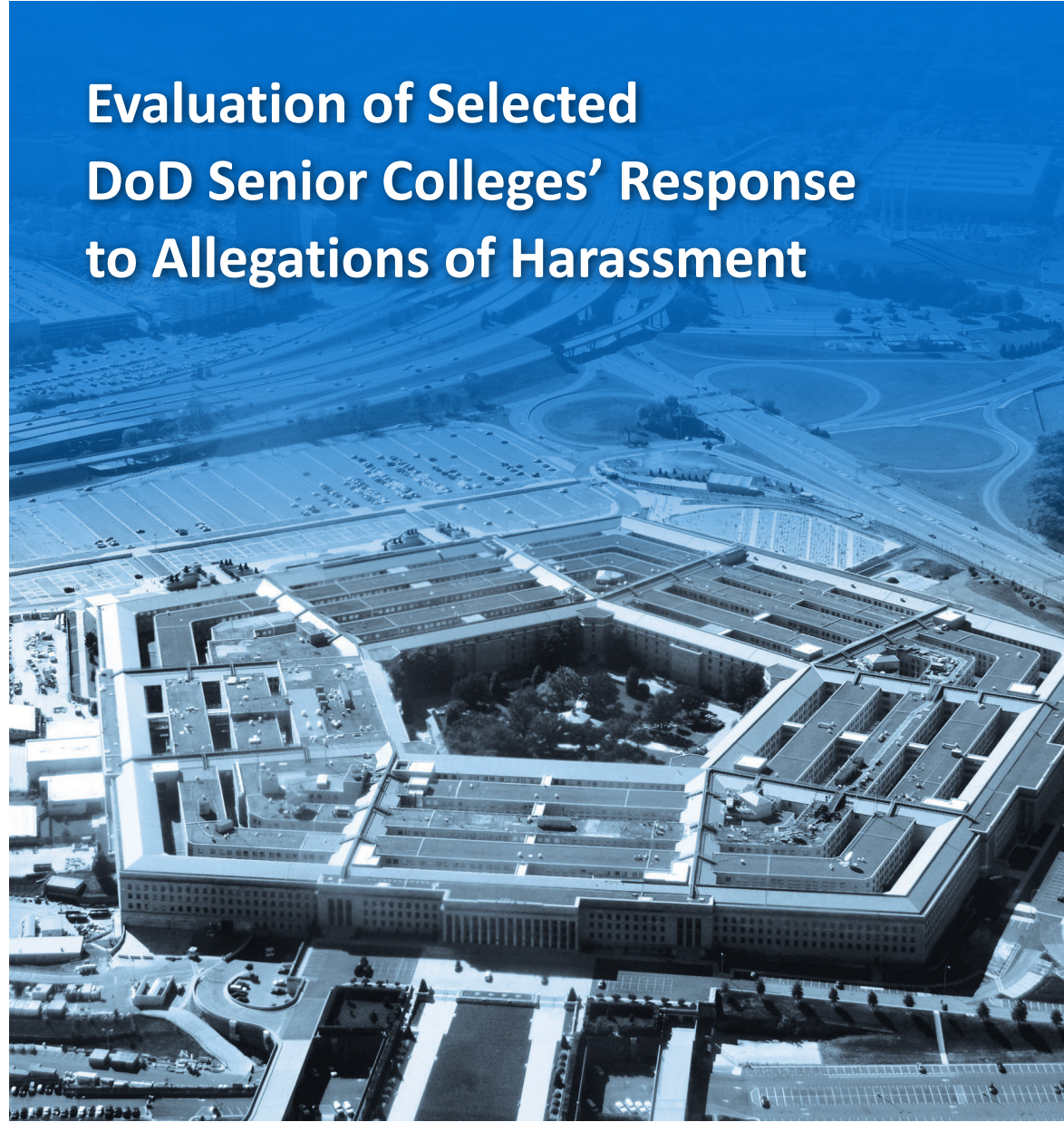




# INSPECTOR GENERAL

*U.S. Department of Defense*

JULY 8, 2024



## Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment

INDEPENDENCE ★ INTEGRITY ★ EXCELLENCE ★ TRANSPARENCY





# Results in Brief

## *Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment*

July 8, 2024

### Objective

The objective of this evaluation was to determine the extent to which selected DoD senior colleges responded to allegations of harassment in accordance with DoD policy.

### Background

DoD policy requires DoD Components to establish policies and procedures for preventing and responding to harassment allegations. The Senate Armed Services Committee identified concerns with, and requested that we evaluate, the effectiveness of anti-harassment policies and procedures at DoD senior colleges. The DoD senior colleges we selected for this evaluation are the Army War College, Naval War College, Air War College, and National Defense University.

### Findings

The selected DoD senior colleges did not fully comply with DoD requirements when responding to five of six harassment allegations we reviewed. This occurred because the:

- Army War College did not respond to one anonymous harassment allegation in accordance with DoD Component-specific guidance,
- Naval War College did not respond to two of three allegations and Air War College did not respond to one harassment allegation in accordance with DoD policy and Component-specific guidance, and

### Findings (cont'd)

- National Defense University did not have the necessary implementing policies to respond to one anonymous harassment allegation in accordance with DoD policy.

Also, the selected DoD senior colleges could not fully implement DoD policy on harassment prevention and response because DoD policy does not identify specific procedures or actions for the colleges to follow in response to an allegation of retaliation by a victim of sexual harassment.

As a result, the selected DoD senior colleges may not be fostering trust in leadership's commitment to an academic and work environment that is free from harassment. In turn, this may increase a fear of retaliation for future complainants and may decrease complainant willingness to report allegations. Furthermore, during an incident of harassment, complainants may remain unaware of protections and resources available to them under DoD policy.

### Recommendations

We made 13 recommendations, including:

- The DoD Component heads should issue a memorandum to the colleges requiring retention of records that demonstrate compliance with DoD harassment prevention and response policy and DoD Component-specific guidance.
- The Office for Diversity, Equity, and Inclusion Director should update DoD policy to require DoD Components to have documentation and records retention policies that demonstrate compliance with the DoD harassment policy, include procedures for dismissal of allegations, and include procedures that address harassment allegations processed through alternate procedures.
- The Under Secretary of Defense for Personnel and Readiness should designate an office of primary responsibility for allegations of retaliation by victims of sexual harassment and ensure that DoD policy is updated to identify the actions that commanders



# Results in Brief

## *Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment*

### **Recommendations (cont'd)**

and supervisors are expected to follow when a complainant alleges sexual harassment and retaliation.

### **Management Comments and Our Response**

The Secretary of the Army; Secretary of the Air Force; Acting Under Secretary of Defense for Personnel and Readiness; Director for Joint Force Development at the Joint Staff; Director of the Office for Diversity, Equity, and Inclusion; and President of the Naval War College, or their representatives, agreed in total with 12 recommendations, including:

- The DoD Component heads agreed to issue a memorandum to the colleges requiring retention of records that demonstrate compliance with DoD harassment prevention and response policy and DoD Component-specific guidance.
- The Director of the Office for Diversity, Equity, and Inclusion agreed to update DoD policy to require DoD Components to have documentation and records retention policies that demonstrate compliance with the DoD harassment policy, include procedures for dismissal of allegations, and include procedures that address harassment allegations processed through alternate procedures.
- The Acting Under Secretary of Defense for Personnel and Readiness agreed to designate an office of primary responsibility for allegations of retaliation by victims of sexual harassment and ensure that DoD policy is updated to identify the actions that commanders and supervisors are expected to follow when a complainant alleges sexual harassment and retaliation.

Therefore, these 12 recommendations are resolved and open. We will close the recommendations when we verify that management has implemented corrective actions.

The Secretary of the Navy did not respond to the recommendation that the Secretary of the Navy issue a memorandum to the Naval War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03 and Office of Chief of Naval Operations Instruction 5354.1H. Therefore, that recommendation is unresolved. We request that the Secretary of the Navy provide comments on the final report within 30 days.

Please see the Recommendations Table on the next page for the status of the recommendations.

## Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Secretary of the Army	None	1.a and 1.b	None
Secretary of the Navy	3	None	None
Secretary of the Air Force	None	4	None
Under Secretary of Defense for Personnel and Readiness	None	7.a, 7.b	None
Director for Joint Force Development (J-7), Joint Staff	None	5	None
Office for Diversity, Equity, and Inclusion Director	None	6.a, 6.b, 6.c, 6.d, 6.e	None
Naval War College President	None	2	None

Please provide Management Comments by August 8, 2024.

**Note:** The following categories are used to describe agency management’s comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – The DoD OIG verified that the agreed-upon corrective actions were implemented.





**OFFICE OF INSPECTOR GENERAL**  
**DEPARTMENT OF DEFENSE**  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VIRGINIA 22350-1500

July 8, 2024

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL  
AND READINESS  
DIRECTOR, JOINT STAFF  
AUDITOR GENERAL, DEPARTMENT OF THE ARMY  
AUDITOR GENERAL, DEPARTMENT OF THE NAVY  
AUDITOR GENERAL, DEPARTMENT OF THE AIR FORCE

SUBJECT: Evaluation of Selected DoD Senior Service Colleges' Response to Allegations  
of Harassment (Report No. DODIG-2024-105)

This final report provides the results of the DoD Office of Inspector General's evaluation. We previously provided copies of the draft report and requested written comments on the recommendations. We considered management's comments on the draft report when preparing the final report. These comments are included in the report.

