



Department of Defense **DIRECTIVE**

NUMBER 1020.02E

June 8, 2015

Incorporating Change 2, Effective June 1, 2018

USD(P&R)

SUBJECT: Diversity Management and Equal Opportunity in the DoD

References: See Enclosure 1

1. **PURPOSE.** This directive:

a. Reissues DoD Directive (DoDD) 1020.02 (Reference (a)) to establish policy and assign responsibilities to provide an overarching framework for addressing unlawful discrimination and promoting equal opportunity, diversity, and inclusion through:

(1) The DoD Diversity and Inclusion Management Program, in accordance with the authority in Executive Order 13583 (Reference (b)).

(2) The DoD Military Equal Opportunity (MEO) Program in accordance with DoDD 1350.2 (Reference (c)).

(3) The DoD Civilian Equal Employment Opportunity (EEO) Program in accordance with DoDD 1440.1 (Reference (d)).

(4) The DoD Civil Rights Program in accordance with DoDD 5500.11 (Reference (e)) and DoDD 1020.1 (Reference (f)).

b. Designates the Secretary of the Air Force as the DoD Executive Agent (EA) for the Defense Equal Opportunity Management Institute (DEOMI) in accordance with DoDD 5101.1 (Reference (g)).

2. **APPLICABILITY.** This directive 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 directive as the “DoD Components”).

3. POLICY. It is DoD policy that:

a. The defense of the United States requires a well-trained volunteer force, military and civilian, active and reserve. To provide such a force, the DoD will intentionally position itself to be an organization of choice by providing opportunities for all DoD personnel to rise to the highest level of responsibility as their abilities allow. The DoD will maximize the productive capacity of those recruited, hired, retained, and promoted through diversity and inclusion.

b. DoD maintains the Office of Diversity Management and Equal Opportunity (ODMEO), which oversees the DoD Diversity and Inclusion Management Program, DoD MEO Program, DoD Civilian EEO Program, DoD Civil Rights Program, and Harassment Prevention and Response in the Armed Forces Program. The purpose of these programs is explained in Enclosure 2. Collectively, these programs:

(1) Promote equal opportunity and diversity and inclusion management.

(2) Help prevent unlawful discrimination and harassment throughout DoD and its programs and activities.

4. RESPONSIBILITIES. See Enclosure 3.

5. RELEASABILITY. **Cleared for public release.** This directive is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.

6. SUMMARY OF CHANGE 2. This change is administrative and updates organizational titles and references for accuracy, including the addition of language regarding the Harassment Prevention and Response Program to Enclosures 2 and 3.

7. EFFECTIVE DATE. This directive is effective June 8, 2015.



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Deputy Secretary of Defense

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1020.02, "Diversity Management and Equal Opportunity (EO) in the Department of Defense," February 5, 2009 (hereby cancelled)
- (b) Executive Order 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," August 18, 2011
- (c) DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995, as amended
- (d) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987, as amended
- (e) DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," May 27, 1971, as amended
- (f) DoD Directive 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982, as amended
- (g) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002, as amended
- (h) Title 42, United States Code
- (i) Title 29, Code of Federal Regulations
- (j) Title 29, United States Code
- (k) Title 5, United States Code
- (l) Equal Employment Opportunity Commission Management Directive 715, "Federal Responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act," October 1, 2003
- (m) Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969, as amended
- (n) Executive Order 11246, "Equal Employment Opportunity," September 24, 1965, as amended
- (o) Equal Employment Opportunity Commission Management Directive 110, "Federal Sector Complaints Processing Manual," August 5, 2015
- (p) Public Law 110-233, "Genetic Information Nondiscrimination Act of 2008," May 21, 2008
- (q) Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws," November 2, 1980
- (r) Section 50.3 of Title 28, Code of Federal Regulations (also known as "Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964," as amended)
- (s) Public Law 100-259, "Civil Rights Restoration Act of 1987," March 22, 1988
- (t) Part 90 of Title 45, Code of Federal Regulations (also known as the Department of Health and Human Services' regulation on "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance")
- (u) Sections 1681 through 1688 Title 20, United States Code (also known as "Title IX of the Education Amendments of 1972," as amended)
- (v) Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000
- (w) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 6, 2013

- (x) DoD Manual 8910.01, Volume 1, "DoD Information Collections Manual: Procedures for DoD Internal Information Collections," June 30, 2014, as amended
- (y) DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015, as amended
- (z) DoD Directive 5100.03, "Support of the Headquarters of Combatant and Subordinate Unified Commands," February 9, 2011, as amended
- (aa) DoD Instruction 5100.73, "Major DoD Headquarters Activities," December 1, 2007, as amended
- (ab) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," February 8, 2018

