



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON DC 20350-1000

SECNAVINST 12735.1
ASN (M&RA)
14 Jun 2023

SECNAV INSTRUCTION 12735.1

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY CIVILIAN HARASSMENT PREVENTION AND
RESPONSE PROGRAM

Encl: (1) References
(2) Definitions
(3) Responsibilities
(4) Procedures

1. Purpose

a. To establish the Department of the Navy (DON) Civilian Harassment Prevention and Response Program (HPRP) in accordance with references (a) through (x) in enclosure (1). To implement policy, prescribe procedures on the prevention, identification, reporting, and response to reports of harassment, including cyberharassment, and retaliation in the DON, and assign responsibilities in accordance with enclosure (2).

b. This instruction is intended to provide an avenue for civilian employees to report alleged harassing or retaliatory behavior that detracts from an efficient workplace but does not necessarily involve a complaint (informal or formal) of unlawful harassment including sexual harassment, discrimination under Equal Employment Opportunity (EEO) laws (e.g., discriminatory harassment based on race, color, religion, sex, national origin, age when the aggrieved individual is at least 40 years of age, disability, genetic information, reprisal) or a criminal allegation (e.g., sexual assault, assault, stalking).

c. This instruction and the procedures outlined herein provide an alternative means of reporting and are intended to supplement, not replace, procedures to address unlawful discrimination, sexual harassment, or criminal activity. For policies, responsibilities, and procedures for unlawful harassment that involve a complaint (informal or formal) of unlawful discrimination or sexual harassment, refer to enclosure (2) of reference (d), enclosure (4) of reference (e), and subpart A of reference (f). For policies, responsibilities, and

procedures for unlawful harassment that involve criminal activity, refer to enclosures (4) and (5) of reference (g) and/or local law enforcement.

2. Definitions. See enclosure (2).

3. Applicability

a. This instruction applies to the Offices of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all United States (U.S.) Navy and U.S. Marine Corps installations, commands, units, field offices, and all other organizational entities within the DON.

b. This instruction applies to all DON civilian employees, civilian and military managers, and civilian and military supervisors of civilian employees paid from appropriated funds, and non-appropriated funds to the extent permitted by law and applicable regulations.

4. Policy

a. The DON is committed to fostering a climate of inclusion that embodies a culture of dignity, courtesy, and respect. Harassment, as defined in this instruction, is not tolerated in any DON work environment. The DON takes seriously any allegations of harassment that violate this instruction, as harassment adversely affects our individual and collective effort to accomplish our missions.

b. Reports from any individual that allege violations of this instruction by DON employees or Service Members will be reviewed through established and published DON organizational processes that are prompt, thorough, and impartial as prescribed by this instruction and reference (h).

c. These processes will provide adequate notice to the affected individuals and a meaningful opportunity to be heard.

(1) The DON seeks to address harassing conduct before it becomes unlawful, severe, or pervasive.

(2) The DON will ensure that immediate and appropriate corrective actions, including interim actions, are taken against offenders in cases involving substantiated harassment and/or behavior that is prohibited by or inconsistent with this policy.

d. Harassment is behavior that is unwelcome or offensive to a reasonable person and that creates conditions that unreasonably interfere with work performance or creates an intimidating, hostile, or offensive environment.

e. Harassment also encompasses aggressive, menacing, malicious, insulting, or bullying behavior involving the misuse of power that makes a reasonable person feel vulnerable, upset, humiliated, undermined, or threatened. "Power" does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation, and can take the form of physical, verbal, and non-verbal conduct.

f. Harassment may also involve cyberharassment or retaliation, as defined herein, see enclosure (1), including, for example, retaliation for reporting harassment under this instruction.

g. Harassment can be verbal, visual, written, physical, or can occur through electronic communications, including social media, and/or in person.

h. Allegations of harassment must be evaluated under the totality of the circumstances, to include an assessment of the nature of the conduct and the context in which the conduct occurred. In some circumstances, a single instance of harassing behavior might constitute prohibited harassment whereas, in other circumstances, repeated or recurring actions may be necessary to reach the threshold of prohibited harassment.

i. The DON strives to discourage rude, ignorant, abrasive, and unkind behavior in DON work environments. When such behavior adversely affects the work environment, it will be addressed immediately through appropriate corrective measures to include administrative and disciplinary actions. However, this policy prohibits harassment and is not intended to be a "general civility code". Further, legitimate, reasonable, and constructive feedback of an employee's performance or behavior,

or reasonable instructions given to employees during their employment, will not amount to harassment on their own.

