

CUI

# U.S. Department of Defense



## *Department of Defense Civilian Employee Harassment Report*

*Fiscal Years 2021–2022*

Controlled by: Under Secretary of Defense for  
Personnel and Readiness (USD(P&R))

Controlled by: Office for Diversity, Equity, and Inclusion

CUI Category: PRVCY

Distribution/Dissemination Control: FEDCON

POC: Chandra Cook, [chandra.m.cook2.civ@mail.mil](mailto:chandra.m.cook2.civ@mail.mil)

CUI

Table of Contents

List of Acronyms ..... iii

Executive Summary ..... 1

Introduction..... 3

    Background..... 3

    Oversight of Civilian Anti-Harassment and Policy Efforts ..... 4

    Government Accountability Office Recommendations..... 4

FY 2021–2022 Harassment Allegations ..... 6

    Non-EEO – Anti-Harassment Program Complaints ..... 7

    EEO – Sexual Harassment..... 8

    EEO – Non-Sexual Harassment..... 10

Way Forward ..... 16

APPENDIX

APPENDIX A – Sample Non-EEO Harassment Data Collection ..... Appendix – Page **Error!**  
**Bookmark not defined.**

APPENDIX B – Civilian EEO Complaint Process ..... Appendix – Page 4

**LIST OF ACRONYMS**

COVID-19	Coronavirus Disease 2019
DEORG	Defense Equal Opportunity Reform Group
DoD	Department of Defense
DoDI	DoD Instruction
EDFR	Executive Director, Force Resiliency
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FY	Fiscal Year
GAO	U.S. Government Accountability Office
LGBT	Lesbian, Gay, Bi-Sexual, Transgender
No FEAR Act	Notification and Federal Employee Antidiscrimination and Retaliation Act
ODEI	Office for Diversity, Equity, and Inclusion
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

**EXECUTIVE SUMMARY**

The Department of Defense (DoD) is dedicated to ensuring an atmosphere of dignity and respect for all personnel. Harassment that detracts from the efficiency of the workplace is prohibited. To strengthen and streamline anti-harassment policy and procedures for DoD’s civilian employee population, in June 2020, the Department issued an overarching anti-harassment policy for DoD civilian employees, DoD Instruction (DoDI) 1020.04, “Harassment Prevention and Response for DoD Civilian Employees.” This policy establishes a requirement for an internal annual report on the composite state of harassment across DoD’s civilian workforce to support the monitoring and evaluation of DoD-wide anti-harassment program effectiveness. The Fiscal Year (FY) 2020 report served as a baseline for DoD’s efforts to assess and prevent harassment among its DoD civilian employee population. DoD did not prepare a report in FY 2021 due to the COVID-19 pandemic. As a result, this report provides data from both FY 2021 and FY 2022, which indicate an overall rise in allegations of harassment.

This report provides an assessment of data from equal employment opportunity (EEO) formal complaints of harassment (both sexual and non-sexual) only. During FY 2021 and FY 2022, the Department received a total of 199 allegations of sexual harassment and 3,474 allegations of non-sexual harassment. DoD’s intent for future reports is to also include claims of harassment that are not based upon a protected class (non-EEO-related harassment) and were pursued through other available avenues of redress or Component anti-harassment programs. To achieve the intended goals, DoD must broaden data collection efforts to capture non-EEO related harassment.

**Top Line Data FY 2022  
(aggregate total)**

- 631 harassment complaints received
- 86 allegations of sexual harassment
- 1,924 allegations of non-sexual harassment

Since the implementation of DoDI 1020.04, the Office for Diversity, Equity, and Inclusion (ODEI) has continued its critical work of supporting a culture of dignity and respect that values and promotes diversity and inclusion as readiness imperatives. The COVID-19 pandemic created unique challenges for the assessment of data. Specifically, it created workplace environments that were atypical from pre-pandemic work environments. The resulting shifts in workplace norms created difficulties in comparing pre-pandemic data to pandemic and post-pandemic data. As the Department normalizes its current work environment, it will be able to offer a more complete analysis of anti-harassment efforts.

Future assessments will benefit from planned modifications to data collection requirements and questionnaires concerning non-EEO-related harassment, as set forth in Appendix A. Additionally, the Department is considering a case management system, which has the potential to standardize data collection and improve the Department’s ability to fully assess anti-harassment measures. Finally, as discussed in the “Way Forward” section of this report, the Department is implementing measures in response to recommendations contained in the

February 2021, the U.S. Government Accountability Office (GAO) report, “Sexual Harassment and Assault: Guidance Needed to Ensure Consistent Tracking, Response, and Training for DoD Civilians.”

Overall, the collected data demonstrate an increase in harassment complaints from FY 2021 to FY 2022. This is likely due to an increase in program implementation by DoD Components and greater anti-harassment program awareness by employees. Regarding EEO-related allegations of harassment, comparing the EEO-sexual harassment data from FY 2021 to FY 2022, there are slight changes in the number of allegations and settled allegations across the different categories. However, the comparison of FY 2021 and FY 2022 data suggest increases in the number of EEO non-sexual harassment allegations of discrimination, with significant increases in allegations of disability discrimination and reprisal.