ENCLOSURE 2

PROGRAM DESCRIPTIONS

1. DOD DIVERSITY AND INCLUSION MANAGEMENT PROGRAM. The DoD Diversity and Inclusion Management Program:

a. Builds on the guidance provided in Reference (b) on establishing a coordinated government-wide initiative to promote diversity and inclusion in the federal workforce to promote a strategic vision for total force diversity and inclusion as a unifying core value and factor of readiness for Service members and civilian employees.

b. Ensures that diversity and inclusion policies align with the DoD Diversity and Inclusion Strategic Plan and organizational goals.

c. Implements diversity and inclusion focused programs and practices to foster an inclusive environment encompassing all the different characteristics and attributes of the total force.

d. Establishes:

(1) An accountability framework, based on federal laws, regulations, and other applicable guidance that evaluate DoD Components efforts to identify and eliminate barriers and gaps that inhibit progress of the implementation of diversity and inclusion efforts.

(2) Mechanisms to integrate the progress of diversity and inclusion into lifecycle and talent management to attract, recruit, access, develop, promote, and retain diverse talent based on merit across the DoD.

(3) Core competencies and related training and education programs necessary for leaders of diversity and inclusion programs in DoD.

e. Oversees diversity and inclusion training and education programs in DoD.

2. DOD MEO PROGRAM. The DoD MEO Program:

a. Promotes equal opportunity as being critical to mission accomplishment, unit cohesiveness, and military readiness. Evaluates Service members only on individual merit, fitness, capability, and performance.

b. Ensures that:

(1) All Service members are afforded equal opportunity in an environment free from harassment, including sexual harassment, and unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation.

(2) The chain of command is used as the primary and preferred channel to:

- (a) Identify and correct unlawful discriminatory practices.
- (b) Process and resolve complaints of unlawful discrimination or harassment, to include sexual.
- (c) Ensure that MEO matters are taken seriously and acted on as necessary.

(3) The Military Departments monitor and report on selected categories of their personnel programs to ensure MEO and fair treatment for all Service members through MEO plans, programs, or other initiatives.

(4) Systems are in place to receive and process complaints of discrimination or harassment, to include sexual harassment, and that those resolution systems are compliant with federal and DoD guidance.

(5) To the extent permitted by law and DoD policy, all on-installation activities and, when possible, all off-installation activities available to military personnel are open to all military personnel and their families regardless of race, color, national origin, religion, sex (including gender identity), or sexual orientation.

3. DOD CIVILIAN EEO PROGRAM. Pursuant to sections 2000e through 2000e-17 of Title 42, United States Code (U.S.C.) (Reference (h)), section 1614 of Title 29, Code of Federal Regulations (CFR) (Reference (i)), chapter 14 of Title 29, U.S.C. (Reference (j)), sections 2302(b)(1) and 7201 of Title 5, U.S.C. (Reference (k)) and References (l) through (p), the DoD Civilian EEO Program:

a. Prohibits unlawful employment discrimination based on race, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), color, national origin, age, religion, disability, genetic information, or reprisal for previous EEO activity in accordance with applicable statutes and Equal Employment Opportunity Commission (EEOC) regulations. While not enforced by the EEOC, discrimination in employment based on other factors prohibited by Executive order, such as status as a parent, may be addressed through other separate complaint and resolution systems.

b. Strives to achieve the elements of a model EEO program as described in EEOC Management Directive 715 (Reference (l)).

c. Ensures that systems are in place to receive and process complaints of discrimination and that the resolution systems comply with applicable regulations.

d. Identifies and eliminates barriers and practices that impede equal opportunity for all employees and applicants for employment including harassment in the workforce.

e. Identifies and eliminates barriers, including architectural and transportation barriers, affecting individuals with disabilities at work sites.

4. DOD CIVIL RIGHTS PROGRAM. The DoD Civil Rights Program requires that:

a. Pursuant to Executive Order 12250 (Reference (q)), section 50.3 of Title 28, CFR (Reference (r)), Public Law 100-259 (References (s)), and:

(1) Pursuant to sections 2000d through 2000d-7 of Reference (h), no individual will be excluded from participation in or denied the benefits of any program or activity receiving federal financial assistance from the DoD, or subjected to unlawful discrimination on the basis of race, color, or national origin.

(2) Pursuant to sections 794 through 794d of Reference (l), no individual will be excluded from participation in or denied the benefits of any program or activity receiving federal financial assistance from or conducted by the DoD, or subjected to unlawful discrimination on the basis of disability.

(3) Pursuant to part 90 of Title 45, CFR (Reference (t)), no individual will be excluded from participation in or denied the benefits of any program or activity receiving federal financial assistance from or conducted by the DoD, or subjected to unlawful discrimination on the basis of age.