5. Appointment of Organizational Harassment Prevention and Response Program Coordinators

a. DON organizations will designate a Harassment Prevention and Response Program (HPRP) coordinator, minimally at the headquarters level, to maintain effective organizational program metrics, documentation, assessment, compliance evaluation, and reporting requirements under this instruction. At the organization's discretion, additional HPRP Coordinators may be designated, as needed, at other organizational level(s).

b. Each DON organization will determine the placement of their HPRP Coordinator(s). Ideally, DON organizations would establish a stand-alone office to support this program. If, however, the HPRP Coordinator is placed in either the Human Resources Office (HRO) or EEO Office, there must be appropriate measures in place to avoid any conflicts of interest or confusion regarding independent program processes and procedures. Specifically, EEO staff must not be involved in investigating reports of harassment under this policy and processing EEO complaints on the same matter.

6. Training

a. All new DON civilian employees must be provided with harassment prevention and response information during the onboarding process. Employees must be trained annually thereafter regarding the identification, prevention, resolution, and elimination of harassment. This training may be combined with other training such as, but not limited to, sexual assault, sexual harassment, EEO, whistleblower protection, etc.

b. Supervisors, to include military personnel in both direct supervisory and indirect managerial positions over DON civilians, will complete supervisory anti-harassment training within 1 year of assuming a supervisory or managerial position for the first time. The frequency of periodic supervisory training will be no less than every 3 years thereafter. Training will be accomplished and monitored for compliance in accordance with the roles and responsibilities as outlined in enclosure (2).

7. Responsibilities. See enclosure (3).

8. Procedures. See enclosure (4).

9. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

10. Information Management Control. The reporting requirements contained in this instruction are exempt from information collection control in accordance with reference (i), Part IV, paragraph 7n.

A handwritten signature in black ink, appearing to read 'ERIK K. RAVEN', with a long horizontal flourish extending to the right.

ERIK K. RAVEN
Under Secretary of the Navy

Distribution:

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REFERENCES

- (a) DoD Instruction 1020.04 of 30 June 2020
- (b) DoD Instruction 1438.06 of 16 January 2014
- (c) EEOC Management Directive 715 of 1 October 2003
- (d) SECNAVINST 12713.14
- (e) SECNAVINST 5300.26E
- (f) 29 CFR 1614
- (g) SECNAVINST 5430.107A
- (h) SECNAVINST 1610.3
- (i) SECNAV M-5214.1
- (j) 42 U.S.C. §2000e
- (k) 29 U.S.C. §621
- (l) 29 U.S.C. §206(d)
- (m) 29 U.S.C. §791
- (n) 42 U.S.C. §2000ff
- (o) 5 U.S.C. §552a
- (p) SECNAVINST 5800.12C
- (q) 10 U.S.C. §1561
- (r) ALNAV 024/22
- (s) SECNAVINST 5211.5F
- (t) SECNAVINST 12752.1A
- (u) SECNAV M-5210.1
- (v) SECNAVINST 5720.42G
- (w) 5 U.S.C. §552
- (x) DoD Instruction 5200.48 of 6 March 2020

DEFINITIONS

The following terms and their definitions are for the purpose of this instruction.

1. Corrective Actions. Administrative or other actions taken to correct an employee's performance, conduct, and/or to address identified systemic and/or organizational issues. These actions may include administration of climate surveys, requirements to attend training, employee reassignments, informal oral or written counseling, and formal disciplinary actions.

2. Cyberharassment. A form of harassment or sexual harassment occurring through or facilitated by an electronic communications system. Electronic communication systems include internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging platforms, applications, location tracking devices, smart devices, communication technologies, and other emerging technologies. Cyberharassment may include, but is not limited to, threatening, derogatory, or harassing text or email messages, instant messages, social media comments, blog entries, or similar communications. The broadcast or public sharing via an electronic communications system of non-publicly available information about an individual, also referred to as doxing, can be a form of cyberharassment.