The Department continues to monitor the impact of the new DoD civilian employee anti-harassment policy to assess its effect on EEO harassment reporting and overall harassment reporting. In accordance with results of data assessments and insights gained from internal and external sources, the Department will continue to update anti-harassment policies and procedures for civilian employees.

## INTRODUCTION

### BACKGROUND

This is the second report that provides data concerning the effectiveness of DoD’s efforts to assess and prevent harassment among its DoD civilian employee population. The Department is firmly committed to promoting an environment of dignity and respect among all DoD civilian employees and military service members. Moreover, the Department prohibits any form of harassment that detracts from the efficiency of the workplace.

Paragraph 6.2. of DoDI 1020.04 requires the Director, ODEI to provide a consolidated annual report to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), through the Executive Director of the Office of Force Resiliency (EDFR), that incorporates data related to harassment allegations. While ODEI prepares other reports addressing harassment in the DoD civilian employee population, those reports have different scopes and timelines.<sup>1</sup> DoDI 1020.04 initially required an annual report concerning all types of harassment that DoD civilian employees report experiencing.

This report was compiled from data from two primary sources: (1) discrimination data as reported by DoD Components to the Equal Employment Opportunity Commission (EEOC) in the “Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints” (EEOC Form 462);<sup>2</sup> and (2) a questionnaire regarding harassment complaints. This two-track method was used because the anti-harassment programs are relatively new to the Department and, as explained in the “Way Forward” section, data collection for harassment (non-EEO complaints of harassment) complaints needs improvement to better assess anti-harassment measures.

Nonetheless, the Department reviewed the formal EEO complaints involving discrimination based on sex (including sexual orientation, gender identity, and pregnancy) and other protected EEO categories (race, color, religion, national origin, age, disability, or genetic information) which alleged discrimination in the form of harassment processed during FY 2021–2022, as reported on Form 462.<sup>3</sup> It is important to note that the EEOC does not currently have a separate

---

<sup>1</sup> DoD submits two related reports to Congress. The *Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Report* is submitted annually in accordance with Public Law 107-174 and its implementing regulation, Section 724.302 of Title 5, Code of Federal Regulations. The No FEAR Act report requires an examination of trends in EEO formal complaint data, to include sexual harassment and non-sexual harassment allegations. The most recent DoD No FEAR Act report is available at <https://diversity.defense.gov/documents/>. The *DoD Civilian Employee Workplace and Gender Relations Report* is submitted biennially, pursuant to Section 481a of Title 10, United States Code (U.S.C.). This report provides an examination of the DoD civilian employee population to assess gender issues, including sexual harassment, sex discrimination, and work-related sexual assault, and the climate in DoD for forming professional relationships between male and female civilian DoD employees. For the most recent report, please contact ODEI.

<sup>2</sup> Presently, the EEOC Form 462 is the Department’s only source of data for harassment allegations made by civilian employees. The EEOC Form 462 was developed to collect data to accommodate the EEOC’s requirements and, thus, limits what the Department is able to track. The Department’s actions to address this limitation are discussed in the “Way Forward” section of this report. Additionally, it is important to note that the number of complaints resolved in any particular year is not a direct correlation to the number of complaints filed in that specific year. The inability to determine which complaints were filed in a particular fiscal year is a data gap the Department continues to examine.

<sup>3</sup> Presently, the EEOC Form 462 is the Department’s only source of data for harassment allegations made by civilian employees. The EEOC Form 462 was developed to collect data to accommodate the EEOC’s requirements and, thus, limits what the Department is able to track. The Department’s actions to address this limitation are discussed in the “Way Forward” section of this report. Additionally, it is important to note that the number of complaints resolved in any particular year is not a direct correlation to the number of complaints filed in that specific year. The inability to determine which complaints were filed in a particular fiscal year is a data gap the Department continues to examine.

report for non-EEO related complaints. As a result, collecting non-EEO complaint data requires the establishment of new norms and additional data collection efforts within the Department. This is a data gap that the Department is examining to improve the assessment of anti-harassment efforts. More information about data collection is set forth in the “Way Forward” section of this report.

### **OVERSIGHT OF CIVILIAN ANTI-HARASSMENT AND POLICY EFFORTS**

---

ODEI, under the authority, direction, and oversight of EDFR and USD(P&R), has broad responsibility for DoD anti-harassment efforts. This responsibility includes oversight for policy development, standardization of training and education, data collection, and analysis of harassment complaint data. Examining the workplace environment and the experiences of the DoD civilian employee population assists in identifying and analyzing trends.

DoDI 1020.04, “Harassment Prevention and Response for DoD Civilian Employees,” defines harassment as, “behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive work environment.” Significantly, prohibited harassment includes behaviors outside of traditional EEO discriminatory harassment. DoDI 1020.04 also requires the following:

- DoD Components must provide venues where employees can allege these behaviors.
- Leaders must provide timely and ongoing information to an employee alleging harassment regarding the status of the response to the allegation.
- Initial and refresher training must include and address the types and definitions of harassment, how to report harassment, and available corrective action resources.

