commanding officer of the alleged offender will:

(1) Use the report of investigation from the independent investigator to determine whether the complaint is substantiated or not substantiated in accordance with their respective Service regulations.

(2) To the extent practicable, submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in Paragraph 4.4.a.(2) within 20 calendar days after the investigation is commenced. If the final report cannot be submitted within 20 calendar days after the investigation is commenced, the commanding officer of the alleged offender will:

(a) Submit a report to the next superior officer referred to in Paragraph 4.4.a.(2) on the progress made in completing the investigation within 20 days after the investigation is commenced and every 14 calendar days thereafter until the investigation is completed.

(b) Upon completion of the investigation, submit a final report on the investigation's results, including any action taken as a result of the investigation, to the next superior officer referred to in Paragraph 4.4.a.(2).

(3) Ensure all final reports on the investigation's results are reviewed for legal sufficiency.

(4) Initiate involuntary separation of Service members against whom a formal complaint of sexual harassment is substantiated.

(a) After initiation of involuntary separation, Military Department regulations may provide an opportunity for corrective action to retain a Service member against whom a formal complaint of sexual harassment is substantiated. Paragraph 4.4.d.(4)(b) outlines circumstances when it is inappropriate to implement corrective action in lieu of separation.

(b) Corrective action may include, but is not limited to, education, individual corrective counseling, and monitoring of behavior for a period of time. Corrective actions are not appropriate in circumstances where the offender:

1. Attempted or engaged in quid pro quo behavior or sexual assault offenses; or

2. Is the superior in a superior-subordinate relationship with the complainant.

The offender's rank, position, and potential authority over a complainant should be considered in determining whether the offender is a superior in a superior-subordinate relationship.

(5) Inform the complainant whether the complaint was substantiated or not substantiated. As appropriate, inform the complainant about the command's response to the complaint, and provide information to the complainant regarding the definition of retaliation, their rights related to retaliation, and the procedures for complaints of retaliation.

(6) Within 45 calendar days after completion of the final report of investigation, ensure a follow-up is conducted with the complainant to identify whether there has been any retaliation associated with the complainant's sexual harassment complaint.

(7) If an instance of retaliation is identified during the follow-up meeting with the complainant, pursuant to DoDD 7050.06, refer the complainant to the Inspector General of the Department of Defense, the appropriate Service Inspector General, or the Service member's chain of command, as outlined in Service regulations.

e. Allegations involving confinement facilities and military inmates will be processed in accordance with procedures implementing Section 30301 of Title 34, 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 referred to the commanding officer or supervisor of the alleged offender and processed using the procedures of the Military Service or employing agency that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender.
- 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 or an equivalent management official.
- c. Require the alleged offender's commander or supervisor to provide timely updates, as appropriate, to the complainant's commander, upon receipt of the complaint through final disposition.
- d. Ensure, upon completion and final disposition of the complaint, that the complainant's commander and the alleged offender's commander or supervisor 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 issuance 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 the record and maintained on file in accordance with disposition instructions and the central point of contact responsible for processing harassment complaints. The memorandum for the 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.
- d. Any other pertinent information (e.g., retention period of the memorandum for the record).

4.7. SENIOR OFFICIAL INVESTIGATIONS. Pursuant to DoDD 5505.06, DoD Components must report allegations of misconduct against senior DoD officials to the Inspector General of the Department of Defense within 5 workdays of receipt.

4.8. SUPPLEMENTAL GUIDANCE. Complainants will be provided with information about the informal and formal complaint processes provided in this issuance. Military Departments will establish supplemental guidance for receiving, responding to, investigating, and resolving harassment complaints consistent with the timelines and procedures outlined in this issuance.

4.9. 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 DoD Manual 5400.07.

SECTION 5: PROCEDURES AND REQUIREMENTS FOR 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. Take appropriate disciplinary or administrative action when a complaint is substantiated.

f. 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 types of harassment (including sexual harassment) and reporting procedures, 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.
- 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.