(4) Pursuant to sections 1681 through 1688 of Title 20, U.S.C. (Reference (u)), no individual will be excluded from participation in or denied the benefits of any education program or activity receiving federal financial assistance from the DoD, or subjected to unlawful discrimination on the basis of sex.

b. Persons with limited English proficiency can effectively participate in or benefit from federally assisted programs and activities pursuant to section 2000d et. seq. of Reference (h), Executive Order 13166 (Reference (v)), and this directive.

c. Processing systems are in place to receive complaints of discrimination on the basis of paragraphs 4a(1) through 4a(4) of this section of this enclosure. Such resolution systems must be compliant with the relevant policies and procedures of the Department of Justice, Department of Health and Human Services, other federal agencies, and DoD issuances.

5. DEOMI. DEOMI develops and implements programs that support objectives of the DoD and emerging requirements of DoD Components in the areas of MEO, EEO, and diversity and inclusion. DEOMI must:

a. Provide training, education, and related research.

b. Consult with DoD Components and assess DoD programs addressing human relations and diversity and inclusion issues.

c. Facilitate ordering, analyses, and consultation regarding the results of the Defense Equal Opportunity Climate Survey.

6. HARASSMENT PREVENTION AND RESPONSE IN THE ARMED FORCES. In accordance with DoDI 1023.03 (Reference (ab)), the Harassment Prevention and Response Program:

a. Enforces DoD policy that states harassment is fundamentally at odds with the obligations of Service members to treat each other with dignity and respect.

b. Holds leaders at all levels appropriately accountable for fostering a climate of inclusion that supports diversity, is free from harassment, and does not tolerate retaliation against those filing harassment complaints.

c. Serves as a vehicle for Service members to submit harassment complaints, including anonymous complaints; procedures and requirements for responding to, processing, resolving, tracking, and reporting harassment complaints; and training and education requirements and standards.

ENCLOSURE 3

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

(USD(P&R)). In addition to the responsibilities in section 4 of this enclosure, the USD(P&R):

a. Represents and advises the Secretary of Defense on all matters related to the DoD MEO Program, DoD Civilian EEO Program, DoD Diversity and Inclusion Management Program, DoD Civil Rights Program, and Harassment Prevention and Response in the Armed Forces.

b. Oversees and monitors:

(1) Implementation of this directive and monitors progress toward diversity and inclusion management and equal opportunity objectives.

(2) The activities of the Secretary of the Air Force in his or her functional areas of responsibility as the DoD EA for DEOMI.

c. Coordinates matters regarding identification, control, and evaluation of DoD EA for DEOMI assignments and arrangements associated with such assignments within his or her area of cognizance.

d. Approves or denies the support agreement for DEOMI with the Secretary of the Air Force to further the established DoD EA relationship.

2. EXECUTIVE DIRECTOR, FORCE RESILIENCY (EDFR). Under the authority, direction, and control of the USD(P&R), the EDFR:

a. Monitors progress toward program objectives of this directive.

b. Provides policy direction and guidance to the Director, ODMEO.

3. DIRECTOR, ODMEO. Under the authority, direction, and control of the EDFR, the Director, ODMEO:

a. Oversees the DoD Diversity and Inclusion Management Program, DoD MEO Program, DoD Civilian EEO Program, DoD Civil Rights Program, and Harassment Prevention and Response in the Armed Forces by:

(1) Monitoring implementation of this directive and any implementing guidance.

(2) Serving as the principal point of contact for oversight and ensuring compliance with policies, programs, and initiatives for related programs across the DoD Components.

b. Exercises supervision, direction, and policy guidance over the Commandant, DEOMI by providing oversight or guidance to DEOMI.

c. Annually updates the Secretary of Defense on the status of diversity, inclusion, equal opportunity, and civil rights within DoD and the effectiveness of the programs.

4. OSD AND DOD COMPONENTS HEADS. OSD and DoD Component heads:

a. Ensure compliance with this directive within their respective Components.

b. Develop, implement, and maintain policies, programs, and procedures to prevent unlawful discrimination and harassment based on any prohibited factor, to include sexual. Require that commanders and supervisors prominently post and enforce such policies and procedures.

c. Maintain informal and formal complaint processes for addressing violations of this directive and the policies or issuances it authorizes.

d. Report to the Inspector General of the Department of Defense any allegations that a senior DoD official (i.e., general or flag officer, Senior Executive Service member, SL/ST, Executive Level, Defense Intelligence Senior Level, or Defense Intelligence Senior Executive Service) personally participated in discrimination cognizable under an applicable Component regulation, in accordance with DoDD 5505.06 (Reference (w)).

e. Collect, maintain, and respond to reporting requirements on diversity, equal opportunity, and EEO, as determined by the Secretary of Defense, USD(P&R), or Congress in accordance with the procedures in Volume 1 of DoD Manual 8910.01 (Reference (x)).