### **GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS**

---

In February 2021, GAO issued its report, “Sexual Harassment and Assault: Guidance Needed to Ensure Consistent Tracking, Response, and Training for DoD Civilians.” This report made 19 recommendations to the Department regarding efforts the Department can employ to improve the work environment as it relates to sexual harassment and assault. Of the 19, 8 recommendations referenced specific actions ODEI could undertake to address harassment:<sup>4</sup>

- Finalize the development of a centralized repository for EEO data and update it frequently, such as on a quarterly basis.
- Define uniform data elements for DoD Components to use when collecting and reporting on allegations of harassment.
- Define and track informal complaints.

---

<sup>4</sup> The remaining recommendations were directed to other organizations.

- Post relevant reports to ensure all offices with a responsibility for sexual harassment and assault prevention and response have access to the complete results for use in informing efforts.
- Clarify how the DoD Components' anti-harassment programs should be separated from the formal EEO process when the appropriate EEO office oversees anti-harassment programs.
- Define which civilians under Section 1561 of Title 10, United States Code (U.S.C.), are eligible for command investigations of complaints alleging sexual harassment.
- Issue minimum frequency and required content for mandatory sexual harassment training for DoD civilian employees.
- Incorporate clearly detailed DoD-wide sexual harassment prevention efforts specific to DoD civilian employees in existing or additional strategic guidance.

The Department continues to address the GAO recommendations, which may impact complaint tracking and may require additional data to be collected and analyzed for future anti-harassment reports.



**FY 2021–2022 HARASSMENT ALLEGATIONS**

This report is the second compilation of harassment data since DoDI 1020.04 became effective. Although Section 4.2 of DoDI 1020.04 provides that “DoD Components will identify venues to process allegations of harassment that do not involve an EEO complaint or criminal allegations but do detract from an efficient workplace,” the Department is still developing the mechanisms to collect data from these formal and informal processes, as explained above regarding GAO recommendations. The data for this report were compiled from two primary sources: (1) discrimination data as reported by DoD Components to the EEOC in the *Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462)*,<sup>5</sup> and (2) a questionnaire regarding harassment complaints. This two-track method was used because the anti-harassment programs are relatively new to the Department and as explained in the “Way Forward” section, data collection for anti-harassment (non-EEO complaints of harassment) needs improvement to better assess anti-harassment measures.

ODEI prepared this FY 2021 and FY 2022 report by compiling and analyzing all submissions from the following DoD Components:

List of DoD Components Providing FY 2021 and FY 2022 EEO Complaint Data

<b>Military Departments</b>	Department of the Air Force
	Department of the Navy
	National Guard Bureau
<b>DoD Agencies/Activities</b>	Defense Acquisition University
	Defense Advanced Research Projects Agency
	Defense Commissary Agency
	Defense Contract Audit Agency
	Defense Contract Management Agency
	Defense Counterintelligence and Security Agency
	Defense Finance and Accounting Service
	Defense Health Agency
	Defense Human Resources Activity
	Defense Information Systems Agency

<sup>5</sup> Presently, the EEOC Form 462 is the Department’s only source of data for harassment allegations made by civilian employees. The EEOC Form 462 was developed to collect data to accommodate the EEOC’s requirements and, thus, limits what the Department is able to track. The Department’s actions to address this limitation are discussed in the “Way Forward” section of this report. Additionally, it is important to note that the number of complaints resolved in any particular year is not a direct correlation to the number of complaints filed in that specific year. The inability to determine which complaints were filed in a particular fiscal year is a data gap the Department continues to examine.

Defense Logistics Agency
Defense Media Activity
Defense Security Cooperation Agency
Defense Technical Information Center
Defense Threat Reduction Agency
Missile Defense Agency
National Geospatial-Intelligence Agency
National Reconnaissance Office
National Security Agency
Office of Inspector General
Washington Headquarters Services

Finally, the COVID-19 pandemic created unique challenges for the Nation and DoD’s civilian workforce. Navigating the remote telework environment, onboarding staff remotely, and meeting the ever-evolving needs of DoD required collaboration and cooperation in new ways. DoD employees who were required to report to the workplace had to adhere to DoD health protection requirements, such as wearing masks and practicing social distancing. Additionally, COVID-19 further delayed the drafting of the Civilian Employee Harassment Report from FY 2021 into FY 2022. As COVID-19 guidance has eased nationwide, employees have increasingly returned to DoD for in-person work but telework remains part of the work environment for many DoD employees.

**NON-EEO – ANTI-HARASSMENT PROGRAM COMPLAINTS**

***Harassment Complaints***

Table 1 provides data collected from the DoD Components’ anti-harassment programs (separate from EEO programs) through the use of a questionnaire. This is the first report in which this data was recollected. Of the responding DoD Components, 20 provided their harassment complaints data. The Department anticipates that with ongoing improvements to data collection and report tracking, there will be more robust data collection in the coming years. Nonetheless, the collected data demonstrate an increase in harassment complaints from FY 2021 to FY 2022. This is likely due to an increase in program implementation by Components and anti-harassment program awareness by employees.