The Secretary of the Army; Secretary of the Air Force; Acting Under Secretary of Defense for Personnel and Readiness; Director for Joint Force Development at the Joint Staff; Director of the Office for Diversity, Equity, and Inclusion; and President of the Naval War College agreed to address a total of 12 recommendations; therefore, we consider these recommendations resolved and open. We will close the recommendations when you provide us documentation showing that all agreed-upon actions to implement the recommendations are completed. Therefore, please provide us within 90 days your response concerning specific actions in process or completed on the recommendations. Send your response to either [REDACTED] if unclassified or [REDACTED] if classified SECRET.

This report also contains one recommendation that is considered unresolved because the Secretary of the Navy did not provide a response to the recommendation. We will track this recommendation until an agreement is reached on the actions that you will take to address the recommendation, and you have submitted adequate documentation showing that all agreed-upon actions are completed. DoD Instruction 7650.03 requires that recommendations be resolved promptly. Therefore, please provide us within 30 days your response concerning specific actions in process or alternative corrective actions proposed on the recommendation. Send your response to [REDACTED].

If you have any questions, please contact [REDACTED].

FOR THE INSPECTOR GENERAL:

A handwritten signature in cursive script that reads "Bryan Clark".

Bryan T. Clark  
Assistant Inspector General for Evaluations  
Programs, Combatant Commands, and Operations

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# Introduction

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## Objective

The objective of this evaluation was to determine the extent to which selected DoD senior colleges responded to allegations of harassment in accordance with DoD policy.

## Background

In the FY 2023 National Defense Authorization Act Bill Report, the Senate Armed Services Committee (SASC) identified concerns with the effectiveness of anti-harassment programs in DoD senior colleges. Specifically, the SASC requested that we determine whether DoD senior colleges had policies that included procedures for receiving, tracking, maintaining, and processing Service members' and DoD civilian employees' harassment allegations.<sup>1</sup> In addition, the SASC requested that we determine whether the DoD senior colleges had policies that provided protection to the complainant and the adequacy of the colleges' response to the harassment allegation. We coordinated with SASC staff personnel on the request and selected the following DoD senior colleges for this evaluation.

- U.S. Army War College
- U.S. Naval War College
- U.S. Air War College
- Dwight D. Eisenhower School for National Security and Resource Strategy
- National War College
- Joint Forces Staff College<sup>2</sup>

DoD Instruction (DoDI) 1020.03, "Harassment Prevention and Response in the Armed Forces," and DoDI 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," establish policy, assign responsibilities, and outline procedures for preventing and responding to harassment reported by Service members and DoD civilian employees.<sup>3</sup> These Instructions apply to DoD Components and both define "harassment" as "behavior that is unwelcome or offensive to a reasonable

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<sup>1</sup> In this report, the term "allegation" includes reports of harassment processed as Military Equal Opportunity complaints, Equal Employment Opportunity complaints, other civilian non-EEO complaints of harassment, and commander-directed investigations involving allegations of harassment.

<sup>2</sup> The Dwight D. Eisenhower School for National Security and Resource Strategy, National War College, and Joint Forces Staff College are part of the National Defense University.

<sup>3</sup> DoDI 1020.03, "Harassment Prevention and Response in the Armed Forces" (Incorporating Change 1, December 29, 2020); DoDI 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020.

person” and “creates an intimidating, hostile, or offensive environment.”<sup>4</sup> These Instructions both require DoD Components to “establish policies and procedures that prevent and respond to allegations of harassment.” Finally, these Instructions both state that the DoD will “hold leaders at all levels accountable for fostering a climate” that is “free from harassment,” supports those who allege harassment, and does not tolerate retaliation and reprisal.

### ***The Under Secretary of Defense for Personnel and Readiness Establishes and Oversees DoD-Wide Harassment Prevention and Response Policies***

The Under Secretary of Defense for Personnel and Readiness (USD[P&R]) is responsible for enhancing equal opportunity and readiness in the DoD through effective policy, guidance, and oversight. As a result, in accordance with the Instructions, the USD(P&R) establishes and oversees the DoD-wide harassment prevention and response policies and procedures for Service members and DoD civilian employees.

### ***The Office for Diversity, Equity, and Inclusion Director Manages the Implementation of DoD-Wide Harassment Prevention and Response Program***

The Office for Diversity, Equity, and Inclusion (ODEI) under the Office of the USD(P&R) is responsible for developing the DoD-wide harassment prevention and response policy. According to the Instructions, the ODEI Director manages the implementation of the DoD-wide harassment prevention and response program. The ODEI Director assigned the ODEI’s required tasks from the Instructions to the Military Equal Opportunity Policy directorate and the Equal Employment Opportunity and Civil Rights Directorate within the ODEI.

### ***The Secretaries of the Military Departments Establish Policies and Oversee Programs to Prevent and Respond to Harassment***

The Secretaries of the Military Departments establish policies and oversee programs to prevent and respond to harassment at the Military Departments. The Army War College, Naval War College, and Air War College ultimately report to the Secretaries of their respective Military Departments.

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<sup>4</sup> These Instructions specifically apply to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, and the Joint Staff, the combatant commands, the Defense agencies, the DoD field activities, and all other organizational entities within the DoD (referred to collectively in these issuances as the “DoD Component.”)

The Secretaries of the Military Departments are required to establish policies to implement DoDI 1020.03, including:

- Section 4, “Procedures and Requirements for Processing Harassment Complaints from Service members;”
- Section 5, “Responding to Harassment Complaints from Service Members;” and
- Section 7, “Data Collection and Reporting Requirements.”

The Secretaries of the Military Departments are also required to establish policies to implement DoDI 1020.04 that include procedures for processing DoD civilian employees’ allegations of harassment that is:

- not unlawful but detracts from an efficient workplace,
- unlawful discriminatory harassment, and
- harassment of a criminal nature.

### *Army War College*

The Army War College is a senior college in the Army Professional Military Education system with approximately 1,400 students and 410 faculty per academic year. During the period of October 2020 through September 2022, the college responded to one harassment allegation.

Personnel at the Carlisle Barracks Soldiers, Family, and Employees Assistance Program process Service members’ and DoD civilian employees’ harassment allegations for the Army War College. The college follows Army Regulation (AR) 600-20, “Personnel-General: Army Command Policy,” to process Service members’ harassment allegations and AR 690-12, “Civilian Personnel: Equal Employment Opportunity and Diversity,” to process DoD civilian employees’ harassment allegations.<sup>5</sup> These policies include procedures for receiving, tracking, maintaining, and processing harassment allegations and provide for protection of the complainant.

### *Naval War College*

The Naval War College is a senior college with approximately 1,000 students and 300 faculty per academic year. During the period of October 2020 through September 2022, the college responded to 11 harassment allegations submitted by one complainant.

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<sup>5</sup> AR 600-20, “Personnel-General: Army Command Policy,” July 24, 2020; AR 690-12, “Civilian Personnel: Equal Employment Opportunity and Diversity,” December 12, 2019.

The Naval War College has a team consisting of an equal opportunity program manager, investigative officer, and staff judge advocate who collaborate to process Service member harassment allegations. The college is required to follow Office of Chief of Naval Operations Instruction (OPNAVINST) 5354.1H, "Navy Harassment Prevention and Military Equal Opportunity Program Manual," when processing Service member harassment allegations.<sup>6</sup>

The Department of the Navy Equal Employment Opportunity Office processes DoD civilian employee harassment allegations for the Naval War College. The Office is required to follow Secretary of the Navy Instruction (SECNAVINST) 12713.14, "Equal Employment Opportunity," when processing DoD civilian employee harassment allegations.<sup>7</sup> These policies include procedures for receiving, tracking, maintaining, and processing harassment allegations and provide for protection of the complainant.

### *Air War College*

The Air War College is the senior college in the Air Force Professional Military Education system, with approximately 4,700 students and 187 faculty and staff per academic year. During the period of October 2020 through September 2022, the college responded to one harassment allegation.

The 42nd Air Base Wing Equal Opportunity Office (42 ABW/EO) processes Service member and DoD civilian employee harassment allegations for the Air War College. The 42 ABW/EO is required to follow Department of the Air Force Instruction (DAFI) 36-2710, "Equal Opportunity Program" and "Department of the Air Force Guidance Memorandum to Department of the Air Force Instruction 36-2710, Equal Opportunity Program."<sup>8</sup> The Instruction includes procedures for receiving, tracking, maintaining, and processing harassment allegations and provides for protection of the complainant.

### ***The Chairman of the Joint Chiefs of Staff Assigns Responsibility for Developing Policies to Prevent and Respond to Harassment to the National Defense University President***

The Chairman of the Joint Chiefs of Staff (CJCS) exercises authority, direction, and control of the National Defense University on behalf of the Secretary of Defense. In accordance with this authority, the CJCS assigns responsibility to the University President for developing directives, including policies to prevent and respond to

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<sup>6</sup> OPNAVINST 5354.1H, "Navy Harassment Prevention and Military Equal Opportunity Program Manual," November 3, 2021.

<sup>7</sup> SECNAVINST 12713.14, "Equal Employment Opportunity," January 22, 2019.

<sup>8</sup> DAFI 36-2710, "Equal Opportunity Program," June 18, 2020. "Department of the Air Force Guidance Memorandum to Department of the Air Force Instruction 36-2710, Equal Opportunity Program," September 30, 2022.

harassment.<sup>9</sup> The National Defense University is a Chairman's Controlled Activity; accordingly, the CJCS has direct management control and responsibility over the programming and execution of resources for the University.