3. Disciplinary Actions. Actions taken by a supervisor or manager to correct employee misconduct or in other situations that interfere with effective operations. Such actions are not intended to be punitive, but serve as a deterrent to unacceptable conduct or behavior, promote high standards of government service, and maintain public confidence in the DON. Disciplinary actions may only be taken for such cause as will promote the efficiency of the service. These actions can range from written letters of reprimand to suspension, demotion, termination, or removal.

4. Harassment. Behavior that is unwelcome or offensive to a reasonable person and that creates conditions that unreasonably interfere with work performance or creates an intimidating, hostile, or offensive work environment. Harassment can be oral, written, physical, occur through electronic communications, including social media, other forms of communication, and in person. Harassment may include: unwanted physical contact;

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; displays of racially offensive symbols; hazing; or bullying. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, are not considered harassment.

5. HPRP Coordinator. Individual(s) designated by DON leadership to manage the civilian HPRP within their designated area(s) of responsibility.

6. Manager. A Service Member or a DON civilian employee who falls within the chain of command directly between any supervisor and the agency head.

7. Organization. The Offices of the SECNAV, the CNO, the CMC, and all U.S. Navy and U.S. Marine Corps installations, commands, units, field offices, and all other organizational entities within the DON.

8. Reasonable Person Standard. An objective test used to determine if behavior rises to the level of actionable harassment. The test requires a hypothetical exposure of a reasonable person to the same set of facts and circumstances as reported under this instruction. The reasonable person standard does not rely upon subjective or stereotyped notions of acceptable behavior within a particular work environment.

9. Report of Harassment. Allegation of harassment made to a HPRP Coordinator, supervisor/manager, or Human Resources (HR) professional, in accordance with this instruction.

10. Reprisal. A form of retaliation that involves taking, threatening, or recommending to take an unfavorable personnel action (demote, separate, treat unfairly, etc.); or withholding, threatening, or recommending withholding a favorable personnel action, for making, preparing to make, or being perceived as engaging in the harassment prevention and response process.

11. Retaliation. Conduct that punishes a DON civilian employee for asserting the right to be free from harassment in the workplace. Retaliatory behaviors include, but are not limited

to, reprisal, ostracism, maltreatment, and criminal acts for a retaliatory purpose. The retaliation includes illegal, impermissible, or hostile actions taken with the knowledge of management against DON civilian employees for: filing or being a witness in a charge, report, inquiry, or lawsuit; communicating with a supervisor or manager about discriminatory behavior, including harassment; answering questions during a DON inquiry of alleged harassment; refusing to follow orders that would result in harassment; or resisting sexual advances or intervening to protect others.

12. Senior Official(s). An active duty, retired, or reserve military officer in grades O-7 and above; an officer selected for promotion to O-7 whose name is on the O-7 Promotion Board Report forwarded to SECNAV; a current or former member of the Senior Executive Service (SES); a current or former DON civilian employee whose position is deemed equivalent to that of a member of the SES; or, a current or former presidential appointee. Senior Official(s) do not include an O-6 military member who will be advanced in grade on the retired list to the rank of Rear Admiral or Brigadier General.

13. Sexual Harassment. As defined in enclosure (2) of reference (e).

14. Social Media. Web-based tools, websites, applications, and media that connect users and allow them to engage in dialogue, share information, collaborate, and interact. Harassment conducted through social media may also be referred to as cyberharassment.

15. Supervisor. A Service Member or DON civilian employee who directly supervises one or more DON civilian employees.

16. Unlawful Discriminatory Harassment. Harassment constituting employment discrimination because of race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 years of age or older), disability (mental or physical), genetic information (including family medical history) or reprisal for protected EEO activity prohibited by references (j) through (n).

17. Work Environment. The workplace or any other place that is work-connected, as well as the conditions or atmosphere under

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which people are required to work. Examples of work environment include, but are not limited to: an office; an entire office building; a DON base or installation; DON ships, aircraft or vehicles; anywhere when engaged in official DON business; as well as command-sponsored social, recreational, and sporting events, regardless of location.