## FY 2021–2022 DoD CIVILIAN EMPLOYEE HARASSMENT REPORT

Table 1: Harassment Complaints	FY 2021	FY 2022
Harassment Complaints Received	426	631
Average Number of Days for Processing Complaints	76	64

While some reporting DoD Components did not have data to report in FY 2021, either because they did not receive complaints or because their anti-harassment programs were not operational at that time, the Department anticipates in the coming years, as anti-harassment programs mature and as employees gain more awareness of the programs, an increase in the number of such complaints and more robust data on these matters. Additionally, the Department anticipates that some employees will choose to file non-EEO, harassment complaints, as opposed to traditional EEO complaints due to shorter complaint processing times and less formality than the traditional EEO complaint process.

### EEO – SEXUAL HARASSMENT

Tables 2–14 represent data derived from formal EEO complaints filed by DoD civilian employees and applicants for DoD civilian employment alleging discrimination, in the form of harassment, based upon race, color, religion, sex, national origin, disability, age, genetic information, or reprisal. An EEO complainant must identify the basis and issue when bringing forward a complaint of discrimination. Complaints may consist of multiple allegations with multiple bases and issues contained in a single complaint.<sup>6 7</sup>

The Department tracks data by fiscal year; however, complaint activity can extend beyond the fiscal year boundaries due to several variables including, but not limited to, when the complaint was filed or if it moved into the investigation or adjudication stages. Due to the time involved in the EEO complaint process, it is possible the cases alleged in FY 2022 have yet to be adjudicated or were resolved at the informal stage or through settlement.<sup>8</sup> Accordingly, some findings of discrimination or settlements that occurred during FY 2022 may not correspond directly to the number of complaints filed during FY 2022. Therefore, it should be noted that complaints

<sup>6</sup> The basis of a complaint is the reason the complainant believes he or she was discriminated against based on a protected class (e.g., race, color, religion, sex (including sexual orientation, gender identity, and pregnancy), genetic information, national origin, disability, age, and genetic information) relating to a term, condition, or benefit of employment.

<sup>7</sup> The issue of a complaint is the adverse employment action alleged by the complainant. For example, a complainant may allege she was denied a promotion because of her gender. The denial of the promotion is the issue, and her gender is the basis.

<sup>8</sup> Civilian employees who believe they have experienced discrimination or harassment based upon being a member of a protected class have multiple avenues to pursue relief, including filing an EEO complaint under the authority of Part 1614 of title 29, Code of Federal Regulations (CFR), and as outlined by EEOC Management Directive 110. When an individual first reports a concern to his or her Component's EEO office, the individual enters the pre-complaint phase and is referred to as the aggrieved. The pre-complaint phase is an informal phase that allows the EEO professionals to aid the aggrieved in resolving the concern as early as possible. This can be accomplished through mediation between the aggrieved and the responding management official, or by simply assisting the aggrieved to identify options to address his or her concern(s). If the issue is not resolved during the informal pre-complaint phase, the individual has the option to pursue a formal complaint process. If the individual elects to file a formal EEO complaint, he or she becomes the complainant, and the accepted claims undergo an investigation to develop a complete factual record that will be used by a trier of fact to determine whether the allegations are substantiated. The Defense Human Resources Activity Investigations and Resolutions Directorate conducts EEO investigations for DoD. A full outline of the EEO complaint process can be found at Appendix B.

closed due to settlements, findings of discrimination, or other reasons may not have been filed during that same fiscal year.

Currently, DoD only reports harassment data from formal EEO complaints. While informal complaint data are collected, the EEOC Form 462 does not distinguish which informal complaints involve harassment versus another form of discrimination.

### *Sexual Harassment Allegations*

The Department received 113 sexual harassment allegations in FY 2021 and 86 sexual harassment allegations in FY 2022.<sup>9</sup> The identified bases and associated number of allegations are provided in Table 2.

Table 2: Bases for Sexual Harassment Allegations	Number of Allegations FY 2021	Number of Allegations FY 2022
Male	14	14
Female	45	40
Lesbian, Gay, Bi-Sexual, or Transgender (LGBT)	5	1
Reprisal	49	31

### *Sexual Harassment Settlements*

During FY 2021, the Department received 26 allegations of sexual harassment that were settled without a finding.<sup>10</sup> In FY 2022, the Department received 27 allegations of sexual harassment that were settled without a finding. The identified bases and associated number of allegations are provided in Table 3.

Table 3: Bases for Sexual Harassment Settled Allegations	Number of Settled Allegations FY 2021	Number of Settled Allegations FY 2022
Male	2	3
Female	19	18
LGBT	1	3
Reprisal	4	3

<sup>9</sup> Allegations can have more than one basis. For example, it is possible the same complainant could allege sexual harassment based on being male, based on being LGBT, and based on reprisal. Because the EEOC Form 462 does not identify the number of sexual harassment complaints based on male, female, LGBT, or reprisal, DoD cannot identify which allegations may be double counted.