The University President, as assigned by the CJCS, is required to establish policies that implement the DoDI 1020.03 responsibilities assigned to DoD Component heads other than the Secretaries of the Military Departments. The University President is also required to establish policies to implement DoDI 1020.04 that include procedures for processing DoD civilian employees' allegations of harassment that is:

- not unlawful but detracts from an efficient workplace,
- unlawful discriminatory harassment, and
- harassment of a criminal nature.

The National Defense University is a Joint Professional Military Education institution with approximately 604 faculty and staff personnel.<sup>10</sup> The university consists of five colleges, three of which are included in our evaluation. In this report, we collectively refer to the following colleges as National Defense University.

- The Dwight D. Eisenhower School for National Security and Resource Strategy, with approximately 285 students per academic year. During the period of October 2020 through September 2022, the college did not respond to any harassment allegations.
- The Joint Forces Staff College, with approximately 1,137 students per academic year. During the period of October 2020 through September 2022, the college responded to one harassment allegation.
- The National War College, with approximately 210 students per academic year. During the period of October 2020 through September 2022, the college did not respond to any harassment allegations.

The university's leadership team, the Equal Opportunity Office at Joint Base Myer–Henderson Hall, and the Service-specific chains of command process harassment allegations.<sup>11</sup>

<sup>9</sup> Chairman of the Joint Chiefs of Staff Instruction 1801.01E, "National Defense University Policy," December 20, 2019.

<sup>10</sup> Joint Professional Military Education consists of instruction and examination of officers of the armed forces that ensure in-depth understanding of subject matters such as national military strategy, joint planning at all levels of war, and joint command and control.

<sup>11</sup> The Equal Opportunity Office at Joint Base Myer–Henderson Hall does not process harassment allegations for the Joint Forces Staff College, in Norfolk, Virginia. The National Defense University is working with the Director of the Naval Support Activity Hampton Roads Equal Employment Opportunity Program to establish a memorandum of agreement to provide permanent coverage for the Joint Forces Staff College.

## Finding

### The Selected DoD Senior Colleges Did Not Fully Comply with DoD Requirements When Responding to Harassment Allegations

The selected DoD senior colleges did not fully comply with DoD requirements when responding to five of six harassment allegations we reviewed. Specifically:

- The Army War College did not fully comply with DoD Instruction (DoDI) 1020.03, section 4.6, or DoDI 1020.04, section 4.6, when responding to one harassment allegation because the college did not retain records to explain why the investigator did not interview all witnesses.
- The Naval War College did not fully comply with DoDI 1020.03, section 5.1, when responding to two of three harassment allegations because the college did not send data from the allegations to the Navy Harassment Prevention and Military Equal Opportunity Office.
- The Air War College did not fully comply with DoDI 1020.03, section 5.1, when responding to one harassment allegation because the college did not begin the investigation within 3 days, complete the investigation within 14 days, and submit the final report of investigation to the superior officer within 20 days.
- The National Defense University did not fully comply with DoDI 1020.03 or DoDI 1020.04, section 4.6, when responding to one harassment allegation because the university did not have Component-specific policies for responding to harassment allegations.

In addition, the selected DoD senior colleges could not fully implement DoDI 1020.03, paragraph 5.1.e, which requires commanders to follow the procedures in the DoD Retaliation Prevention and Response Strategy Implementation Plan (the Plan).<sup>12</sup> The selected DoD senior colleges could not fully implement the Instruction because the Plan does not identify specific procedures or actions that a commander should follow in response to an allegation of sexual harassment and retaliation. Furthermore, the ODEI Military Equal Opportunity Director stated that allegations of retaliation by victims of sexual harassment do not fall under the purview of ODEI, and the DoD has not designated an office of primary responsibility as required by United States Code.

<sup>12</sup> "DoD Retaliation Prevention and Response Strategy Implementation Plan," January 2017. The DoD Sexual Assault Prevention and Response Office compiled the Plan based on input from the Office of the Secretary of Defense Office of General Counsel, Office of Diversity Management and Equal Opportunity, Office of the Senior Advisor for Military Professionalism, and the Service/Departmental Sexual Assault Prevention and Response offices. The Plan details how the DoD and Military Services will institutionalize a comprehensive and consistent approach to retaliation prevention and response across the Department.

As a result, the selected DoD senior colleges may not be fostering trust in leadership’s commitment to an academic and work environment that is free from harassment. In turn, this may increase a fear of retaliation for future complainants and may decrease complainant willingness to report allegations. Furthermore, during an incident of harassment, complainants may remain unaware of protections and resources available to them under DoD policy.

## The Selected DoD Senior Colleges Did Not Fully Comply With DoD Requirements When Responding to Harassment Allegations

The selected DoD senior colleges did not fully comply with DoD requirements when responding to five of six harassment allegations we reviewed (see Table 1).

*Table 1. Summary of Number of Allegations We Reviewed, and Number of Allegations for Which the College Did Not Fully Comply with DoD Requirements, from October 2020 to September 2022*

DoD Senior College	Number of Allegations Reviewed	Number of Allegations for Which the College Did Not Fully Comply with DoD Requirements
Army War College	1	1
Naval War College	3	2
Air War College	1	1
National Defense University	1	1
<b>Total</b>	<b>6</b>	<b>5</b>

Note: Appendix A describes how the DoD Office of Inspector General determined the number of allegations reviewed.

Source: The DoD Office of Inspector General.

### ***The Army War College Did Not Fully Comply with DoD Requirements When Responding to the Allegation We Reviewed***

During the period of October 2020 through September 2022, the Army War College responded to one anonymous harassment allegation. The college investigated the allegation and, based on the preponderance of the evidence, the commander did not substantiate the allegation. While review of the underlying decision on the allegation was not within the scope of our evaluation, we did not obtain any evidence that caused us to question the commander’s ultimate decision. The Army War College did not fully comply with the DoD Component-specific guidance as required by DoDI 1020.03, section 4.6, or DoDI 1020.04, section 4.6, because the college did not follow Army Regulation (AR) 15-6, “Procedures for

Administrative Investigations and Boards of Officers,” and the instructions in the appointment of investigative officer memorandum (DoD Component-specific guidance).<sup>13</sup> Specifically, the investigative officer did not interview one of nine witnesses identified on the appointment of investigative officer memorandum. The instructions in the memorandum specified that all nine individuals should be interviewed, and no records were retained to explain the deviation. In addition, we could not determine whether the investigative officer sufficiently coordinated with the legal advisor as instructed in the appointment of investigative officer memorandum because the college did not retain records of consultation between the legal advisor, the commander, and the investigative officer.

The Army War College Command Judge Advocate stated that AR 15-6 and the appointment of investigating officer memorandum (DoD Component-specific guidance) do not require documentation supporting all actions performed in the case file. In addition, the DoD Instruction 1020.03 and DoD Instruction 1020.04 specifically do not require DoD Components to have documentation and records retention policies that demonstrate compliance with the Instructions. However, specific documentation requirements are necessary so that DoD Components keep a record of the basis for actions performed by the investigative officer.

Furthermore, the Army does not have policies, as required by DoDI 1020.04, for the Army War College to follow when responding to DoD civilian allegations of harassment that is not unlawful but detracts from an efficient workplace. The Assistant Deputy for Civilian Personnel (Special Programs) in the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) stated that they are developing a policy, which was still in draft as of January 2024.

### ***The Naval War College Did Not Fully Comply with DoD Requirements When Responding to Two of Three Allegations We Reviewed***

During the period of October 2020 through September 2022, the Naval War College responded to 11 harassment allegations from one Service member.<sup>14</sup> We evaluated 3 of the 11 allegations and while review of the underlying decision on the allegation was not within the scope of our evaluation, we did not obtain any evidence that caused us to question the commander’s ultimate decision to:

- dismiss allegations 1 and 2, and

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<sup>13</sup> AR 15-6, “Procedures for Administrative Investigations and Boards of Officers,” April 1, 2016. The appointment of investigating officer memorandum identifies an official’s appointment as an Investigating Officer for the purpose of conducting an investigation.

<sup>14</sup> Of the 11 harassment allegations, 9 were received on the same day.

- not substantiate allegation 3.<sup>15</sup>

The Naval War College complied with DoDI 1020.03, section 5.1, when responding to allegation 2. However, the Naval War College did not fully comply with DoDI 1020.03, section 5.1, when responding to allegations 1 and 3 (see Appendix C). The Instruction requires the college to respond to all harassment allegations as identified in DoDI 1020.03, section 4 (paragraph 5.1.c); comply with requirements set forth in Component-specific policies (paragraph 5.1.d); and determine whether a climate assessment is warranted (paragraph 5.1.g).

The Naval War College did not fully comply with DoDI 1020.03, section 5.1, when responding to allegations 1 and 3 because the college did not:

- meet the timeline for forwarding an allegation to the authorized personnel within 72 hours, completing the investigation within 30 days, and issuing the investigation report within 36 days, as required by DoDI 1020.03, section 4; or
- complete voice reports, send allegation data to the Navy Harassment Prevention and Military Equal Opportunity Office, meet the required timeline to dismiss an allegation within 1 duty day, and obtain required signatures, as required by OPNAVINST 5354.1H (DoD Component-specific guidance).<sup>16</sup>

In addition, the staff from the Naval War College provided conflicting information to us on whether the college performed a climate assessment in response to the allegations. As a result, we could not determine whether the commander complied with DoDI 1020.03, section 5.1, because the Naval War College did not retain records demonstrating that the commander determined whether a climate assessment was warranted following the investigation. DoD Instruction 1020.03 and Office of Chief of Naval Operations Instruction 5354.1H specifically do not have documentation and records retention policies that demonstrate compliance with the Instructions. Specific documentation requirements are necessary so that DoD Components keep a record of the basis for actions performed by the investigative officer and commander.