RESPONSIBILITIES

1. The Assistant Secretary of the Navy Manpower and Reserve Affairs (ASN (M&RA)) will establish a civilian HPRP in accordance with the requirements set forth in reference (a).
2. The Office of General Counsel (OGC) will provide legal advice and services in support of management prerogatives and HR professionals' responsibilities in administering the DON HPRP, and supervise the provision of legal services to DON organizations and activities by attorneys within the OGC.
3. The Naval Inspector General (IG) and the Deputy Naval IG for Marine Corps Matters/IG of the Marine Corps will:
 - a. Provide data regarding harassment allegations, including anonymous allegations, to the designated DON Harassment Prevention and Response Program Manager (HPR PM) for inclusion in the annual submission to the Department of Defense (DoD) Office for Diversity, Equity and Inclusion (ODEI) in accordance with this instruction and reference (a).
 - b. Include specific assessments of HPRPs in all command inspections and area assessments, and ensure that subordinate inspectors general include harassment program prevention and response assessments in their own unit-level inspection programs.
4. The Deputy Assistant Secretary of the Navy Civilian Personnel (DASN (CP)) is designated by the ASN (M&RA) to direct the execution of the DON HPRP, as provided by this instruction, and will:
 - a. Develop DON policy to prevent and respond to harassment including management, oversight, and administration of the DON HPRP.
 - b. Designate a DON HPR PM to assist with program implementation, management and continuous evaluation across the DON and to coordinate with the DoD ODEI to submit required data and reports in accordance with reference (a).
 - c. Ensure DON HPRP assessments are conducted, standards are clearly identified to prevent violations of this policy, and

technology and tools are developed to further support the execution and sustainment of the DON HPRP.

5. The DON HPR PM will:

- a. Provide administrative oversight, guidance, and assessment of the program in support of the DASN (CP).
- b. Ensure DON policies and procedures to prevent and respond to harassment and retaliation are prominently posted and publicized.
- c. Monitor and assess the DON HPRP including: review of organizational guidance and/or policy, coordinate and collaborate with EEO and/or other stakeholders, as needed; develop procedures for tracking and reporting incidents of harassment and retaliation; and establish policies, procedures and supplemental guidance, as necessary, to ensure program effectiveness.
- d. Collaborate with designated headquarters level HPRP Coordinator(s) in DON organizations to provide training and assist with program oversight, execution, data collection, and assessment in their respective organizations.
- e. Collect and compile data regarding harassment allegations, including anonymous allegations, for annual submission to the DoD ODEI in accordance with this instruction and reference (a).
- f. Ensure workforce training is developed, updated, and conducted in accordance with this instruction and reference (a).

6. The DON Office of EEO will:

- a. Coordinate and collaborate with DASN (CP), the DON HPR PM and other relevant stakeholders to support the DON's compliance with reference (a).
- b. Ensure reports of harassment, as defined by this instruction, made by a complainant during EEO counseling or reasonable accommodation processes are referred to the HPRP Coordinator, at the appropriate organizational level, for tracking purposes, and further evaluation.

c. Coordinate and collaborate with DASN (CP) and the DON HPRP PM to review organizational harassment prevention and response policies and procedures to ensure compliance with DoD and Equal Employment Opportunity Commission (EEOC) guidance.

d. Identify trends and work collaboratively with HPRP Coordinator, HR and organizational leadership to provide an inclusive environment for reporting harassment and retaliation and conducting barrier analysis.

7. Heads of DON organizations will:

a. Develop and execute internal organizational guidance and/or policy to implement this instruction which includes: internal procedures for tracking and reporting incidents of harassment and retaliation, compliance with training requirements, and continuous program evaluation.

b. Designate HPRP Coordinator(s) at the appropriate organizational level(s), minimally at the headquarters level, but may also designate additional HPRP Coordinators at the activity level, as needed to effectively manage the program.

c. Prominently post and publicize information regarding DON policy and procedures to prevent and respond to harassment and retaliation including the name(s) of designated HPRP Coordinator(s).

d. Ensure venues/mechanisms (verbal, written, and anonymous reporting) are available to receive and respond to reports of harassment and retaliation in accordance with this instruction.

e. Ensure responses to reports of alleged harassment and retaliation are conducted in an impartial and timely manner and, where harassing or retaliatory behavior exists, it is promptly stopped.