<sup>10</sup> When a complaint is settled, it means the complainant and agency reached an agreement by using some form of alternative dispute resolution, often mediation.

**Data Comparison**

Comparing the data from FY 2021 to FY 2022, there are slight changes in the number of allegations and settled allegations across the different categories. However, females continue to have the highest number of formal EEO complaints indicating gender-based areas of concern. The numbers of complaints filed by LGBT individuals are relatively small, which may indicate a need for more awareness and confidence in complaint processes. Also of note is the high number of reprisal complaints, which may indicate a need for more training. Overall, the data support the need for continued efforts to create workplaces free of harassment.

**EEO – NON-SEXUAL HARASSMENT****Non-Sexual Harassment Allegations**

Sexual harassment is a form of harassment that involves conduct of a sexual nature. Non-sexual harassment is a form of harassment that does not involve conduct of a sexual nature and may include harassment based on race, color, religion, reprisal, sex, national origin, age, disability, or genetic information. In FY 2021, the Department received 1,550 allegations of non-sexual harassment. In FY 2022, the Department received 1,924 allegations of non-sexual harassment. The identified bases and associated number of allegations are provided in Table 4.

<b>Table 4: Bases for Non-Sexual Harassment Allegations</b>	<b>Number of Allegations FY 2021</b>	<b>Number of Allegations FY 2022</b>
Race	296	281
Color	143	142
Religion	28	152
Reprisal	291	398
Sex	251	262
National Origin	94	98
Age	164	192
Disability	278	372
Genetic Information	5	27

Additional details of the bases of the allegations (297 in FY 2021 and 281 in FY 2022) of non-sexual harassment based on race are provided in Table 5.

## FY 2021–2022 DoD CIVILIAN EMPLOYEE HARASSMENT REPORT

<b>Table 5: Bases for Race-Based, Non-Sexual Harassment Formal Filings</b>	<b>Number of Formal Filings FY 2021</b>	<b>Number of Formal Filings FY 2022</b>
American Indian/Alaskan Native	4	1
Asian	25	21
Native Hawaiian/Other Pacific Islander	7	3
Black/African American	213	213
White	32	35
Two or More Races	16	8

Additional details of the bases of the allegations (252 in FY 2021 and 270 in FY 2022) of non-sexual harassment based on sex are provided in Table 6.

<b>Table 6: Bases for Sex-Based, Non-Sexual Harassment Formal Filings</b>	<b>Number of Formal Filings FY 2021</b>	<b>Number of Formal Filings FY 2022</b>
Male	76	73
Female	172	189
LGBT	4	8

Additional details of the bases of the allegations (79 in FY 2021 and 82 in FY 2022) of non-sexual harassment based on national origin are provided in Table 7.

<b>Table 7: Bases for National Origin-Based, Non-Sexual Harassment Formal Filings</b>	<b>Number of Formal Filings FY 2021</b>	<b>Number of Formal Filings FY 2022</b>
Hispanic/Latino	35	32
Other	44	50

Additional details of the bases of the allegations (280 in FY 2021 and 374 in FY 2022) of non-sexual harassment based on disability are provided in Table 8.

<b>Table 8: Bases for Disability-Based, Non-Sexual Harassment Formal Filings</b>	<b>Number of Formal Filings FY 2021</b>	<b>Number of Formal Filings FY 2022</b>
Mental Disability	124	145
Physical Disability	156	229

**Non-Sexual Harassment Settlements**

During FY 2021, the Department settled 637 allegations of non-sexual harassment without a finding. In FY 2022, the Department settled 628 allegations of non-sexual harassment without a finding. The bases and associated number of allegations are provided in Table 9.

<b>Table 9: Bases for Non-Sexual Harassment Settled Allegations</b>	<b>Number of Settled Allegations FY 2021</b>	<b>Number of Settled Allegations FY 2022</b>
Race	104	129
Color	47	68
Religion	9	6
Reprisal	130	111
Sex	117	97
National Origin	32	24
Age	60	57
Disability	137	135
Genetic Information	1	1

Additional details of the bases of the allegations (103 in FY 2021 and 127 in FY 2022) of non-sexual harassment based on race that were settled are provided in Table 10.

<b>Table 10: Bases for Race-Based, Non-Sexual Harassment Settled Allegations</b>	<b>Number of Settled Allegations FY 2021</b>	<b>Number of Settled Allegations FY 2022</b>
American Indian/Alaskan Native	1	0
Asian	8	4
Native Hawaiian/Other Pacific Islander	2	2
Black/African American	81	103
White	8	16
Two or More Races	3	2

Additional details of the bases of the allegations (117 in FY 2021 and 112 in FY 2022) of non-sexual harassment based on sex that were settled are provided in Table 11.

