



**DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
HEADQUARTERS
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-1400**

February 16, 2018

MEMORANDUM FOR DODEA ALL

FROM: DIRECTOR, DEPARTMENT OF DEFENSE EDUCATION ACTIVITY

SUBJECT: Directive-Type Memorandum (DTM) 18-DME0-004 - Annual Policy Statement on Sexual Harassment

References: Code of Federal Regulations, Title 29, Part 1614
DoDEA Regulation 1800.02, "Prohibition of Adult-to-Student Sexual Abuse, Sexual Harassment, and Other Inappropriate Behavior or Conduct," June 15, 2015
DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," April 4, 2008, as amended
Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs," June 23, 2000

Purpose. This DTM is to articulate the Department of Defense Education Activity's (DoDEA) commitment to ensuring that no individual is subjected to any form of sexual harassment in any DoDEA-conducted education or training programs or activities pursuant to Executive Order 13160, which among other authorities, prohibits civil rights discrimination.

This DTM is effective February 16, 2018; it will be converted to a new DoDEA Administrative Instruction. This DTM will expire effective 12 months from the date it was signed.

Applicability.

a. This DTM applies to the Office of the Director, DoDEA; the Principal Deputy Director and Associate Director for Academics, DoDEA; the Associate Director for Financial and Business Operations, DoDEA; the Chief of Staff, DoDEA; the Director for Student Excellence, DoDEA Americas/Associate Director for Performance and Accountability (formerly the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba)); the Director for Student Excellence, DoDEA Europe (formerly the Director, Department of Defense Dependents Schools, Europe (DoDDS-E)); the Director for Student Excellence, DoDEA Pacific (formerly the Director, Department of Defense Dependents Schools, Pacific, and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam)); (referred to collectively in this Issuance as "DoDEA Region Directors for Student Excellence"); and all DoDEA region, district, community, and school leaders and support staff.

b. This DTM also applies to DoDEA volunteers, contractors, and any other individuals acting in their capacity as an agent of DoDEA, both on or off DoDEA premises.

c. This DTM does not expressly apply to students; however, in furtherance of this DTM, students shall be held accountable for their actions in accordance with DoDEA Regulation 2051.1, where they have been found to have committed acts of sexual harassment or contributed to the creation of a hostile environment on the basis of sex.

Definitions. See Glossary.

Policy. In accordance with Executive Order 13160, DoDEA must ensure that no student, employee, or other beneficiary is subjected to any form of sexual harassment in DoDEA-conducted education or training programs or activities. Sexual harassment entails unwanted or unwelcome sexual conduct including sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.

Responsibilities. DoDEA must take steps to ensure that no student, employee, or other beneficiary is subjected to sexual harassment or a hostile environment on the basis of sex. No instructor, teacher, supervisor, administrator, or other applicable official may:

- Explicitly or implicitly make submission to sexual conduct a term or condition of an individual's participation in an educational or training program or activity.
- Use submission to, or rejection of, such conduct as the basis for any decision affecting an individual. Sexual harassment of this type violates Executive Order 13160; whether an individual resists and suffers the threatened harm or submits and, thus, avoids the threatened harm.
- Permit any student, employee, or other beneficiary to be subjected to a hostile environment on the basis of sex, which may consist of unwelcome sexual conduct that is sufficiently severe, persistent, or pervasive so as to:
 - Limit an individual's ability to participate in, or benefit from, an education or training program or activity; or
 - Create a hostile or abusive educational or work environment. Hostile environments may be created by supervisors, instructors, teachers, administrators, other officials, or peers.

Procedures. Any person, or specific class of individuals, who believes that they have been sexually harassed may personally, or through a designated representative, file a report of sexual harassment with the principal, superintendent, or supervisor. Anonymous reports will be accepted. Any DoDEA employee with knowledge of adult-to-student sexual harassment must report any such incidents to the principal within 24-hours.

DoDEA will promptly inquire or investigate, as appropriate, all reports of sexual harassment and take prompt corrective action to address and resolve such conduct. Allegations of adult to-student sexual harassment shall be dealt with in accordance with DoDEA Regulation 1800.02.

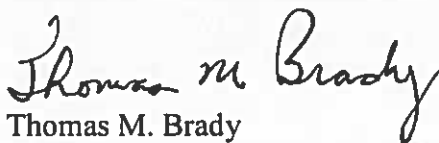
No person shall be subjected to reprisal or harassment because they raised concerns, reported a claim, or filed a sexual harassment complaint, or testified, assisted, or participated in any manner in an investigation, or other proceeding raising claims of discrimination, such as sexual harassment. An individual may be subject, however, to disciplinary action or other appropriate applicable consequences for raising an allegation or putting forth supporting evidence they know to be false.

Additional information regarding sexual harassment can be found at the DoDEA Sexual Harassment webpage located at www.dodea.edu. To learn more about reporting, you may contact the Civil Rights Program at Civil.Rights@hq.dodea.edu or contact a regional Diversity Management and Equal Opportunity (DME0) Complaints Program Manager: DME0-Americas at (678) 364-6655; DME0-Europe at 011-49-611-143-545-1914; and DME0-Pacific at 011-81-98-953-5682.

Employee reporting of an allegation of sexual harassment is a protected activity under Part 1614.103 of Title 29, Code of Federal Regulations. Any employee who believes they have been discriminated against, or retaliated against, due to their reporting of an allegation of sexual harassment or cooperation with any subsequent investigation may initiate a complaint by contacting a DoDEA DME0 Equal Employment Opportunity (EEO) counselor within forty-five (45) calendar days of the occurrence. More information and points of contact can be found at the DoDEA DME0 web page located at www.dodea.edu/Offices/DME0/compliance.cfm or by contacting the DoDEA Chief, Resolution and Compliance, by phone at (571) 372-0966 or by email at EEO.Complaints@hq.dodea.edu.

Information Collection Requirements. This DTM may result in the collection of information due to its policy and procedures. Any collection of information must follow all applicable Federal, DoD, and DoDEA regulations, policies, and guidance.

Releasability. Cleared for public release. Available on the DoDEA Policy Website.


Thomas M. Brady
Director

Attachments:
As stated

GLOSSARY

PART I: ABBREVIATIONS AND ACRONYMS

DMEO	Diversity Management and Equal Opportunity
DTM	Directive-Type Memorandum
EEO	Equal Employment Opportunity

PART II. DEFINITIONS

other beneficiary. An individual entitled to participate in a discrimination-free DoDEA learning environment under EO 13160 who is not a DoDEA student or employee, such as family members attending a school event or non-DoDEA federal employees invited to attend a DoDEA-conducted training event.

persistent. An act, practice, or policy that continues despite reasonable efforts to end it.

pervasive. When more than one person engages in the same act or practice, or a policy applies across more than one area, department, or jurisdiction.

severe. An act, practice, or policy that has a negative impact so harsh it only needs to occur once to cause injury that is more than a minor slight, annoyance, or inconvenience.

Cancelled