



Department of Defense **INSTRUCTION**

NUMBER 1438.06

January 16, 2014

USD(P&R)

SUBJECT: DoD Workplace Violence Prevention and Response Policy

References: See Enclosure 1

1. PURPOSE. This instruction establishes DoD policy and assigns responsibilities for workplace violence prevention and response policy regarding DoD civilian personnel in accordance with the authority in DoD Directive 5124.02 (Reference (a)) and Secretary of Defense Memorandum (Reference (b)).

2. APPLICABILITY. This instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components”).

3. POLICY. It is DoD policy that:
 - a. DoD Components work with employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. All employees are responsible for promoting a safe work environment.

 - b. Violence, threats, harassment, intimidation, and other disruptive behavior will not be tolerated in the workplace; all reports of incidents will be taken seriously and will be dealt with appropriately.

 - c. Those who engage in such behavior may be:
 - (1) Immediately removed from the premises.
 - (2) Denied re-entry pending completion of an appropriate investigation.
 - (3) Subject to removal from federal service, criminal prosecution, or both.

d. DoD employees will comply with the workplace violence prevention and response policies of their organizations.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

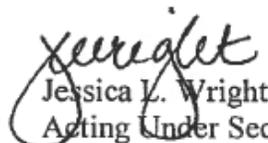
6. RELEASABILITY. **Unlimited**. This instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This instruction:

a. Is effective January 16, 2014.

b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoD Instruction 5025.01 (Reference (c)).

c. Will expire effective January 16, 2024 and be removed from the DoD Issuances Website if it hasn't been cancelled or reissued in accordance with Reference (c).


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Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) Secretary of Defense Memorandum, “Final Recommendations of the Ft. Hood Follow-on Review,” August 18, 2010¹
- (c) DoD Instruction 5025.01, “DoD Directives Program,” September 26, 2012, as amended
- (d) Interagency Security Committee, “Violence in the Federal Workplace: A Guide for Prevention and Response,” April 2013²
- (e) Section 7103, Title 5, United States Code

¹Memorandum can be found on the DoD website (Defense.gov)
<http://www.defense.gov/news/d20100820FortHoodFollowon.pdf>.

²Guide can be found on the DHS website at <http://www.dhs.gov/publication/interagency-security-committee-violence-federal-workplace-guide-april-2013>.

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R) oversees DoD-wide policies and procedures governing the establishment and administration of workplace violence prevention and response programs consistent with Interagency Security Committee “Violence in the Federal Workplace: A Guide for Prevention and Response” (Reference (d)).

2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the Assistant Secretary of Defense for Readiness and Force Management, the DASD(CPP):

a. Serves as the DoD lead for policy development and ensures implementation of workplace violence prevention and response programs, including education and training, for civilian employees in accordance with Enclosure 3 of this instruction.

b. Evaluates the implementation and effectiveness of DoD Component workplace violence prevention and response programs, including education and training.

3. DoD COMPONENT HEADS. The DoD Component heads:

a. Develop and implement a workplace violence prevention and response program, including education and training, consistent with Reference (d) and Enclosure 3 of this instruction.

b. Establish a properly trained threat assessment team to meet Component needs consistent with Enclosure 3 of this instruction.

ENCLOSURE 3

PROCEDURES

1. GENERAL PROVISIONS

a. These procedures provide basic parameters for establishing and promoting workplace violence prevention programs within DoD and properly investigating and addressing events consistent with References (b), (d), and this instruction.

b. All supervisors must immediately report threats of workplace violence to their management and appropriate military or civilian authorities as determined by local threat reporting protocol. Appropriate authorities may include security or safety organizations, employee assistance programs (EAPs), or others as determined locally.

c. Information regarding an incident or threat of workplace violence, including but not limited to names of involved parties, witnesses, reports and investigations of allegations, and findings of workplace violence, will be treated in accordance with applicable laws and regulations. Statements and reports may be used as evidence in administrative, civil, and criminal proceedings.

2. PROGRAM MANAGEMENT. DoD Components will:

a. Establish a planning group to evaluate their current ability to handle workplace violence incidents and recommend ways to strengthen their response capability.

(1) All planning group members will be full-time or permanent part-time officers or employees of the Federal government.

(2) Members of the planning group should include representatives from management, employee relations, EAP, legal counsel, law enforcement, and security.

(3) Depending on the size and structure of the DoD Component, membership may also include representatives from safety, health unit, medical department, equal employment opportunity, public affairs, and other appropriate offices and organizations.

b. Consistent with Reference (d), establish and properly train a threat assessment team that includes, at a minimum, representatives from legal counsel, employee relations, law enforcement, security, and any other program representative deemed appropriate by the DoD Component. Minimal assessment team training should include identifying threats, assessing the risks associated with a specific threat, and case management.

c. Ensure that annual training is provided for supervisors and employees to foster workplace violence prevention and public safety awareness. At a minimum, this training provides instruction to:

- (1) Refrain from making threats or engaging in workplace violence.
- (2) Promptly report all acts or threats of violence to their immediate supervisor and appropriate military or civilian authorities.
- (3) Report all incidents of any person on a DoD facility who is the subject of, witness to, or victim of threatening behavior or a violent act, to their immediate supervisor and appropriate military or civilian authorities.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
EAP	employee assistance program
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this instruction.

law enforcement. Any of a number of agencies (outside the Department of Defense) chartered and empowered to enforce U.S. laws in the following jurisdictions: the United States, a State (or political subdivision) of the United States, a territory (or political subdivision) of the United States, a federally recognized Native American tribe or Alaskan Native Village, or within the borders of a host nation.

security. A military unit, activity, or installation which takes measures to protect itself against all acts designed to, or which may, impair its effectiveness.

supervisor. Defined in section 7103 of Title 5, United States Code (Reference (e)).

violent behavior. The intentional use of physical force or power, threatened or actual, against a person or group that either results in or has a high likelihood of injury, death, or psychological harm to self or others.

workplace violence. Any act of violent behavior, threats of physical violence, harassment, intimidation, bullying, verbal or non-verbal threat, or other threatening, disruptive behavior that occurs at or outside the work site.