## FY 2021–2022 DoD CIVILIAN EMPLOYEE HARASSMENT REPORT

Table 11: Bases for Sex-Based, Non-Sexual Harassment Settled Allegations	Number of Settled Allegations FY 2021	Number of Settled Allegations FY 2022
Male	27	22
Female	86	84
LGBT	4	6

Additional details of the bases of the allegations (33 in FY 2021 and 23 in FY 2022) of non-sexual harassment based on national origin that were settled are provided in Table 12.

Table 12: Bases for National Origin-Based, Non-Sexual Harassment Settled Allegations	Number of Settled Allegations FY 2021	Number of Settled Allegations FY 2022
Hispanic/Latino	14	10
Other	19	13

Additional details of the bases of the allegations (138 in FY 2021 and 135 in FY 2022) of non-sexual harassment based on disability that were settled are provided in Table 13.

Table 13: Bases for Disability-Based, Non-Sexual Harassment Settled Allegations	Number of Settled Allegations FY 2021	Number of Settled Allegations FY 2022
Mental Disability	50	59
Physical Disability	88	76

Due to the time involved in the EEO complaint process, it is possible the settlements are connected to complaints filed in prior years or that cases alleged in FY 2022 have yet to be settled.

### **Non-Sexual Harassment Findings**

In FY 2021, the Department received six allegations of non-sexual harassment with a finding. In FY 2022, 16 allegations of non-sexual harassment received a finding. The bases and associated number of findings are provided in Table 14.



Table 14: Bases for Non-Sexual Harassment Allegations Receiving a Finding	Number of Findings FY 2021	Number of Findings FY 2022
Race	1	3
Reprisal	2	5
Sex	0	0
Disability (all physical disability)	1	5
Age	1	1
National Origin	1	1
Color	0	1

The Department received 22 findings of non-sexual harassment based on color, race, reprisal, sex, national origin, or age in FY 2021–2022. Due to the time involved in the EEO complaint process, it is possible the findings are connected to complaints filed prior to FY 2022 or that cases alleged in FY 2022 have yet to be adjudicated or were resolved at the informal stage.

### Data Comparison

Overall, the comparison of FY 2021 and FY 2022 data suggest increases in the number non-sexual harassment allegations of discrimination. In FY 2021, the Department received 1,550 allegations of non-sexual harassment. In FY 2022, the Department received 1,924 allegations of non-sexual harassment. This increase may be the result of more employees returning to in-person work as COVID-19 restrictions began to ease. The return to in-person work may have led to a rise in workplace conflicts and incidents, consequently resulting in an increase in the number of allegations. These findings highlight the need for ongoing efforts to address discrimination and improve resolution outcomes in the workplace. While there were no dramatic changes from year to year regarding race, sex, age, national origin, and color discrimination, Components did continue to see reporting across all issue areas. As a result, the need for continued EEO awareness and training remain key to supporting a culture of dignity and respect that values diversity and inclusion as readiness imperatives.

The data also highlight a significant increase in allegations of disability discrimination and reprisal from FY 2021 to FY 2022. The increase in disability discrimination allegations may be attributable to the COVID-19 pandemic and related accommodation requests. They also suggest the need for more training in these areas. The data also support the conclusion that Components should continue to take steps to create a more supportive and accessible work environment, ensuring that employees' concerns and requirements are adequately addressed both with regard to in-person and remote work.

The data also indicate that the number of cases settled remained relatively stable over the past two years. The EEO complaint process is well-established and, due to the timeframe of the process, we cannot ascertain in which years the settled allegations were initiated; the steady

settlement rate suggests that the EEO complaint process remains consistent in settlement outcomes. The stability in the number of cases settled suggests that DoD has been consistently working towards resolving reported incidents of harassment and discrimination. This stability also highlights the effectiveness of the processes and mechanisms in place for dispute resolution.

## WAY FORWARD

ODEI is pursuing several actions to address areas for improvement in the Department’s ongoing efforts to prevent and respond to harassment that detracts from the efficiency of the workplace, and therefore mission readiness.

**1. Revise DoDI 1020.04.** The formal EEO complaint process addresses allegations of discrimination, in the form of harassment, based on race, color, religion, sex, national origin, disability, age, genetic information, or reprisal that are not resolved informally. Based on survey data and on-site evaluations, DoD is aware that not all harassment is discriminatory and some employees who experience harassment may prefer, for a variety of reasons, to resolve it outside of formal EEO complaint processes. DoDI 1020.04 requires DoD Components to identify venues for reporting all harassment and to outline the processes and timelines to respond to such reports. DoDI 1020.04 is currently under revision to clarify the complaint process and to specifically address “cyberbullying” and “online harassment.”

**2. Increase Data Collection.** In FY 2020, ODEI employed a new data collection and analysis system. ODEI contracted to conduct an analysis of alternatives and develop an acquisition strategy recommendation for an enterprise-wide data collection and reporting solution for military and civilian equal opportunity and harassment complaints. ODEI is finalizing plans to complete a phased acquisition. The highest priority is getting an automated system to organizations in DoD that do not have automated systems for capturing complaints. ODEI conducted market research with the vendor providing case management systems to the Military Departments and other Components including a product demonstration. ODEI has completed an requirements analysis, alternatives analysis, and is finalizing the Acquisition Plan, which includes a phased approach to funding and implementation. This effort will incorporate GAO’s recommendations of centralizing a repository of data and tracking informal complaints.