<sup>15</sup> OPNAVINST 5354.1H states that a commander may dismiss a harassment allegation for reasons such as an identical allegation has been previously filed and satisfactorily resolved, or the complainant withdraws the allegation. Based on OPNAVINST 5354.1H, an unsubstantiated allegation occurs when a preponderance of the evidence does not support the complainant's allegation of a violation of law, regulation or Navy policy or standards. The basis for selection of the three allegations is documented in Appendix A.

<sup>16</sup> The allegation data that OPNAVINST 5354.1H requires be sent to the Navy Harassment Prevention and Military Equal Opportunity Office is outlined in Appendix E of the Instruction.

The Naval War College Staff Judge Advocate stated that processing allegations is a collateral duty for college personnel. In addition, they stated that the volume of allegations received, coordination required with other Services, and complainant revisions to the allegations challenged the college personnel's ability to meet timelines and complete all required actions.

Furthermore, DoDI 1020.03 and DoDI 1020.04 do not identify dismissal as a method to close an investigation into a harassment allegation, nor do the Instructions include definitions on the methods to close an investigation to include dismiss, substantiate, and not substantiate. The Military Equal Opportunity Director for the ODEI stated that, although not all Military Departments formally offer dismissal options, it is the Director's intent to prescribe criteria (in Change 4 to DoDI 1020.03) for when allegations can be closed before the completion of the investigation by the DoD Components.

### ***The Air War College Did Not Fully Comply with DoD Requirements When Responding to the Allegation We Reviewed***

During the period of October 2020 through September 2022, the Air War College responded to one harassment allegation submitted by a Service member. The college investigated the allegation and, based on the preponderance of the evidence, the commander substantiated the allegation. While review of the underlying decision on the allegation was not within the scope of our evaluation, we did not obtain any evidence that caused us to question the commander's ultimate decision. The Air War College did not fully comply with DoDI 1020.03, section 5.1, when responding to the harassment allegation (see Appendix C).

DoDI 1020.03, section 5.1, requires the college to:

- respond to all harassment allegations as identified in DoDI 1020.03, section 4 (paragraph 5.1.c);
- comply with requirements set forth in Component-specific policies, in this circumstance, Air Force Manual 1-101 and the instruction in the appointment of investigating officer memorandum (paragraph 5.1.d); and
- determine whether a climate assessment is warranted (paragraph 5.1.g).

The Air War College did not fully comply with DoDI 1020.03, section 5.1, paragraph 5.1.c, when responding to the allegation of harassment because the college did not begin the investigation within 3 days, complete the investigation within 14 days, and submit the final report of investigation to the superior officer within 20 days, as required by DoDI 1020.03, section 4.

In addition, we could not determine whether the college complied with DoDI 1020.03, section 5.1, paragraphs 5.1.c, 5.1.d, and 5.1.g, when responding to the allegation of harassment because the college did not retain records demonstrating that it followed those requirements. Specifically:

- We could not determine whether the college notified the complainant about the start of the investigation and its process, victim support resources, appeal rights, and the final decision on the allegation, as required by DoDI 1020.03, section 4 (DoDI 1020.03, section 5.1, paragraph 5.1.c).
- We could not determine whether the college followed DoD Component-specific guidance in Air Force Manual 1-101 and the instruction in the appointment of investigating officer memorandum, as required by DoDI 1020.03, section 5.1 (paragraph 5.1.d). We could not determine that:
  - the commander approved the investigative officer's results and communicated with the legal advisor,
  - the investigative officer returned the alleged offender to the designated official after an interview to ensure the alleged offender's personal safety, and
  - the investigative officer obtained the commandant's written approval for extension of the report due date.
- We could not determine whether the commander determined whether a climate assessment was warranted following the investigation, as required by DoDI 1020.03, section 5.1 (paragraph 5.1.g).

The Air War College Director of Staff stated that the college performed the actions listed above and complied with DoDI 1020.03, section 5.1. The Commander stated that communications with the complainant occurred through instant messages and in-person conversation but no longer had access to the instant messages. As a result, there was insufficient documentary evidence for us to confirm that the college complied with the DoDI requirement.

The Air War College Director of Staff stated that holidays affected staff availability to process the allegations within the established timelines and that college policies do not specifically require retention of documents to demonstrate compliance with the requirements.

### ***The National Defense University Did Not Fully Comply with DoD Requirements When Responding to the Allegation We Reviewed***

During the period of October 2020 through September 2022, the National Defense University responded to one anonymous harassment allegation. The university investigated the allegation and, based on the preponderance of the evidence, the commander (the National Defense University President) did not substantiate the allegation. While review of the underlying decision on the allegation was not within the scope of our evaluation, we did not come across any evidence that caused us to question the commander's ultimate decision. The National Defense University did not fully comply with DoDI 1020.03 or DoDI 1020.04, section 4.6, when responding to the harassment allegation. DoDI 1020.03 requires the university to process allegations in accordance with section 2.5. DoDI 1020.04 requires the university to process allegations in accordance with DoD Component-specific guidance.<sup>17</sup>

The National Defense University did not fully comply with DoDI 1020.03 or DoDI 1020.04, section 4.6, when responding to the allegation of harassment because the university did not have Component-specific policies that implement DoDI 1020.03, section 2.5, or DoDI 1020.04, section 4.6. The National Defense University General Counsel stated that they did not have DoD Component-specific policies because the university underwent leadership personnel turnovers that resulted in personnel overlooking policy updates.

Furthermore, DoDI 1020.03, section 2.5, does not include procedures for responding to anonymous allegations or acknowledge the alternate procedures that can be followed by DoD Components to address harassment allegations. The Military Equal Opportunity Program Manager for the ODEI stated that there is a lack of standardization across the DoD regarding military equal opportunity programs. Although the ODEI has been working toward a more standardized approach, they are still developing a set of universal standards applicable to all DoD Components for a more uniform approach to how the DoD executes its military equal opportunity program requirements.

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<sup>17</sup> We evaluated the allegation according to the requirements found in both DoD Instructions because the complainant was anonymous and the investigation records did not identify the DoD Instruction used.

## The Selected DoD Senior Colleges Could Not Fully Implement Procedures for Preventing and Responding to Retaliation

The selected DoD senior colleges could not fully implement procedures for preventing and responding to retaliation in accordance with DoDI 1020.03, paragraph 5.1.e. DoDI 1020.03, paragraph 5.1.e., requires commanders and supervisors to follow the procedures in the DoD Retaliation Prevention and Response Strategy Implementation Plan (the Plan) when the complainant alleges sexual harassment and retaliation. However, the Plan does not specifically identify procedures or actions that a commander should follow in response to an allegation of sexual harassment and retaliation. The six harassment allegations we reviewed did not involve a complainant who alleged sexual harassment and retaliation. However, during our evaluation of the selected DoD senior colleges' policies we identified this gap in policy.

The ODEI Military Equal Opportunity Director stated that allegations of retaliation by victims of sexual harassment do not fall under the purview of the ODEI and that the DoD has not designated an office of primary responsibility as required by section 1562a, title 10, United States Code.<sup>18</sup> DoDI 1020.03 separates "reprisal" from "retaliation." The Instruction defines reprisal as actions prohibited in accordance with section 1034, title 10, United States Code and under the purview of the DoD OIG's Whistleblower Reprisal Investigations or the Service OIGs. The Instruction defines retaliation as actions that may be reprisal, or other retaliatory behaviors such as ostracism and maltreatment that occurred in response to a sexual harassment allegation.

In defining "reprisal" separately from "retaliation" in DoDI 1020.03, the USD(P&R) distinguished that allegations of reprisal should be investigated by the DoD OIG (or Service OIGs). Whereas allegations of retaliation by victims of sexual harassment should be reviewed by the office or offices responsible for retaliation. The instruction specifically identifies ODEI as the office responsible for developing policy and managing the DoD harassment prevention and response program but does not identify an office responsible for managing allegations of retaliation by victims of sexual harassment. Further, the Plan covers the handling of "retaliation reports," however, it identifies Equal Opportunity Advisors, Sexual Assault Response Coordinators, and Sexual Assault Prevention and Response Victim Advocates as all responding to allegations of retaliation. However, the Plan

<sup>18</sup> Section 1562a, title 10, United States Code, "Complaints of retaliation by victims of sexual assault or sexual harassment and related persons: tracking by Department of Defense."

does not clearly identify one of those offices as the primary office responsible for retaliation that occurred in response to a sexual harassment allegation (to include collecting, analyzing, and reporting allegations and developing policy). On December 27, 2021, Congress published section 1562a, title 10, United States Code, which required the Secretary of Defense designate a component of the Office of the Secretary of Defense to be responsible for documenting and tracking all allegations of retaliation in response to a sexual harassment allegations.

## **The Selected DoD Senior Colleges May Not Be Fostering Trust in Leadership's Commitment to an Environment Free From Harassment**

As a result, the selected DoD senior colleges may not be fostering trust in leadership's commitment to an academic and work environment that is free from harassment. In turn, this may increase a fear of retaliation for future complainants and may decrease complainant willingness to report allegations. Furthermore, during an incident of harassment, complainants may remain unaware of protections and resources available to them under DoD policy.