f. Ensure alleged harassment or retaliation involving potential criminal activity is reported to an appropriate authority.

g. Ensure that individuals alleging harassment or retaliation receive ongoing and timely information regarding the

status of the response to allegations and notice of disposition through designated HPRP Coordinator(s).

h. Ensure appropriate corrective and/or disciplinary actions be taken, in a timely manner, to address substantiated reports of harassment or retaliation, and that findings/actions taken concerning an offender are annotated within the appropriate DON personnel records system.

i. Ensure that the performance evaluations of managers and supervisors include input regarding whether the manager or supervisor fostered a workplace free from harassment and retaliation, and supported policies and procedures to prevent and respond to harassment by correcting such conduct.

j. Ensure mandatory training for employees, supervisors, managers, and Service Members supervising civilians in support of harassment prevention and response efforts is made available and completed in accordance with this instruction, and DON training requirements.

k. Conduct periodic organizational climate assessments to assist in evaluating the effectiveness of the DON HPRP within their respective organizations.

l. Participate in working groups or process improvement initiatives in further support of maintaining a work environment free from harassment and retaliation.

m. Ensure labor obligations with respect to the DON HPRP are satisfied at the level of recognition, when and where applicable.

8. HPRP Coordinators, as designated by DON organizations, will execute program responsibilities in accordance with this instruction, reference (o), as amended, and any applicable organizational policies and/or guidance for their respective areas of responsibility. Such responsibilities include:

a. Prominently post and publicize information regarding DON policy and procedures to prevent and respond to harassment and retaliation through a variety of means including websites and bulletin boards.

b. Track all reports of harassment from intake through final disposition for assigned organization(s), including when initial intake is conducted by another party.

c. Ensure individuals who allege they have been harassed or retaliated against receive information regarding other potential avenues of redress, such as the EEO process, and available support services, including through the Department of the Navy Civilian Employee Assistance Program (DONCEAP).

d. Notify management officials, at an appropriate level(s), regarding the existence of reports of harassment or retaliation.

e. Ensure that individuals alleging harassment or retaliation receive ongoing and timely information regarding the status of the response to their allegations and notice of disposition.

f. Collect and provide HPRP program data to organizational leadership, the DON HPR PM, and other third parties, as needed.

g. Identify trends and work collaboratively with organizational leadership and EEO officials to provide an inclusive environment for reporting harassment and retaliation, and conducting barrier analysis.

9. HRO will:

a. Provide advice, guidance, and services regarding harassment prevention and response to serviced organizations, as needed, in accordance with this instruction and any applicable organizational policies and/or guidance.

b. Provide harassment prevention and response guidance to all new DON civilian employees during the onboarding process.

c. Ensure findings/actions taken against offending employees to address substantiated reports of harassment or retaliation are annotated within the appropriate DON personnel records system.

d. Ensure training for DON civilian employees, supervisors, managers, and Service Members supervising civilian employees is

made available and completed in accordance with this instruction.

10. Supervisors/Managers will:

a. Communicate to all employees that harassment of any form will not be tolerated.

b. Ensure individuals alleging they have been harassed or retaliated against receive information regarding other potential avenues of redress, such as the EEO process, and available support services, including through DONCEAP.

c. Explain options and the process for reporting incidents of alleged harassing or retaliatory behavior to civilian employees and refer individuals to the designated organizational HPRP Coordinator, as needed.

d. Ensure designated organizational HPRP Coordinator is notified regarding all reports of alleged harassing or retaliatory behavior for tracking and reporting purposes.

e. Promptly implement remedial measures designed to effectively address reported harassing and retaliatory behavior and take corrective and/or disciplinary actions to ensure that such behavior does not reoccur consulting with the servicing HRO/OGC for guidance, as needed.

f. Ensure corrective and/or disciplinary actions be taken, in a timely manner and as appropriate, to address substantiated reports of harassment or retaliation, consulting with the servicing HRO and/or OGC for guidance, as needed.

g. Ensure findings/actions taken against offending employees to address substantiated reports of harassment or retaliation are annotated within the appropriate DON personnel records system.

h. Foster a climate of inclusion within their organizations that supports diversity, is free from harassment, supports those who report harassment, and prohibits retaliation and reprisal against DON civilian employees because they have reported harassment, assisted in any inquiry about such allegations, or expressed opposition to harassment.

i. Ensure subordinate employees comply with training requirements in accordance with this instruction and reference (a).

