



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY GARRISON - MIAMI**  
**9301 NW 33RD STREET**  
**DORAL FL 33172-1202**

AMIM-AGG-ZA (690-12a)

MEMORANDUM FOR All U.S. Army Garrison (USAG) Miami Personnel

SUBJECT: Command Policy Memorandum #6, Anti-Harassment Policy

1. REFERENCES.

a. 29 Code of Federal Regulation Part 1614 Federal Sector Equal Employment Opportunity.

b. Army Regulation 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.

c. Army Regulation 690-12, Equal Employment Opportunity and Diversity, 12 December 2019.

d. Army Regulation 600-20, Army Command Policy, 24 July 2020.

2. PURPOSE. To establish the Garrison Manager's policy on the prevention of harassment (sexual and non-sexual).

3. APPLICABILITY. This policy applies to all civilian personnel, appropriated fund (APF) or non-appropriated fund (NAF), assigned to and/or under the operational control of the U.S. Army Garrison-Miami (USAG-Miami). These requirements also apply to applicants and employees in full-time, part-time, term, and temporary positions.

4. POLICY.

a. The policy of the Department of the Army (DA) is that harassment (sexual and non-sexual, including bullying) is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment of trust and respect for human dignity. Harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment, and successful mission accomplishments can be achieved only in an environment free of harassment. The prevention of harassment is the responsibility of every DA civilian and service member, but managers and supervisors are expected to lead by example and set the standard for service members and DA civilians to conduct themselves in a professional manner at all times in the workplace.

b. Non-sexual harassment includes, but is not limited to, any offensive or unwelcome conduct such as bullying, jokes, ethnic or religious slurs, or other verbal, non-verbal, or physical conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile work environment.

c. Sexual harassment is a form of gender discrimination. Sexual harassment is defined by law and regulation as unwelcome sexual advances, request for special favors, and other verbal, non-verbal, or physical conduct of a sexual nature between the same or opposite genders. It is detrimental to productivity, defeats individual rights, and violates the law.

d. Bullying and other behaviors that demean, intimidate, or humiliate people either as individuals, or as groups, are unwelcome behaviors. Bullying behaviors are often persistent and part of a pattern of conduct, but it can also be an aspect of group behavior. Any form of bullying is unacceptable and will not be tolerated under this command.

e. Persons who believe they are a victim of any type of harassment, including bullying, should make it clear to the offenders that the behavior is unwelcome and offensive. Should a victim of bullying not feel safe or comfortable doing so, they should inform their supervisor or someone in the chain of command immediately. Allegations of harassment must be investigated immediately and thoroughly, and corrective actions taken, as appropriate. Hence, this necessitates zero tolerance for harassment. Supervisors and managers – both civilian and military supervisors of DA employees – have the responsibility to maintain a workplace free of harassment. Supervisors must show a reasonable effort to promptly prevent, respond to and correct harassing behavior in the workplace.

f. Reprisal against any DA civilian who reports workplace harassment is prohibited. A manager or supervisor is prohibited from doing anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination. Reprisal is a form of retaliation that involves taking, threatening, or recommending taking 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 engaged in filing a harassment complaint.

g. EEO, Anti-Harassment, and NO FEAR training stresses the seriousness of harassment and the importance of ensuring the Army's operating environment is an environment free of all forms of harassment. It will enhance your knowledge of harassing behaviors and provide prevention techniques you can apply to your daily

activities. Supervisors and managers are responsible for ensuring employees successfully complete the Army's mandatory "EEO, Anti-Harassment, and No-FEAR Act" training for non-supervisory personnel annually, and that they are aware of the anti-harassment policy and procedures and their role in the complaint process. Newly appointed supervisors and new federal civilian employees are required to receive an initial orientation into the EEO complaint process. Furthermore, supervisors must complete "EEO, Anti-Harassment, and No-FEAR Act" training course for supervisors annually.

h. Civilian employees (APF/NAF) who perceive they are victims of any type of harassment, or individuals who witness inappropriate workplace behavior should report it immediately through their supervisory chain of command or contact the USAG-Miami Equal Employment Opportunity (EEO) Office at (305) 437-1826 within 45 calendar days of the action, event, or activity to begin the informal/pre-complaint process. DA civilians who are victims of sexual assault may report the offense to a SHARP specialist, local law enforcement and medical professionals.

i. Procedures for processing complaints filed by contingent workers (contract employees) are considerably different as contingent workers are civilian workers who are outside of the Army's "core" work force, and not on the activity's payroll or meeting the definition of a civil service employee under 5 United States Code Section 2105(a), or a non-appropriated fund employee described at §2105(c). The EEO Officer will advise the worker to immediately report the allegations to his or her non-Federal employer. If the worker wants to file a complaint against the contractor, the EEO Officer should provide the address and telephone number of the nearest EEO Commission field office. If the worker wants to file a complaint against the Army, the EEO Officer should assign a counselor and process initially in accordance with 29 Code of Federal Regulations Part 1614 and Army Regulation 690-600. The EEO Officer will advise the aggrieved that, depending on the facts and circumstances surrounding the employment relationship, the Army may not be his or her employer under Title VII or any other anti-discrimination laws.

j. When sexual harassment is one of the claims raised under the EEO process and the aggrieved is directly supervised by a military commanding officer or a military officer-in-charge, the EEO Officer shall advise the aggrieved that there are two statutes applicable to him or her (that is, Title VII of the Civil Rights Act and 10 United States Code Section 1561, Complaints of Sexual Harassment) and that processes established under those statutes can be used simultaneously.

k. A supervisor or management official who receives a notice of an allegation or witnesses harassing conduct will immediately conduct a prompt, thorough, impartial, and appropriate inquiry even in the absence of a complaint. They must contact the Installation Legal Office within one (1) business day for consultation and guidance, as appropriate; and document the efforts to promptly address and resolve the matters at

issue. After an inquiry has been completed, the supervisor should consult with Legal and EEO or civilian personnel advisory center (CPAC)/labor management employee relations (LMER) staff within one (1) business day regarding recommendations on appropriate corrective action.

5. PROPONENT. The USAG-Miami EEO Office is the proponent for this policy. Point of contact is the EEO Officer at (305) 437-1826.

6. EXPIRATION. This policy memorandum supersedes previous policy issued and will remain in effect until superseded or rescinded.

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