## **Management Comments on the Finding and Our Response**

### ***Naval War College Comments***

The Naval War College President disagreed with part of the finding and stated that, pursuant to DoD Instruction 1020.03, paragraph 5.1g, the Naval War College did consider whether a climate assessment was warranted, or additional unit training was required. The President stated that based on the allegations submitted by the complainant, the College conducted a Command Climate Assessment of the student body in response to the complaints. The President stated that the College retained the results, made them available to the DoD OIG, and discussed them with the evaluation team.

The President stated that the finding is accurate with regards to the College's noncompliance with DoD Instruction 1020.03, paragraph 5.1.c and paragraph 5.1.d, when responding to allegations because of a failure to meet required timelines associated with the conducting the investigation and making reports to the Navy Harassment and Military Equal Opportunity Office. However, the President stated that the eleven allegations were submitted by one complainant in a 5-month window

during the 2-year scope of the evaluation. The number of allegations, when combined with the amount of time and effort diverted to the complainant's revisions to those allegations and required coordination with other Services, severely impacted the College's ability to meet required timelines and complete all required actions. As a result, the President recommended that we add a recommendation to the report to change policy that allows for more than 1 duty day before dismissing a complaint because additional time is required for a command to exercise due diligence.

### *Our Response*

We acknowledge the Naval War College President's comment that the College complied with DoD Instruction 1020.03, paragraph 5.1 and in response to the allegations considered whether a climate assessment was warranted or additional unit training was required. However, the President did not provide any new evidence for us to evaluate that demonstrates that the President determined whether a climate assessment was warranted following the investigation. During the evaluation the Naval War College provided us the results of the College's Defense Organizational Climate Survey for fiscal years 2021 and 2022. The Survey is one component of the Command Climate Assessment that is a congressionally mandated unit-level climate survey used by all military commanders and DoD civilian organization leaders. However, the College did not retain records demonstrating that the Survey resulted from the allegations or that the College edited the survey to include questions because of the allegations.

We acknowledge the Naval War College President's comment that our finding is accurate with regards to the College's noncompliance with DoD Instruction 1020.03, paragraph 5.1.c and paragraph 5.1.d. We also acknowledge the request by the President to add an additional recommendation. However, we did not add a recommendation to allow for more time before dismissing complaints because the ODEI agreed to update DoD Instruction 1020.03 and DoD Instruction 1020.04 to address dismissal of allegations (Recommendation 6), which should include a timeline for dismissing an allegation. As part of the ODEI's effort, coordination with the Military Departments on a timeline for dismissal of an allegation would be appropriate and encouraged.

## Recommendations, Management Comments, and Our Response

### ***Recommendation 1***

We recommend that the Secretary of the Army:

- a. **Issue a memorandum to the Army War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03, DoD Instruction 1020.04, Army Regulation 15-6, and instructions provided in writing on the appointment of investigating officer memorandum.**
- b. **Update or develop and implement Department of the Army policies to align with DoD Instruction 1020.04 for responding to DoD civilian allegations of harassment that is not unlawful but detracts from an efficient workplace.**

### ***Secretary of Army Comments***

The Assistant Secretary of the Army (Manpower and Reserve Affairs), responding for the Secretary of the Army, agreed to issue a memorandum to the Army War College requiring retention of records that demonstrate compliance with DoD Instruction 1020.03, DoD Instruction 1020.04, Army Regulation 15-6, and instructions provided in writing on the appointment of investigating officer memorandum. The Assistant Secretary also agreed to develop a policy to align with DoD Instruction 1020.04 for responding to DoD civilian allegations of harassment.

### ***Our Response***

Comments from the Assistant Secretary of the Army (Manpower and Reserve Affairs) addressed all specifics of the recommendations. Therefore, the recommendations are resolved. We will close the recommendations when we verify that the memorandum and the policy are issued and address the specifics of the recommendations.

### ***Recommendation 2***

**We recommend that the Naval War College President implement internal controls, including reviews to ensure that requirements are followed before closing an allegation, and assess staffing resources to ensure compliance with DoD Instruction 1020.03 and Department of the Navy policy.**

### ***Naval War College Comments***

The Naval War College President agreed with the recommendation to implement additional internal controls and described three actions the Naval War College and the Office of the Chief of Naval Operations have already taken. In August 2023,

the Naval War College expanded its Command Managed Equal Opportunity (CMEO) staff to include a senior officer and senior enlisted member to improve case management and ensure compliance with DoD and Navy policies. In January 2024, the Office of the Chief of Naval Operations assigned a command climate specialist to support the Naval War College and review all sexual harassment complaints, investigations, and actions. In May 2024, the Naval War College implemented the “Formal Equal Opportunity and Sexual Harassment Complaint Smart Pack for Staff Judge Advocates,” a tool used to evaluate a military equal opportunity or harassment case before its submission to the adjudicating authority.

### ***Our Response***

Comments from the Naval War College President addressed all specifics of the recommendation. Therefore, the recommendation is resolved. We will close the recommendation once the Naval War College submits evidence of the staff additions and the requirement to follow the Formal Equal Opportunity and Sexual Harassment Complaint Smart Pack for Staff Judge Advocates.

### ***Recommendation 3***

**We recommend that the Secretary of the Navy issue a memorandum to the Naval War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03 and Office of Chief of Naval Operations Instruction 5354.1H.**

### ***Management Comments Required***

The Secretary of the Navy did not respond to the recommendation. Therefore, the recommendation is unresolved. We request that the Secretary of the Navy provide comments on the final report within 30 days.

### ***Recommendation 4***

**We recommend that the Secretary of the Air Force issue a memorandum to the Air War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03, Air Force Manual 1-101, and instructions provided in writing on the appointment of investigating officer memorandum.**

### ***Secretary of the Air Force Comments***

The Principal Deputy Assistant Secretary of the Air Force (Manpower and Reserve Affairs), responding for the Secretary of the Air Force, agreed with the recommendation to issue a memorandum to the Air War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03, Air Force Manual 1-101, and instructions provided in writing on the appointment of investigating officer memorandum.

### ***Our Response***

Comments from the Principal Deputy Assistant Secretary of the Air Force (Manpower and Reserve Affairs) addressed all specifics of the recommendation. Therefore, the recommendation is resolved. We will close the recommendation when we verify that the memorandum is issued and requires the retention of records that demonstrate compliance with DoD Instruction 1020.03, Air Force Manual 1-101, and instructions provided in writing on the appointment of investigating officer memorandum.

### ***Recommendation 5***

**We recommend that the Director for Joint Force Development (J-7), Joint Staff, ensure that the National Defense University President develops and implements policies that comply with DoD Instruction 1020.03 and DoD Instruction 1020.04.**

### ***Joint Staff Director for Joint Force Development (J-7) Comments***

The Chief of the Operations and Plans Office, Joint Staff Joint Warfighting Development, responding for the Director for Joint Force Development (J-7), agreed with the recommendation. The Chief stated that the Director for Joint Force Development will ensure that the National Defense University implements policies that comply with DoD Instruction 1020.03 and DoD Instruction 1020.04. The Chief estimated completion by December 2024.

### ***National Defense University Comments***

Although not required to comment, the National Defense University Chief of Staff agreed with the recommendation. The Chief of Staff also provided technical comments, which we incorporated as appropriate.

### ***Our Response***

Comments from the Chief of the Operations and Plans Office addressed all specifics of the recommendation. Therefore, the recommendation is resolved. We will close the recommendation once the Joint Staff Director for Joint Force Development (J-7) provides evidence that demonstrates that the National Defense University has implemented policies that comply with DoD Instruction 1020.03 and DoD Instruction 1020.04.

## ***Recommendation 6***

We recommend that the Office for Diversity, Equity, and Inclusion Director:

- a. **Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to require DoD Components to have documentation and records retention policies that demonstrate compliance with the Instructions.**
- b. **Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to include procedures for dismissal of allegations.**
- c. **Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to include definitions for dismissed, substantiated, and unsubstantiated allegations, and evaluate the Instructions to determine any additional definitions that should be added.**
- d. **Update DoD Instruction 1020.03 to include procedures for responding to allegations in which it is unknown whether the complainant is a Service member or anonymous allegations at DoD Components that are not Military Services.**
- e. **Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to include procedures that address harassment allegations processed through alternate procedures.**

### ***Office for Diversity, Equity, and Inclusion Director Comments***

The Acting Under Secretary of Defense for Personnel and Readiness, responding for the Office for Diversity, Equity, and Inclusion Director, agreed with the recommendations to update DoD Instruction 1020.03 and DoD Instruction 1020.04 to require DoD Components to have documentation and records retention policies; procedures for dismissal of allegations; definitions for dismissed, substantiated, and unsubstantiated allegations; procedures for responding to allegations in which it is unknown whether the complainant is a Service member or anonymous; and include procedures that address harassment allegations processed through alternate procedures into change 4 to DoD Instruction 1020.03 and change 1 to DoD Instruction 1020.04. The Acting Under Secretary of Defense for Personnel and Readiness estimated completion by December 2026.

### ***Our Response***

Comments from the Acting Under Secretary of Defense for Personnel and Readiness addressed all specifics of the recommendations. Therefore, the recommendations are resolved. We will close the recommendations once we obtain evidence of and verify that the Office for Diversity, Equity, and Inclusion Director has implemented the recommended changes to DoD Instruction 1020.03 and DoD Instruction 1020.04.