11. Civilian employees will:

a. Abide by the policies set forth in this instruction and any other applicable organizational harassment prevention and response policies.

b. Refrain from engaging in harassing or retaliatory conduct.

c. Participate in any training required in accordance with reference (a), this policy or any other applicable organizational policies.

d. Cooperate fully in any management inquiry or other investigation, as required.

e. Report alleged harassing and retaliatory behavior, as defined in this instruction, which they are subject to or witness in the work environment. Inform the individual(s) responsible for the alleged harassing or retaliatory behavior that the behavior is unwelcome and should stop immediately, if they are comfortable in doing so.

PROCEDURES

1. Procedures for Reporting and Responding to Harassment or Retaliation Allegations

a. DON civilian employees who believe they have been the subject of harassment or retaliation for reporting harassment in violation of this policy should immediately report the matter verbally or in writing to:

(1) The HPRP Coordinator for their assigned organization.

(2) Their supervisor/manager.

(3) The supervisor/manager (if known) of the individual engaging in the alleged harassing or retaliatory conduct.

(4) An HR professional in the servicing HRO.

b. Employees who witness alleged harassing or retaliatory conduct directed toward DON civilian employees should report the matter to:

(1) The HPRP Coordinator for their assigned organization.

(2) Their supervisor.

(3) The supervisor (if known) of the individual engaging in the harassing or retaliatory conduct.

(4) An HR professional in the servicing HRO.

c. In both circumstances, if the immediate supervisor is involved (directly or indirectly) in the alleged harassment, then a report of harassment by the subject or witness should be made to the HPRP Coordinator, or the next level supervisor or manager, who is not directly or indirectly involved in the alleged harassment.

d. Employees who believe they are being harassed are encouraged to inform the individual(s) responsible for the

alleged harassment that the behavior is unwelcome and should stop immediately, if they are comfortable in doing so.

e. Reports of harassment may also be made anonymously either by requesting anonymity at the point of intake or through a system of submission that does not require the individual making the report to disclose their identity.

f. Allegations of harassment in which the identity of the reporter is known, but the reporter desires anonymity, may be treated as anonymous allegations for purposes of keeping the identity of the person making the report confidential.

g. Information concerning the reporter as a victim of or a witness to alleged harassment may be revealed, however, as part of the response process. Therefore, complete anonymity cannot be guaranteed.

(1) An effective inquiry or investigation may require revealing certain information to the alleged offender and potential witnesses.

(2) Moreover, certain means of resolving a harassment allegation, such as a formal EEO complaint of unlawful discriminatory harassment, require revealing the identity of the person making the harassment allegation.

h. The process for reporting allegations of harassment or retaliation as described in this instruction is intended to provide an alternative/supplement to existing avenues of redress. As such, reports of harassment made under this instruction do not alter, modify, replace, enhance, substitute for, and/or satisfy any other established administrative and/or criminal processes and procedures (including time limits for initiating those procedures) with respect to: EEO complaints (informal and formal); administrative grievances; negotiated grievances; Merit Systems Protection Board appeals; Office of Special Counsel complaints or investigations; IG complaints or investigations; criminal complaints or investigations; and/or any other relevant statutory process providing redress, which is not covered by this instruction.

(1) For example, allegations of unlawful discriminatory harassment due to a protected basis may be reported directly to

a DON EEO office in accordance with the timelines and requirements identified in enclosures (1) and (2) of reference (d), and subpart A of reference (f).

(2) Specifically, individuals reporting unlawful discriminatory harassment must be informed that, to pursue this EEO avenue of redress, they must make a report of harassment to an EEO Counselor within 45 calendar days of the last incident of alleged harassment.

(3) Additionally, a commanding officer or officer in charge of a unit, vessel, facility, or area of the Navy or Marine Corps, who receives from a member of the command or a civilian employee under the supervision of the officer, a complaint alleging sexual harassment by a member of the Navy or a civilian employee of the DON must process such Title 10 complaints in accordance with the timeliness and requirements identified in references (q) and (r).

