



**DEPARTMENT OF DEFENSE**  
**Defense Commissary Agency**  
**Fort Lee, VA 23801-1800**

# **DIRECTOR'S POLICY**

**DP 500-14**  
**June 29, 2018**

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Equal Employment Opportunity  
OPR: DeCA/CCE

**SUBJECT:** Anti-Harassment and Prevention of Sexual Harassment

**1. PURPOSE.** This Director's Policy (DP) sets forth the Director's anti-harassment and prevention of sexual harassment policies. This DP supersedes DP 500-14, dated September 30, 2015.

**2. POLICY.** It is my policy, and the policy of the Defense Commissary Agency (DeCA), that harassment including sexual harassment of employees, coworkers, customers, or other persons in the DeCA workplace, by any DeCA employees, or others is strictly prohibited. It is also my policy that the Agency will place special emphasis on actions to prevent and address incidents of sexual harassment.

a. Unlawful harassment:

(1) Unlawful harassment is unwelcome conduct that is based on characteristics protected by Equal Employment Opportunity (EEO) laws including race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability 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.

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

(4) Sexual harassment is a particularly serious form of unlawful harassment that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. 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.

### **3. RESPONSIBILITIES.**

a. Employees:

(1) Will perform their duties and exhibit personal conduct consistent with this policy.

(2) Will report potentially harassing conduct. When possible they should report offensive conduct before it becomes severe or pervasive.

(3) Have the right to report an incident of harassment without the fear of retaliation. If requested, and appropriate under the process, employees also have the right to anonymity concerning their complaint.

(4) Are not required to tell the alleged harasser to cease the inappropriate conduct. They are also not required to complain first to their supervisors about alleged harassment when the supervisor is the harasser. However, when appropriate, they are encouraged to follow their chain of command before contacting the DeCA EEO Office or Human Resources.

(5) Provide information they possess to investigators or supervisors if the inquiry relates to official matters. This shall include promptly providing a signed, sworn, statement or providing other evidence related to the allegation of harassment.

(6) Promptly complete training related to this policy including Prevention of Sexual Harassment (POSH) training.

b. Supervisors and managers:

(1) Are responsible for maintaining a harassment-free work environment for all employees and other persons in the DeCA workplace.

(2) Will communicate the contents of this policy to every DeCA employee and make training available as specified by the Agency.

(3) Are responsible for separating individuals involved in incidents of alleged harassment and conducting a prompt inquiry into complaints of harassment. To be considered prompt, supervisors must initiate the inquiry in four days or less. Upon completion of the inquiry, supervisors will use their findings as the basis for appropriate action. Supervisors must complete a separate investigation of the harassment allegation even if the employee is pursuing EEO counseling or has filed a formal complaint of discrimination regarding the matter.

(4) 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.

(5) Protect the privacy of individual involved in harassment complaints to the 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.

c. Human Resources, General Counsel and EEO will provide advice and support to employees and supervisors relative to this policy.

**4. APPLICIABILITY.** 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.

**5. RELEASIABILITY. Cleared for public release.** This DP is available on DeCA's internet website at [www.commissaries.com](http://www.commissaries.com).

**6. EFFECTIVE DATE.** This DP is effective immediately.

  
Robert J. Bianchi  
Director