



**DEPARTMENT OF THE ARMY**  
U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND  
POST OFFICE BOX 1500  
HUNTSVILLE, ALABAMA 35807-3801

SMDC-EE Policy No. 690-6\*

JAN 3 1 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Anti-Harassment Policy

1. Authority.
  - a. Title VII, Civil Rights Act of 1964, as amended 1972.
  - b. The Age Discrimination in Employment Act of 1967 (ADEA).
  - c. Americans with Disabilities Act of 1990 (ADA).
  - d. Title 29, Code of Federal Regulations, Part 1604, Section 1604.11(a), 10 Nov 80.
  - e. Notification and Federal Employees Antidiscrimination and Retaliation Act of 2002.
  - f. Army Regulation 690-600 Equal Employment Opportunity Discrimination Complaints, 9 Feb 04.
  - g. Army Regulation 600-20, Army Command Policy, 6 Nov 14.
2. Purpose. To provide policy/procedures that address unlawful harassment in the workplace and to inform employees (military and civilian) of the rights and protection afforded them against harassment.
3. Applicability. This policy is applicable to all elements of the U.S. Army Space and Missile Defense Command (USASMDC).
4. Definition. Harassment is unwelcome conduct based on race, color, religion, sex (including pregnancy, gender, or sexual orientation), national origin, reprisal, age (40 or older), disability, or genetic information. Unlawful harassment includes, but is not limited to the following: offensive conduct, remarks, intimidation, ridicule or mockery, pressure for sexual favors, or offensive pictures or objects. Harassment becomes unlawful when:

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\*This policy statement supersedes SMDC-EE Policy No.690-6, 22 May 17

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a. Submission to the offensive conduct becomes a term or condition of continued employment, or

b. Such conduct is severe or pervasive (happened frequently) enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

5. Sexual Harassment can take many different forms and/or occur in a variety of circumstances. Sexual harassment is a form of sex or gender discrimination that is unwelcome conduct of a sexual nature and exists in two forms:

a. The first is "quid pro quo," where a supervisor offers/provides a subordinate employee a tangible employment benefit in return for sexual favors. This can include, but is not limited to, hiring, promoting, training opportunities, etc. This also may occur when a supervisor willfully denies a subordinate employee a tangible employment benefit because the employee refuses to submit to the manager's sexual advances/requests.

b. The second form of sexual harassment is the creation of a hostile work environment through conduct of a sexual nature. Such behavior is either implicitly or explicitly sexual in nature, unwelcome, and sufficiently severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

6. Retaliatory harassment usually occurs when an individual is harassed or punished because he/she engages in the filing of an EEO complaint, testifying, or participating in any way in an EEO investigation proceeding, reports harassment to management, or closely associates with anyone who complains about discrimination or opposing employment practices they reasonably believe discriminate against individuals, in violation of EEO laws.

7. Anti-discrimination laws prohibit harassment based on the factors listed in paragraph 4 above, including marital status or political affiliation. Harassment does not have to be of a sexual nature to be unlawful. It may take the form of, but not be limited to, offensive slurs, derogatory or other verbal conduct, unwelcome comments about one's religion, or physical threats or assaults. It is a violation of the high standards of conduct expected of all personnel. It is detrimental to productivity, defeats individual rights, and violates the law. Discrimination of any form will not be tolerated, to include harassment.

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8. Leaders at all levels must guard against harassment and provide and maintain a work environment free of workplace harassment and other forms of discrimination. Employees who believe they have been subjected to or witnessed any form of harassment have a duty to promptly report the misconduct to the appropriate management official. Leaders, managers, and supervisors, will ensure employees who report harassment are not subjected to reprisal for exercising their protective activity. I am committed to maintaining a professional workplace in which all Civilians and Soldiers are treated with dignity and respect.

9. If you believe you have been the victim of unlawful harassment on the basis of race, color, religion, sex (gender or sexual orientation), national origin, age (over 40), disability, reprisal, or genetic information, you must contact your servicing EEO Office (civilian) or EO Office (military) as listed in SMDC-EE Policy No. 690-2, and SMDC-EO Policy No. 600-16 and 600-21.

10. If you believe you are a victim of harassment on the basis of marital status, political affiliation, or whistleblower retaliation, you may file a complaint with the Office of Special Counsel at 1730 M Street, N.W., Suite 218, Washington, D.C. 20036-4505. In the alternative, if you are a member of the bargaining unit under a union contract, you may pursue your issue by filing a grievance through the negotiated grievance procedure.

11. This notice is posted on the CMDNet as required reading for all assigned personnel. A copy of this notice will be posted on each official organization bulletin board for permanent retention until superseded. A copy should also be filed in each office in accordance with the Army Records Information Management System.

"SECURE THE HIGH GROUND"

  
DANIEL L. KARBLER  
Lieutenant General, USA  
Commanding

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