2. Notifying the HPRP Coordinator of Reported Harassment or Retaliation

a. A supervisor/manager or HR professional who receives a report of alleged harassing or retaliatory behavior covered by this instruction must notify the HPRP Coordinator. Such notifications should typically occur within three workdays of receiving such a verbal or written report of harassment. This notice must include the specific allegations reported, the parties involved, and any interim steps taken in response to the report of harassment.

b. The above notification requirement includes anonymous reports of harassment. If such an anonymous report does not contain sufficient information to merit further inquiry, it still must be documented to include the date the information was received, a detailed description of the facts and circumstances included in the allegation and the disposition of the allegation for tracking and reporting purposes.

c. The HPRP Coordinator will provide written acknowledgement to the employee who made the report of harassment typically within 5 workdays of the HPRP Coordinator's receipt of the report of harassment.

(1) If the report of harassment involves an employee outside the chain of command of a supervisor/manager making the notification, the HPRP Coordinator must inform the relevant lowest level supervisor/manager, who is not directly or indirectly implicated in the allegation, that a report has been received involving one of their employees.

(2) In all cases, the HPRP Coordinator must notify a management official, at an appropriate level(s), regarding the existence of a report of harassment or retaliation so that management can initiate a response.

d. If an individual opts to pursue a claim of harassment through the DON's established EEO process rather than through the alternative avenue established by this policy, the servicing EEO office has an obligation to notify the HPRP Coordinator that a harassment allegation has been raised for tracking and reporting purposes.

e. For sexual harassment allegations covered by reference (p), commanders must notify the HPRP Coordinator that a report of sexual harassment has been received. Such notifications are for tracking and reporting purposes, however, and do not trigger any obligation by the HPRP Coordinator to provide a written acknowledgement to the employee pursuing such claims.

3. Management Response to Reports of Harassment or Retaliation

a. HPRP Coordinators, supervisors/managers, and HR professionals who become aware of alleged harassing or retaliatory behavior under this instruction should immediately document in writing the alleged harassment observed or reported to include: specific nature of the incident(s), date(s) and place(s) of the incident(s), names of all parties involved, and all other pertinent facts.

b. Management should consider whether intermediate measures are necessary to ensure that further incidents do not occur prior to the completion of any inquiry.

(1) Examples of such measures include making scheduling changes or otherwise separating individuals so as to avoid contact between the parties, or transferring the alleged harasser pending conclusion of the inquiry.

(2) These interim measures should not adversely affect the individual reporting the alleged harassment or retaliation and/or the individual subjected to the alleged harassment or retaliation.

(3) If management believes that the nature of the alleged conduct requires a separation of the parties involved, management generally should not move the individual who reported the alleged harassment or retaliation, or who is the subject of the alleged harassment or retaliation, unless that individual requests to be moved.

4. Performing Reviews and Inquiries

a. Allegations of harassment or retaliation, including sexual harassment and other unlawful harassment, received by the HPRP Coordinator, supervisors/managers, or HR professionals must be reviewed and evaluated at the lowest appropriate level to determine next steps.

(1) The servicing HRO and servicing OGC can assist the supervisor/manager in determining if a review of the allegations is sufficient or if a more in-depth inquiry is required. If a formal inquiry is deemed necessary, the servicing HRO and servicing OGC can assist the supervisor/manager in determining an appropriate individual to conduct the inquiry.

(2) The individual tasked with conducting the inquiry will objectively gather and consider the relevant facts. The alleged harasser must not have supervisory authority over the individual who conducts the inquiry.

b. Inquiries under this policy, when needed, should commence within 10 calendar days of receiving a report of harassment.

(1) The individual conducting the inquiry should contact the servicing HRO and/or servicing OGC for guidance on how to conduct the inquiry. This includes: how to obtain sworn statements; accessing and obtaining appropriate personnel information and records; maintaining confidentiality to the extent possible during the course of the inquiry; and meeting any applicable labor relations obligations while conducting the inquiry.

(2) All inquiries must be thorough, impartial, and completed in a timely manner appropriate to the allegation(s) and, absent extenuating circumstances, typically concluded within 45 calendar days of initiation.