## ***Recommendation 7***

**We recommend that the Under Secretary of Defense for Personnel and Readiness:**

- a. Designate an office of primary responsibility for allegations of retaliation by victims of sexual harassment.**
- b. Ensure that DoD Instruction 1020.03 is updated to identify the actions that commanders and supervisors are expected to follow when a complainant alleges sexual harassment and retaliation.**

### ***Under Secretary of Defense for Personnel and Readiness Comments***

The Acting Under Secretary of Defense for Personnel and Readiness agreed with the recommendations to designate an office of primary responsibility for allegation of retaliation by victims of sexual harassment by July 2024 and update DoD Instruction 1020.03 to identify actions that commanders and supervisors are expected to follow when a complaint alleges sexual harassment and retaliation. The Acting Under Secretary of Defense for Personnel and Readiness estimated completion by December 2026.

### ***Our Response***

Comments from the Acting Under Secretary of Defense for Personnel and Readiness addressed all specifics of the recommendations. Therefore, the recommendations are resolved. We will close the recommendations once we verify that the Under Secretary of Defense for Personnel and Readiness has designated an office of primary responsibility and implemented the recommended changes to DoD Instruction 1020.03.

## Appendix A

### Scope and Methodology

We conducted this evaluation from March 2023 through April 2024 in accordance with the “Quality Standards for Inspection and Evaluation,” published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we adequately plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain sufficient, competent, and relevant evidence to support the findings, conclusions, and recommendations. We believe that the evidence obtained was sufficient, competent, and relevant to lead a reasonable person to sustain the findings, conclusions, and recommendations.

The objective of this evaluation was to determine the extent to which selected DoD senior colleges responded to allegations of harassment in accordance with DoD Instruction 1020.03, “Harassment Prevention and Response in the Armed Forces,” December 29, 2020, and DoD Instruction 1020.04, “Harassment Prevention and Response for DoD Civilian Employees,” June 30, 2020.

Our evaluation included the following selected DoD senior colleges.<sup>19</sup>

- The Army War College
- The Naval War College
- The Air War College
- The Dwight D. Eisenhower School for National Security and Resource Strategy
- The National War College
- The Joint Forces Staff College

During this evaluation, we obtained the following policies issued by the DoD, the Services, the DoD Components, and the selected DoD senior colleges for responding to allegations of harassment.

- Office of the Under Secretary of Defense for Personnel and Readiness
  - DoDI 1020.03, “Harassment Prevention and Response in the Armed Forces,” February 8, 2018 (Incorporating Change 1, Effective December 29, 2020)
  - DoDI 1020.04, “Harassment Prevention and Responses for DoD Civilian Employees,” June 30, 2020

<sup>19</sup> A description on how the colleges were selected is included in the report background.

- Department of the Army
  - Army Regulation (AR) 690-600, “Civilian Personnel: Equal Employment Opportunity Discrimination Complaints,” February 09, 2004
  - AR 690-12, “Civilian Personnel: Equal Employment Opportunity and Diversity,” December 12, 2019
  - AR 600-20, “Personnel-General: Army Command Policy,” July 24, 2020
  - Department of the Army, “Policy Memorandum #2, Anti-Sexual Harassment And Anti-Sexual Assault Policy for the Workplace,” December 09, 2021
  - Army Directive 2022-13, “Reforms To Counter Sexual Harassment/ Sexual Assault in the Army,” September 20, 2022
- Department of the Navy
  - Secretary of the Navy Instruction (SECNAVINST) 1610.2A, “Department of the Navy Policy on Hazing,” July 15, 2005
  - SECNAVINST 12713.14, “Equal Employment Opportunity,” January 22, 2019
  - SECNAVINST 5300.26E, “Department of the Navy Policy on Sexual Harassment,” May 28, 2020
  - SECNAVINST 1610.3, “Department of the Navy Policy on Harassment Prevention and Response,” August 15, 2022
  - All Navy 024-22, “Interim Policy Governing Investigation of Formal Sexual Harassment Complaints Under 10 U.S.C. 1561,” April 2022
  - Office of the Chief of Naval Operations Instruction (OPNAVINST) 5354.1G, “Navy Equal Opportunity Program Manual,” July 24, 2017
  - OPNAVINST 5354.1H, “Navy Harassment Prevention and Military Equal Opportunity Program Manual,” November 3, 2021
- Department of the Air Force
  - Air Force Instruction (AFI) 36-704, “Discipline and Adverse Actions of Civilian Employees,” July 3, 2018
  - AFI 36-703, “Civilian Conduct and Responsibility,” August 30, 2018
  - Department of the Air Force Instruction (DAFI) 36-2710, “Equal Opportunity Program,” June 18, 2020; “Department of the Air Force Guidance Memorandum to Department of the Air Force Instruction 36-2710, Equal Opportunity Program,” September 30, 2022.
  - DAFI 36-148, “Discipline and Adverse Actions of Civilian Employees,” September 27, 2022
  - DAFI 36-147, “Civilian Conduct and Responsibility,” January 11, 2023

- Department of the Air Force Manual 1-101, “Commander Directed Investigations,” April 9, 2021
- Joint Staff
  - Chairman of the Joint Chiefs of Staff Instruction 1801.01E, “National Defense University Policy,” December 20, 2019
  - Joint Staff Memorandum, DJSM 0145-21, “Anti-Harassment Policy,” August 18, 2021
  - Joint Staff Instruction 1485.01, “Harassment Prevention and Response for Joint Staff Civilian Employees,” November 15, 2021
  - National Defense University (NDU) Instruction 1025.06, “Student Complaint Policy and Procedures,” August 25, 2017
  - NDU Memorandum, “Civilian and Military Equal Employment Opportunity (EEO/EO) and Prevention of Harassment/Sexual Harassment Policy,” June 19, 2018
  - NDU Directive 5500.7, “Professional Ethics,” August 1, 2019

In addition, we interviewed or received evidence from the following DoD Components.

- Office of the Under Secretary of Defense for Personnel and Readiness
  - Office for Diversity, Equity, and Inclusion
- Department of the Army
  - Army Equity and Inclusion Agency
  - Carlisle Barracks Equal Employment Opportunity Office
  - Army War College
- Department of the Navy
  - Assistant Secretary of the Navy (Manpower and Reserve Affairs), Personnel Readiness and Transition
  - Office of the Deputy Chief of Naval Operations for Manpower, Personnel, Training & Education
  - Office of Equal Employment Opportunity and Office of Civilian Human Resources
  - Naval War College
- Department of the Air Force
  - Air Force Equal Opportunity Office
  - 42nd Air Base Wing Equal Opportunity Office
  - Civilian Force Policy Division
  - Air War College

- Joint Staff
  - Joint Directorate for Joint Force Development, Joint Education and Doctrine Division
  - Joint Base Meyer–Henderson Hall, Equal Employment Opportunity Office
  - National Defense University

The selected DoD senior colleges informed us that they responded to a total of 14 harassment allegations during the period of October 2020 through September 2022. We nonstatistically selected 6 of the 14 harassment allegations to determine the extent to which the selected DoD senior colleges responded to allegations of harassment in accordance with DoD policy. See Table 2.

Table 2. Summary of the Number of Allegations the Colleges Responded to During the Period of October 2020 to September 2022, and the Number of Allegations we Evaluated

DoD Senior College	Number of Allegations the College Responded to	Number of Allegations We Evaluated
Army War College	1	1
Naval War College	11	3
Air War College	1	1
National Defense University	1	1
<b>Total</b>	<b>14</b>	<b>6</b>

Source: DoD Office of Inspector General.

For the Army War College, the Air War College, and the National Defense University, we selected the one harassment allegation that each college responded to and investigated. For the Naval War College, one complainant submitted 11 allegations. From the universe of 11 harassment allegations, we selected a nonstatistical sample of 3 harassment allegations by selecting allegations that reported a different type of harassment (bullying, stalking and sexual harassment) and resulted in a different final determination by the commander (dismissed or unsubstantiated).

Use of Computer-Processed Data

We did not use computer-processed data to perform this evaluation.

Prior Coverage

During the last 5 years, the Government Accountability Office (GAO) and the DoD Office of Inspector General (DoD OIG) issued the following reports related to the DoD’s response to allegations of harassment.

Unrestricted GAO reports can be accessed at <http://www.gao.gov>. Unrestricted DoD OIG reports can be accessed at <http://www.dodig.mil/reports.html/>.

## **GAO**

Report No. GAO-23-105168, “Women in Special Operations: Improvements to Policy, Data, and Assessments Needed to Better Understand and Address Career Barriers,” December 15, 2022

The GAO assessed the incidence of gender discrimination, sexual harassment, and sexual assault, and the DoD’s efforts to assess potential barriers to women in U.S. special operations forces. The GAO found that the Services’ policies related to incidents of gender discrimination and sexual harassment occurring in joint environments are not consistent with DoD policies. Specifically, discrimination and harassment complaints are required to be processed through the complainant’s Service, however; Army, Marine Corps, and Air Force policies direct that these complaints be processed through the alleged offender’s service. The GAO recommended that the Military Services revise their policies regarding incidents in joint environments to comply with DoD policy. As of the issuance date of this report, the GAO recommendations remain open.