6.3. TRAINING REQUIREMENTS FOR INDEPENDENT INVESTIGATORS OF FORMAL SEXUAL HARASSMENT COMPLAINTS. Prior to performing duties involving investigation of formal sexual harassment complaints, investigators must successfully complete training, developed by the Under Secretary of Defense for Intelligence and Security in coordination with the Secretaries of the Military Departments, which, at a minimum, includes:

a. Preliminary investigative procedures, including receiving and responding to notification of a formal complaint of sexual harassment, including:

- (1) Developing interview questions.
- (2) Taking statements.
- (3) Gathering data from records or reports.
- (4) Analyzing evidence.
- (5) Drafting reports.

b. Sensitivities associated with complainants of reported sexual harassment, including, but not limited to:

- (1) Specific effects of trauma and stress on a complainant of reported sexual harassment.
- (2) Balancing investigative priorities with needs of the complainant of reported sexual harassment.

c. Information regarding the complainant's ability to have a support person present during interviews.

d. Comprehensive instruction on sexual harassment policy as prescribed in this issuance, including:

- (1) Differences between informal and formal sexual harassment complaints.
- (2) The definition and training requirements of an independent investigator.
- (3) Elements of the offense of sexual harassment punishable under Article 134 of the UCMJ.

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 all harassment complaints, including informal; formal; and anonymous (if provided). All information and data about individuals must be appropriately maintained in accordance with DoDI 5400.11 and applicable statutory, regulatory, and policy requirements. Military Departments will annually report data to the Director, OCREOP, 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, 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 their personnel file or the respective Service-level tracking and reporting system.
- h. A narrative description of the alleged incident(s), including the use of social media.
- i. For Service members assigned to, detailed to, 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.

7.2. REPORTING REQUIREMENTS. The Director, OCREOP 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.

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.

DoDD	DoD directive
DoDI	DoD instruction
MCIO	military criminal investigative organization
MEO	military equal opportunity
OCREOP	Office for Civil Rights and Equal Opportunity Policy
UCMJ	Uniform Code of Military Justice
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

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 their coworkers, or unit, for ridicule because they are 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. 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 verbal or nonverbal, written, electronic, 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.

independent investigator. A DoD civilian employee, Service member, or employee of an MCIO or other law enforcement organization, trained in accordance with Paragraph 6.3., assigned to a position outside the immediate chain of command of the complainant and the subject of the formal sexual harassment complaint investigation.

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.

MCIO. The Department of the Army Criminal Investigation Division, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

other law enforcement organization. U.S. Army Military Police, U.S. Navy Masters at Arms, U.S. Department of the Air Force Security Forces, U.S. Marine Corps Criminal Investigation Division, or Federal (non-MCIO), State or local law enforcement.

senior official. Defined in DoDD 5505.06.

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

sexual assault. Defined in DoDD 6495.01.

sexual harassment. A category of harassment that is sexual in nature, including but not limited to, unwelcome sexual advances, requests for sexual favors, and repeated deliberate offensive comments or gestures of a sexual nature. Conduct that constitutes an offense at Paragraph 107a of Part IV of the Manual for Courts-Martial is punishable under Article 134 of the UCMJ.

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. Conduct that constitutes an offense punishable pursuant to Article 130 of the UCMJ, as detailed in Part IV of the Manual for Courts-Martial.

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

REFERENCES

- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- DoD Directive 5505.06, “Investigations of Allegations Against Senior DoD Officials,” June 6, 2013, as amended
- 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, as amended
- DoD Instruction 1020.04, “Harassment Prevention and Response for DoD Civilian Employees,” June 30, 2020
- DoD Instruction 1030.02, “Victim and Witness Assistance,” July 27, 2023
- DoD Instruction 1350.02, “DoD Military Equal Opportunity Program,” September 4, 2020, as amended
- DoD Instruction 1400.25, Volume 1614, “DoD Civilian Personnel Management System: Investigation of Equal Employment Opportunity (EEO) Complaints,” November 5, 2015
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019, as amended
- DoD Instruction 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” August 2, 2023
- DoD Instruction 5505.16, “Investigations by DoD Components,” June 23, 2017
- 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, Volume 1, “Sexual Assault Prevention and Response,” March 28, 2013, as amended
- DoD Manual 5400.07, “DoD Freedom of Information Act (FOIA) Program,” January 25, 2017
- Manual for Courts-Martial, United States, current edition
- Public Law 117-81, Section 543, “National Defense Authorization Act for Fiscal Year 2022,” December 27, 2021
- Public Law 117-263, Section 546, “James M. Inhofe National Defense Authorization Act for Fiscal Year 2023,” December 23, 2022
- Secretary of Defense Memorandum, “Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military,” September 22, 2021
- United States Code, Title 5
- United States Code, Title 10
- United States Code, Title 34, Section 30301 (also known as the “Prison Rape Elimination Act of 2003”)
- United States Code, Title 42, Section 2000d