**3. Augment Training.** The Defense Equal Opportunity Management Institute (DEOMI) develops and delivers world-class human relations education, training, research, and innovative solutions to enhance total force readiness. Some current offerings include, but are not limited to courses on mediation, special emphasis programs, and an EEO counselor’s course. Additionally, DoD Components are required to establish a continuing EEO educational program for civilian and military personnel who supervise civilian employees and provide training programs to teach employees at all levels how to identify and prevent sexual harassment. Equally important, annual training is provided for supervisors and employees to foster workplace violence prevention and public safety awareness. This training provides instruction on: (a) refraining from making threats or engaging in workplace violence, (b) promptly reporting all acts or threats of violence to an immediate supervisor and appropriate military or civilian authorities, and (c) reporting all incidents involving a person on a DoD installation or at a DoD facility who is the subject of, witness to, or victim of threatening behavior or a violent act to their immediate supervisor and appropriate military or civilian authorities.

DoDI 1020.04 contains prevention and response training and education requirements, to include suggested curriculum content and frequency of training. For example, DoDI 1020.04 requires

DoD Components to train supervisors and managers on harassment prevention and response policies and procedures within 1 year of the supervisor or manager assuming a supervisory or managerial position. The policy permits harassment prevention and response training to be combined with other training requirements. Consistent with the recent GAO recommendations, DoD is examining its training requirements to identify ways to improve or bolster them. As part of its executive feedback process, the Defense Equal Opportunity Reform Group (DEORG) Civilian Working Group will provide recommendations concerning the frequency and content of mandatory DoD civilian employee sexual harassment training.

**4. Address GAO Recommendations.** The Department continues to address the GAO recommendations contained in the GAO-21-113 report. The Department has been working to implement a corrective action plan for open GAO recommendations (i.e., posting relevant reports, separating anti-harassment programs from the formal EEO process, and defining civilians that are covered by Section 1561 of Title 10, U.S.C.). As required to ensure updated and relevant policies, the Department will modify existing policies to address any gaps identified during the recommended evaluations and assessments.

Specifically, in March and July 2023, ODEI reconvened stakeholder working groups (e.g., DEORG Civilian Working Group) to build, implement, and monitor a Department of Defense-wide Case Management System. As of December 2022, most Components have begun transitioning to the same DoD-wide EEO and MEO complaints data management system in a platform. Because data collection and analysis are critical to DoD’s commitment to build a workplace free of harassment, the Office of the USD(P&R) and ODEI are working to ensure a standardized approach to capturing data to provide accurate reporting and other pertinent information regarding harassment complaints.

Lastly, in accordance with Executive Order 14035, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce,” ODEI is preparing the DEIA 2022 Annual Report and 2023 Strategic Plan. These resources will include clearly detailed DoD-wide sexual harassment prevention efforts specific to DoD Federal civilian employees. The anticipated completion date is November 2023.

CUI

# U.S. Department of Defense



## *Department of Defense Civilian Employee Harassment Report*

*Fiscal Years 2021–2022*

### *APPENDIX*

CUI

**APPENDIX A – SAMPLE NON-EEO HARRASSMENT DATA COLLECTION**

The following tables contain proposed data collection tables for Components to report allegations of non-EEO harassment. The proposed data collection is based upon Section 3.2 of DoDI 1020.04.

*Non-EEO Harassment Allegations*

<b>Table 1: Prohibited Harassment Behaviors Formal Filings</b>	<b>Number of Formal Filings FY 2023</b>
Unwanted Physical Contact	
Offensive Jokes	
Epithets or Name-calling	
Ridicule or Mockery	
Insults or Put-downs	
Displays of Offensive Objects or Imagery	
Offensive Non-verbal Gestures	
Stereotyping	
Intimidating Acts	
Veiled Threats of Violence	
Threatening or Provoking Remarks	
Slurs	
Derogatory Remarks	
Racially Offensive Symbols	
Hazing	

<b>Table 2: Means of Harassment Formal Filings</b>	<b>Number of Formal Filings FY 2023</b>
Oral	
Visual	
Written	
Physical	
Electronic – Email	
Social Media	

**Non-EEO Harassment Settlements**

<b>Table 3: Prohibited Harassment Behaviors Settled Allegations</b>	<b>Number of Formal Filings FY 2023</b>
Unwanted Physical Contact	
Offensive Jokes	
Epithets or Name-calling	
Ridicule or Mockery	
Insults or Put-downs	
Displays of Offensive Objects or Imagery	
Offensive Non-verbal Gestures	
Stereotyping	
Intimidating Acts	
Veiled Threats of Violence	
Threatening or Provoking Remarks	
Slurs	
Derogatory Remarks	
Racially Offensive Symbols	
Hazing	

<b>Table 4: Means of Harassment Settled Allegations</b>	<b>Number of Formal Filings FY 2023</b>
Oral	
Visual	
Written	
Physical	
Electronic – Email	
Social Media	