## **DoD OIG**

Report No. DODIG-2023-073, “Evaluation of DoD Implementation of the Military Equal Opportunity Program’s Data Collection and Reporting Requirements for Complaints of Prohibited Discrimination,” May 18, 2023

The DoD OIG evaluated whether the DoD implemented the Military Equal Opportunity (MEO) Program’s data collection and reporting requirements for complaints of prohibited discrimination in accordance with DoDI 1350.02. The DoD OIG found that the Office for Diversity, Equity, and Inclusion (ODEI) and Military Services did not fully implement the data collection and reporting requirements of the DoDI. Specifically, the ODEI and Military Services did not use an approved automated database for FY 2021, collect or report all required data, and identify or resolve data errors. The DoD OIG recommended that DoD officials implement a DoD-wide automated database for collecting and reporting MEO complaints. In addition, the DoD OIG recommended that DoD officials update DoDI 1350.02 to clarify terminology and expected due dates. As of the issuance date of this report, the recommendations remain open.

Report No. DODIG-2024-071, “Review of the Department of the Navy and Marine Corps Policies Covering Sexual Harassment Complaint Processes,” April 2, 2024

The DoD OIG reviewed whether the U.S. Navy and U.S. Marine Corps effectively managed the DON sexual harassment prevention and response programs in accordance with Federal and DoD guidance. The DoD OIG found that Navy and Marine Corps policies do not require officials to document actions to support decisions to dismiss, downgrade, or withdraw complaints; investigate all egregious sexual harassment complaints; or complete investigation related training when selected for the role of investigating officer for a formal complaint. The DoD OIG recommended that the Chief of Naval Operations and the Commandant of the Marine Corps develop policies or processes to ensure that steps to dismiss sexual harassment complaints are fully documented and retained in command files. The DoD OIG also recommended that the Office for Diversity, Equity, and Inclusion update DoDI 1020.03 to collect and report data on withdrawn and dismissed complaints. As of the issuance date of this report, the recommendations remain open.

Report No. DODIG-2024-074, “Review of the Army’s Efforts to Prevent and Respond to Harassment of Soldiers,” April 17, 2024

The DoD OIG reviewed whether the Army’s action to prevent and respond to harassment of Soldiers, including sexual harassment, bullying, and hazing. The DoD OIG found that Army brigade command teams did not perform comparisons of historical information obtained from Defense Organizational Climate Surveys (DEOCS) and include questions in surveys to assess bullying and hazing. The DoD OIG recommended that the Assistant Secretary of the Army (Manpower and Reserve Affairs) develop and implement a plan to ensure commanders perform historical comparisons of DEOCS results and ensure that bullying and hazing questions are included in all DEOCS. As of the issuance date of this report, the recommendations remain open.

Report No. DODIG-2024-077, “Review of the DoD Education Activity’s Efforts to Report and Respond to Discriminatory Harassment at Schools,” April 22, 2024

The DoD OIG reviewed the DoD Education Activity’s (DoDEA) efforts in preventing incidents of discriminatory conduct in accordance with policies and procedures. The DoD OIG found that DoDEA officials are not provided mandatory training and informally resolved complaints made to school administrators are not tracked. The DoD OIG recommended that the DoD Education Activity Director direct the mandatory training be provided to all current and incoming administrators, and develop and implement policy that require documenting in the database all instances of discriminatory conduct. As of the issuance date of this report, the recommendations remain open.

## Appendix B

### DoD Instruction 1020.04 Requirements the Selected DoD Senior Colleges Did Not Meet

This appendix identifies the DoDI 1020.04 requirements with which the selected DoD Senior colleges did not meet when addressing allegations of harassment.

DoDI 1020.04 Requirements	DoD Senior Colleges That Did Not Meet the Requirement
4.1.a. DoD Components will establish policies and procedures that prevent and respond to harassment of DoD civilian employees. Such policies and procedures should distinguish between response procedures for allegations of harassment that is not unlawful but detracts from an efficient workplace, unlawful discriminatory harassment, and harassment of a criminal nature.	Army War College National Defense University
4.6.a. Anonymous allegations of harassment, in which the identity of the reporter is unknown but there is sufficient information to warrant further inquiry will be referred to an appropriate response process in accordance with this instruction and any DoD Component-specific guidance.	Army War College National Defense University

Source: DoD Office of Inspector General.

## Appendix C

### DoD Instruction 1020.03 Requirements the Selected DoD Senior Colleges Did Not Meet

This appendix identifies the DoDI 1020.03 requirements that the selected DoD Senior colleges did not meet when addressing allegations of harassment.

DoDI 1020.03 Requirements	DoD Senior Colleges That Did Not Meet the Requirement
2.5. DoD Component Heads Other Than The Secretaries Of The Military Departments. (This section outlines responsibilities for the DoD Component heads other than the Secretaries of the Military Departments for implementing DoDI 1020.03.)	National Defense University
4.6. Anonymous Complaints. If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with this instruction and any Service-specific guidance.	Army War College National Defense University
5.1.c. Respond to and, as appropriate, investigate all harassment complaints as identified in Section 4.	Naval War College Air War College
5.1.d. Follow additional procedures and comply with requirements set forth in Component-specific policies and guidance.	Naval War College Air War College
5.1.g. Determine whether a climate assessment is warranted, or additional unit training is required.	Naval War College Air War College

Source: DoD Office of Inspector General.

# Management Comments

## Secretary of the Army



DEPARTMENT OF THE ARMY  
ASSISTANT SECRETARY OF THE ARMY  
MANPOWER AND RESERVE AFFAIRS  
111 ARMY PENTAGON  
WASHINGTON, DC 20310-0111

SAMR-EI (600-20a1)

28 May 2024

MEMORANDUM FOR Department of Defense Inspector General Office, 4800 Mark Center Drive, Alexandria, VA 22350-1500

SUBJECT: Responses to the DoDIG Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment and potential release to the public and to Congress.

1. The Assistant Secretary of the Army (Manpower Reserve and Affairs) agrees with the recommendations provided in the DoDIG Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment Project No. D2023-DEV0PG-0074.000. Below are the actions management will take to accomplish the recommendations.

**2. Recommendation #1: The Assistant Secretary of the Army:**

**a. Issue a memorandum to the Army War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03, DoD Instruction 1020.04, Army Regulation 15-6, and instructions provided in writing on the appointment of investigating officer memorandum.**

The ASA(M&RA) concurs with issuing a memorandum to the Army War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03, DoD Instruction 1020.04, Army Regulation 15-6, and instructions provided in writing on the appointment of investigating officer memorandum. Additionally, Army Regulation (AR) 600-20, Army Command Policy, identifies the requirement for Commanders to retain records using the Army Record Information Management System as part of their responsibilities in executing the Military Equal Opportunity Program and Harassment Prevention and Response Program.

**b. Update or develop and implement Department of the Army policies to align with DoD Instruction 1020.04 for responding to DoD civilian allegations of harassment that is not unlawful but detracts from an efficient workplace.**

The Office of the Deputy Assistant Secretary of the Army (Civilian Personnel) under the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) is developing a policy to align with DoDI 1020.04 for responding to DoD civilian allegations of harassment.

SCHAEFER, AGNE | Digitally signed by  
S. GERE BEN | SCHAEFER, AGNES, GERE BEN.  
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AGNES GERE BEN SCHAEFER

## Secretary of the Air Force



**DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC**

**OFFICE OF THE ASSISTANT SECRETARY**

**JUN 04 2024**

**MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL**

**FROM:** SAF/MR  
1660 Air Force Pentagon  
Washington, DC 20330-1660

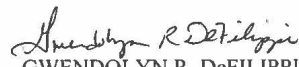
**SUBJECT:** Department of the Air Force Response to DoD Office of Inspector General Draft Report, "Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment" (Project No. D2023-DEV0PG-0074)

This is the Department of the Air Force's (DAF) response to the DoDIG Draft Report "Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment." The DAF concurs with Recommendation 4, however offers substantive comments to the draft report for consideration. The DAF did not identify any report materials requiring controlled unclassified information demarcation.

**RECOMMENDATION 4:** The DoDIG recommends the Secretary of the Air Force issue a memorandum to the Air War College requiring the retention of records that demonstrate compliance with DoD Instruction 1020.03, Air Force Manual 1-101 and instructions provided in writing on the appointment of investigating officer memorandum.

**DAF RESPONSE:** The DAF concurs with Recommendation 4 and will implement a corrective action by issuing a memorandum to the Air War College through the appropriate DAF channels.

The DAF points of contact are [REDACTED]

  
GWENDOLYN R. DeFILIPPI, SES, DAF  
Principal Deputy Assistant Secretary of the  
Air Force (Manpower and Reserve Affairs)

## Under Secretary of Defense for Personnel and Readiness



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

MAY 23 2024

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Response to Department of Defense Inspector General Draft Report, "Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment" (Project No. D2023-DEV0PG-0074.000)

Please find the Department's response to the DoD Inspector General (IG) Draft Report, "Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment" (Project No. D2023-DEV0PG-0074.000). Specifically, your office requested a response to Recommendations 6 and 7 of the draft report.

The Department has reviewed its equities in the report and concurs with Recommendations 6 and 7, and provides the following comments.

	DoD IG Recommendation	Action	Estimated Completion
6a.	<b>The Director, Office for Diversity, Equity, and Inclusion (ODEI):</b> <i>Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to require DoD Components to have documentation and records retention policies that demonstrate compliance with the Instructions.</i>	Concur. ODEI will incorporate procedures in Change 4 to Department of Defense Instruction (DoDI) 1020.03 and Change 1 to DoDI 1020.04.	Published changes to DoDIs 1020.03 and 1020.04 estimated completion by December 31, 2026.
6b.	<b>The Director, ODEI:</b> <i>Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to include procedures for dismissal of allegations.</i>	Concur. ODEI will incorporate procedures in Change 4 to DoDI 1020.03 and Change 1 to DoDI 1020.04.	Published changes to DoDIs 1020.03 and 1020.04 estimated completion by December 31, 2026.
6c.	<b>The Director, ODEI:</b> <i>Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to include definitions for dismissed, substantiated, and unsubstantiated allegations, and evaluate the Instructions to determine any additional definitions that should be added.</i>	Concur. ODEI will incorporate procedures in Change 4 to DoDI 1020.03 and Change 1 to DoDI 1020.04.	Published changes to DoDIs 1020.03 and 1020.04 estimated completion by December 31, 2026.

