

Prohibited Activities and Conduct

BULLYING

A form of harassment that includes acts of aggression by a service member or DoD civilian employees, with a nexus to military service, with the intent of harming a service member or DoD civilian employee either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from their coworkers or unit for ridicule because they are considered different or weak. It often involves a power imbalance between the aggressor and the victim.

- Bullying can be conducted using electronic devices or communications, and by other means including social media, as well as in person. Bullying is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:
 - (1) Physically striking another person in any manner or threatening to do the same;
 - (2) Intimidating, teasing, or taunting another person;
 - (3) Oral or written berating of another person with the purpose of belittling or humiliating;
 - (4) Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts;
 - (5) Playing abusive or malicious tricks;
 - (6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;
 - (7) Subjecting another person to excessive or abusive water use;
 - (8) Forcing another person to consume food, alcohol, drugs, or any other substance;
 - (9) Degrading or damaging another's property or reputation; or,
 - (10) Soliciting, coercing, or knowingly permitting another person to solicit or coerce, acts of bullying.
- Bullying does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training required to prepare for such activities (e.g., command-authorized physical training).
- Service members may be responsible for an act of bullying even if there was actual or implied consent from the victim and regardless of the victim's grade or rank, status, or Service.
- Bullying is prohibited in all circumstances and environments, including off-duty or "unofficial" unit functions and settings.

HAZING

A form of harassment that includes conduct through which service members or DoD employees, without a proper military or other governmental purpose, but with a nexus to Military Service, physically or psychologically injure or create a risk of physical or psychological injury to service members for the purpose of initiation into, admission into, affiliation with, change in status or position within, or continued membership in any military or DoD civilian organization. Hazing can be conducted using electronic Hazing can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person.

- Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose: Hazing is evaluated by a reasonable person standard and includes, but is not limited to,
 - (1) Any form of initiation or congratulatory act that involves physically striking another person (such as blood striping) in any manner or threatening to do the same;
 - (2) Pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object;
 - (3) Oral or written berating of another person with the purpose of belittling or humiliating;
 - (4) Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts;
 - (5) Playing abusive or malicious tricks;
 - (6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;
 - (7) Subjecting another person to excessive or abusive water use;

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- (8) Forcing another person to consume food, alcohol, drugs, or any other substance; or,
- (9) Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing.
- Hazing does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training required to prepare for such activities (e.g., administrative corrective measures, extra military instruction, or command-authorized physical training).
- Service members may be responsible for an act of hazing even if there was actual or implied consent from the victim and regardless of the victim's grade or rank, status, or Service.
- Hazing is prohibited in all circumstances and environments including off-duty or "unofficial" unit functions and settings.

HARASSMENT

Any conduct, whereby a service member knowingly, recklessly, or intentionally and with a nexus to military service, engages in behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment per reference (a).

- Harassment may include, but is not limited to, offensive jokes; epithets or name calling; ridicule or mockery; insults or putdowns; displays of offensive objects or imagery; offensive non-verbal gestures; stereotyping; intimidating acts; veiled threats of violence; threatening or provoking remarks; racial or other slurs; derogatory remarks about a person's accent or disability; displays of racially offensive symbols; and interference with work performance (to include unwillingness to train, evaluate, assist, or work with an individual).
- b. Harassment can occur in a variety of circumstances, including, but not limited to, the following:
 - (1) The harasser can be the victim's leader, a leader in another area, a coworker, or a service member that is not part of the unit.
 - (2) The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
- Harassment can be oral, visual, written, or physical. Harassment can occur in person, through electronic communications (including social media), and through wrongful broadcast or distribution of intimate visual images (refer to the appropriate Military Criminal Investigative Organization (MCIO)) and other forms of communication.
- Harassment does not include activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, work assignment related to the service member's duties and responsibilities, and performance counseling. For example, adversarial litigation by a judge advocate, even when particularly zealous and contentious, does not constitute harassment (see Appendix F of this Order for further discussion). Moreover, this policy prohibiting harassment is not a "general civility code." Behavior that is rude, ignorant, abrasive, or unkind, but does not adversely affect the work environment, is not harassment.

SEXUAL HARASSMENT

Unwanted sexual advances, demands/requests for sexual favors, or knowingly engaging in other conduct of a sexual nature when (1) submission is made a condition of career or entitlements; (2) submission or rejection is the basis of decisions that affect the person's career or entitlements; or (3) it is so severe or pervasive that it creates an intimidating or hostile work environment. (Art 134, UCMJ)

- Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces or a civilian employee of the DoD; or any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the armed forces or civilian employee of the DoD.

PROHIBITED DISCRIMINATION

Prohibited discrimination is defined in reference (b) and may include any conduct whereby a service member knowingly, recklessly, or intentionally and with a nexus to military service discriminates, including disparate treatment of an individual or group on the basis of race, color, national origin, religion, sex (including pregnancy), or sexual orientation that is not otherwise authorized by law or regulation and detracts from military readiness. Prohibited discrimination includes actions or efforts that detract from EO, with respect to the terms, conditions, or privileges of military service. This includes, but not limited to, acquiring, assigning, promoting, disciplining, scheduling, training, evaluating, compensating, discharging, or separating. This definition excludes justifiable conduct that discriminates based on characteristics (including, but not limited to, age, height, and weight) that serve a proper military or other governmental purpose as set forth in other military policies. Prohibited discrimination is evaluated by a reasonable person standard.