**Non-EEO Harassment Findings**

<b>Table 1: Prohibited Harassment Behaviors Findings</b>	<b>Number of Formal Filings FY 2023</b>
Unwanted Physical Contact	
Offensive Jokes	
Epithets or Name-calling	
Ridicule or Mockery	

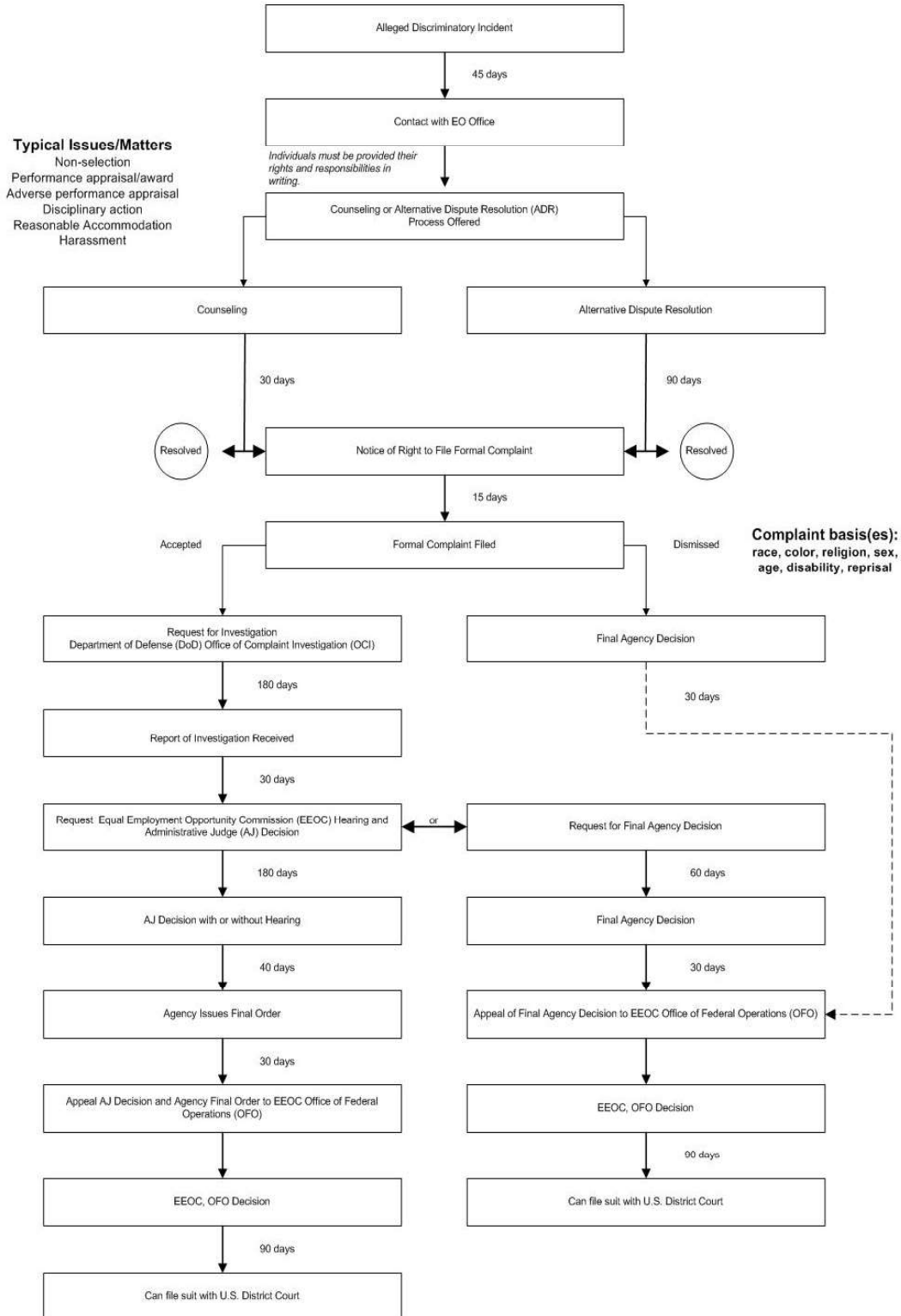
Insults or Put-downs	
Displays of Offensive Objects or Imagery	
Offensive Non-verbal Gestures	
Stereotyping	
Intimidating Acts	
Veiled Threats of Violence	
Threatening or Provoking Remarks	
Slurs	
Derogatory Remarks	
Racially Offensive Symbols	
Hazing	

<b>Table 6: Means of Harassment Findings</b>	<b>Number of Formal Filings FY 2023</b>
Oral	
Visual	
Written	
Physical	
Electronic – Email	
Social Media	



**APPENDIX B – CIVILIAN EEO COMPLAINT PROCESS**

29 CFR 1614; Appendix B to Management Directive 110



Adapted from the Defense Threat Reduction Agency & Fort Leavenworth EEO Office

Draft Prepared Sep 2005 by Defense Equal Opportunity Management Institute