## Under Secretary of Defense for Personnel and Readiness (cont'd)

6d.	<b>The Director, ODEI:</b> <i>Update DoD Instruction 1020.03 to include procedures for responding to allegations in which it is unknown whether the complainant is a Service member or anonymous allegations at DoD Components that are not Military Services.</i>	Concur. ODEI will incorporate procedures in Change 4 to DoDI 1020.03 and Change 1 to DoDI 1020.04.	Published changes to DoDIs 1020.03 and 1020.04 estimated completion by December 31, 2026.
6e.	<b>The Director, ODEI:</b> <i>Update DoD Instruction 1020.03 and DoD Instruction 1020.04 to include procedures that address harassment allegations processed through alternate procedures.</i>	Concur. ODEI will incorporate procedures in Change 4 to DoDI 1020.03 and Change 1 to DoDI 1020.04.	Published changes to DoDIs 1020.03 and 1020.04 estimated completion by December 31, 2026.
7a.	<b>The Under Secretary of Defense for Personnel and Readiness (USD(P&amp;R)):</b> <i>Designate an office of primary responsibility for allegations of retaliation by victims of sexual harassment.</i>	Concur. The USD(P&R) will designate a component of the Office of the Secretary of Defense to be responsible for documenting and tracking all covered allegations of retaliation by victims of sexual harassment.	Estimated date of Office of Primary Responsibility designation by July 19, 2024.
7b.	<b>The USD(P&amp;R):</b> <i>Ensure that DoD Instruction 1020.03 is updated to identify the actions that commanders and supervisors are expected to follow when a complainant alleges sexual harassment and retaliation.</i>	Concur. ODEI will incorporate procedures in Change 4 to DoDI 1020.03.	Published changes to DoDIs 1020.03 and 1020.04 estimated completion by December 31, 2026.

I greatly appreciate your support and partnership as we work to create a safe environment for our Service members and civilian workforce.



Ashish S. Vazirani  
Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness

## Director for Joint Force Development (J-7), Joint Staff



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THE JOINT STAFF  
WASHINGTON, DC 20318

Reply Zip Code:  
23435-2697

### MEMORANDUM FOR DOD DEPUTY INSPECTOR GENERAL FOR EVALUATIONS

SUBJECT: Report on the Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment

1. I concur with the report's recommendations. The Joint Staff will take action on recommendation 5. Specifically, the Director for Joint Force Development (J-7), Joint Staff, will ensure the National Defense University President develops and implements policies to be compliant with DoD Instruction 1020.03 and DoD Instruction 1020.04.
2. I have notified the University President of the National Defense University of the requirement to implement recommendation 5 to be fully in compliance and will track progress toward completion. I estimate compliance will be accomplished within the calendar year.
3. The NDU point of contact is [REDACTED]

JOSEPH V. LIBASCI  
Captain, U.S. Navy  
Chief, Operations and Plans Office  
Joint Warfighting Development

cc: Provost, National Defense University

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## Naval War College President



DEPARTMENT OF THE NAVY  
U.S. NAVAL WAR COLLEGE  
686 CUSHING RD  
NEWPORT RI 02841-1207

5300  
Ser N00/250  
29 May 24

From: President, U.S. Naval War College  
To: [REDACTED]

Subj: RESPONSE TO TASKER DON-240501-PX7B, REVIEW AND COMMENTS  
REQUESTED FOR D2023-DEV0PG-0074.000 - DOD OIG DRAFT REPORT

Ref: (a) DON-240501-PX7B Tasker Assigned by AUDGEN Audit Liaison  
(b) DOD OIG Project D2023-DEV0PG-0074.000, Evaluation of Selected DoD Senior Colleges' Response to Allegations of Harassment  
(c) OPNAVINST 5354.1H, Navy Harassment Prevention and Military Equal Opportunity Program

Encl: (1) Formal Equal Opportunity and Sexual Harassment Complaint Smart Pack for Staff Judge Advocates

1. As directed by reference (a), I have completed my review of reference (b), in particular, Recommendation 2, which reads, "We recommend that the Naval War College President implement internal controls, including quality reviews before closing an allegation, and assess staffing resources to ensure compliance with DoD Instruction 1020.03 and Department of the Navy policy." The following comments are provided:

a. I concur with the recommendation and the Naval War College (NWC) has implemented additional internal controls. Actions taken:

(1) In August 2023, to better represent the NWC population which is comprised mostly of O-5 and above military personnel, NWC expanded its CMEO staff to include a senior officer and senior enlisted member. Though the circumstances of having 11 open CMEO cases is an anomaly, having two CMEO staff members provides for improved case management to ensure compliance with DoD and Navy policies and the required timelines associated with them.

(2) In January 2024, OPNAV assigned a Command Climate Specialist (CCS) to support NWC and review all sexual harassment complaints, investigations, and actions.

(3) In May 2024, in addition to the internal controls required by reference (c), including the legal sufficiency review, CCS review and formal complaint processing flowsheet, NWC implemented enclosure (1), Formal Equal Opportunity and Sexual Harassment Complaint Smart Pack for Staff Judge Advocates, as well as an improved excel-based case tracking system. Enclosure (1) is used to evaluate a military equal opportunity or harassment case prior to

## Naval War College President (cont'd)

Subj: RESPONSE TO TASKER DON-240501-PX7B, REVIEW AND COMMENTS  
REQUESTED FOR D2023-DEV0PG-0074.000 - DOD OIG DRAFT REPORT

submission to the adjudicating authority. It is to be accompanied by a memorandum summarizing compliance with all requirements, lessons learned and any recommendations for process improvement

2. Although not requested by reference (a), the following additional comments regarding reference (b) are provided for consideration:

a. The last paragraph on Page 11 states, "In addition, the staff from the Naval War College provided conflicting information to us on whether the college performed a climate assessment in response to the allegations. As a result, we could not determine whether the commander complied with DoDI 1020.03, section 5.1, because the Naval War College did not retain records demonstrating that the commander determined whether a climate assessment was warranted following the investigation. DoD Instruction 1020.03 and Office of Chief of Naval Operations Instruction 5354.1H specifically do not have documentation and records retention policies that demonstrate compliance with the Instructions. Specific documentation requirements are necessary so that DoD Components keep a record of the basis for actions performed by the investigative officer and commander."

(1) I believe that Recommendation 3 to the Secretary of the Navy to issue a memorandum to NWC requiring the retention of records to demonstrate compliance with DoDI 1020.03 and Chief of Naval Operations Instruction 5354.1H derives from an assertion in reference (b) that NWC provided conflicting information to the DoD IG Team, which precluded determination of compliance of the DoDI.

(2) Contrary to that assertion, pursuant to DODI 1020.3, Section 5.1g, NWC did consider whether a climate assessment was warranted or additional unit training was required. Based on the allegations submitted by the complainant, NWC conducted a Command Climate Assessment (CCA) of the student body. The results of the CCA were documented, retained in the command continuity folder, and are available for review by audit officials. The results of the CCA were also discussed with the DoD IG Inspection Team.

b. In the "Findings section," the report found NWC not in compliance with DoDI 1020.3 when responding to allegations because of a failure to meet required timelines associated with the conducting an investigation and making reports to the Navy Harassment and Military Equal Opportunity Office. This finding is accurate, but requires additional context.

(1) Eleven allegations were submitted by one complainant in a 5-month window during the 2-year scope of the evaluation. Nine of the 11 allegations were made on the same day. The number of complaints, when combined with the amount of time and effort diverted to the complainant's revisions to those allegations and required coordination with other Services severely impacted NWC's ability to meet required timelines and complete all required actions. Year-over-year the NWC rate of complaints is historically zero to two per year.

## Naval War College President (cont'd)

Subj: RESPONSE TO TASKER DON-240501-PX7B, REVIEW AND COMMENTS  
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(2) NWC recommends inclusion into the final report a formal recommendation to extend dismissal timelines to greater than one duty day since this was found to be an unobtainable timeline. Additional time is required for a command to take all due diligence before making a decision to dismiss a complaint. Since DoD Instruction 1020.03 does not discuss dismissal or dismissal timelines, this should be within the service components scope of authority to modify.

3. Thank you for soliciting our comments following review of the referenced report. Please direct any questions or concerns to my [REDACTED]  
[REDACTED]



P. A. GARVIN

Copy to:  
OPNAV N17

## Acronyms and Abbreviations

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<b>AR</b>	Army Regulation
<b>DAFI</b>	Department of the Air Force Instruction
<b>DoDI</b>	DoD Instruction
<b>ODEI</b>	Office for Diversity, Equity, and Inclusion
<b>OPNAVINST</b>	Office of Chief of Naval Operations Instruction
<b>SECNAVINST</b>	Secretary of the Navy Instruction



# **Whistleblower Protection**

## **U.S. DEPARTMENT OF DEFENSE**

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**For more information about DoD OIG reports or activities, please contact us:**

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703.604.8324

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