5. DoD COMPONENT HEADS. In addition to the responsibilities in section 4 of this enclosure, the DoD Component heads establish and maintain MEO, when applicable; civilian EEO; diversity and inclusion management; and civil rights and harassment prevention and response programs within their Components.

6. SECRETARY OF THE AIR FORCE. In addition to the responsibilities in sections 4 and 5 of this enclosure, and in his or her role as the DoD EA for DEOMI, the Secretary of the Air Force:

a. Provides and maintains facilities essential to the operation of DEOMI.

b. Provides administrative, logistical, and resource support to DEOMI.

c. Provides funding and manpower necessary for DEOMI's execution of its responsibilities.

d. Ensures proper coordination with the DoD Components for the responsibilities and activities assigned to provide continuous and sustainable support to DEOMI.

e. Monitors resources used in performing assigned DEOMI responsibilities and functions.

f. Develops, maintains, and reports results of performance of its DEOMI responsibilities and functions, as may be required by law, Secretary of Defense decision, or other congressional requirements.

g. Obtains reports and information from the Commandant of DEOMI, in accordance with the procedures in Reference (x), to carry out the Secretary of Defense's assigned responsibilities, functions, and authorities.

h. Establishes, maintains, and preserves information as records that document the transaction of business and mission of the Air Force in its capacity as the DoD EA for DEOMI in accordance with DoD Instruction 5015.02 (Reference (y)).

i. Establishes and executes a formal agreement (e.g., a support agreement, memorandum of understanding) approved by the USD(P&R), and other necessary agreements, as required, to fulfill DoD EA for DEOMI responsibilities, functions, and authorities. The agreements must identify:

(1) The nature and scope of DoD EA for DEOMI responsibilities, functions, relationships, and authorities.

(2) The authorities for the DoD EA for DEOMI and agreements, which must be consistent with applicable law, Reference (g), DoDD 5100.03 (Reference (z)), and DoD Instruction 5100.73 (Reference (aa)).

(3) Requirements and resources, including funding and force structure, necessary to execute assigned responsibilities and functions.

(4) A point of contact to coordinate matters regarding assigned DoD EA for DEOMI responsibilities, functions, and authorities.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

CFR	Code of Federal Regulations
DEOMI	Defense Equal Opportunity Management Institute
DoDD	DoD Directive
EA	Executive Agent
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EDFR	Executive Director, Force Resiliency
MEO	Military Equal Opportunity
ODMEO	Office of Diversity Management and Equal Opportunity
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this directive.

civilian EEO. The right of all DoD employees to apply, work, and advance on the basis of merit, ability and potential, free from unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), disability, age, genetic information, reprisal, or other unlawful factors.

diversity. All the different characteristics and attributes of the DoD's total force, which are consistent with DoD's core values, integral to overall readiness and mission accomplishment, and reflective of the Nation we serve.

diversity management. The plans made and programs undertaken to identify and promote diversity within the DoD to enhance DoD capabilities and achieve mission readiness.

DoD Diversity and Inclusion Strategic Plan. Plans that provide overarching direction, encourage direct leadership involvement and commitment, and create alignment allowing DoD to approach diversity and inclusion efforts in a coordinated, collaborative, and integrated manner supported by measurable outcomes.

EEO. See definition of “civilian EEO.”

federal financial assistance. Includes, but is not limited to:

Grants and loans of federal funds.

The grant or donation of federal property and interests in property.

The detail of federal personnel.

The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.

A federal agreement, arrangement, or other contract that has as one of its purposes as the provision of assistance.

inclusion. Valuing and integrating each individual’s perspectives, ideas, and contributions into the way an organization functions and makes decisions.

MEO. The right of all Service members to serve, advance, and be evaluated based on only individual merit, fitness, capability, and performance in an environment free from unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation.

nondiscrimination in federally assisted or federally conducted programs. The right of individuals not to be subject to unlawful discrimination in federally assisted or federally conducted programs on the basis of:

Race, color, or national origin in programs or activities that receive federal financial assistance from the DoD, pursuant to sections 2000d through 2000d-7 of Reference (h).

Disability, in any program or activity receiving federal financial assistance from or conducted by the DoD, pursuant to sections 794 through 794d of Reference (j).

Age, in programs or activities that receive federal financial assistance from the DoD, pursuant to part 90 of Reference (t).

Sex, in education programs or activities that receive federal financial assistance from the DoD, pursuant to sections 1681 through 1688 of Reference (u).

program or activity. Defined in section 50.3 of Reference (r).

unlawful discrimination. Disparate treatment or harassment of an individual or group based on a prohibited factor contrary to federal law or regulation.