(3) The individual tasked with conducting the inquiry must produce a written report of inquiry which must identify the individual implicated, the conduct involved, and any intermediate measures taken. It is recommended that the servicing HRO and/or servicing OGC review the report of inquiry prior to finalization.

(4) The report of inquiry must also contain enough facts and information necessary for the supervisor, in consultation with the servicing HRO and/or servicing OGC, to determine whether any harassment or inappropriate behavior occurred, or to determine there is insufficient evidence uncovered during the inquiry to support further action.

(5) If requested by the servicing HRO and/or servicing OGC, written reports of inquiry may also include a detailed description of the inquiry, an explanation of any preliminary conclusions, along with copies of documents or other evidence identified during the inquiry.

(6) All reports of inquiries conducted in accordance with this instruction will be maintained in a secure location and are protected by reference (o).

c. If the alleged harassment and/or alleged harassing behavior involves a Senior Official(s), do not open a harassment inquiry or investigation. Immediately report the matter to the Office of the Naval Inspector General within 72 hours in accordance with the procedures in references (q) and (r).

5. Conclusion of Review or Inquiry - Notifications

a. Upon the conclusion of a review or inquiry regarding a report of harassment, the individual who reported the alleged harassment and the alleged harasser will be separately notified by the HPRP Coordinator that a review of the allegations has been completed.

b. Individual(s) who experienced harassment will also be informed regarding the availability of an executive summary of the response to the report of harassment, in accordance with reference (a). If corrective and/or disciplinary action was taken against the offending employee, this information will not be provided in the executive summary or otherwise shared with the individual who submitted the report of harassment.

c. All information related to the case is subject to applicable privacy laws, regulations, and policies, including references (o), (s), and (w).

6. Conclusion of Review or Inquiry - Corrective or Disciplinary Action

a. Upon conclusion of a review or inquiry regarding a report of harassment, supervisors/managers will consult with the servicing HRO to discuss any findings and initiate any proposed corrective and/or disciplinary action(s) to address substantiated harassing or retaliatory behavior uncovered during the review/inquiry.

b. Employees may be subject to disciplinary action, up to and including removal, in accordance with reference (t) and applicable non-appropriated fund policy, for engaging in harassing or retaliatory behavior while in a DON work environment, including while on official travel.

c. Off-duty misconduct may also subject an employee to potential discipline if the misconduct is likely to have an adverse effect on the DON (e.g., harassing/cyberharassing a co-worker, visitor, contractor, or volunteer during off-duty hours that creates an intimidating, hostile, or offensive work environment).

d. The DON organization should ensure initiation of any necessary and appropriate corrective and/or disciplinary actions within 60 calendar days of receiving a report of harassment.

e. The HPRP Coordinator will be notified regarding any corrective or disciplinary actions taken for tracking and reporting purposes.

7. Maintaining Confidentiality and Record Keeping. All reports of harassing or retaliatory behavior and related information are maintained on a confidential basis to the extent possible. Confidentiality, however, is not guaranteed and information may be shared with parties on a need to know basis. All reports of inquiries or other records generated in accordance with this instruction must be maintained in a secure location and are protected by reference (o).

8. Tracking and Data Collection. The HPRP Coordinator will be responsible for tracking and collecting organizational data and information related to reports of harassment and retaliation. The HPRP Coordinator must monitor and record the status of allegations, including final resolution, in an approved DON tracking system. This information will assist the DON in monitoring compliance with this instruction and reporting information in accordance with requirements as outlined in references (a) and (c), section 601 of reference (f), or any other guidance from the DoD or EEOC.

9. Release of Information Concerning Reports of Harassment. Requests for release of information under reference (o) and reference (w) will be processed in accordance with references (o), (s), (u), (v), and (x).

10. Additional Resources. Employees who believe they have experienced harassing behavior have additional resources available to them to provide assistance and advice. Engaging with any of the following resources does not constitute a report of harassment under this instruction, as these entities do not have an obligation to inform management of the alleged harassing behavior:

- a. Civilian Employee Assistance Program.
- b. Alternate Dispute Resolution Program.
- c. DON Office of Force Resilience.
- d. Union Representative, for bargaining unit members.