



EEO Strategies to Address Reprisal

Certain behaviors must meet the criteria outlined in each term's definition to qualify as retaliation or reprisal. Specifically, the negative behaviors that many might consider reprisal must meet the requirements outlined in Department of Defense (DoD) Instruction 1020.04. For negative response behaviors to be considered reprisal within DoD organizations, they must relate to a target's involvement in making, preparing to make, or being perceived as making or preparing to make a protected communication.

Protected communication includes the following:

- Any communication made to a Member of Congress or an inspector general
- Reports that are made through one's chain of command, to an audit agency, or law enforcement organization, including the following:
 - Reporting of evidence of a violation of law or regulation (including sexual harassment, sexual assault, discrimination, etc.).
 - Whistleblowing (including reporting gross mismanagement of funds, abuse of authority, or a danger to public health or safety).

Furthermore, reprisal is defined as a specific type of retaliation in response to a protected communication that involves the following:

- Taking or threatening to take an unfavorable personnel action (e.g., giving an undeserved poor performance evaluation).
- Withholding or threatening to withhold a favorable personnel action (e.g., denying a promotion).

Supervisors must be aware of the criteria for reprisal. However, they should also take action against negative behaviors that do not necessarily meet the criteria for reprisal but can still harm individual team members and the workplace climate.

Reprisal Prevention Strategies

Strategies for preventing reprisal must include both proactive and reactive measures.

- Proactive strategies include creating and enforcing policies, providing rigorous and unique training/learning opportunities, and reinforcing positive behaviors.
- Reactive strategies include providing immediate support to targets of inappropriate behaviors and holding offenders appropriately accountable for their actions.

Prevention strategies are divided into three categories: primary, secondary, and tertiary. The overarching goal is to prevent future occurrences.

- **Primary prevention strategies** can mitigate behaviors before they become problematic.
- **Secondary prevention strategies** focus efforts on responding immediately after the occurrence while supporting the target, holding the perpetrators accountable, and setting the expectation that such behavior is unacceptable.



- **Tertiary prevention strategies** aim to mitigate the lasting effects of behaviors and prevent future occurrences.

Tables 1-3 highlight primary, secondary, and tertiary strategies and examples of methods for combating and responding to reprisal.

Table 1

Primary Strategies to Address Reprisal

Primary Actions (Prevention)	Strategies and Examples
<p><u>Educational programs</u></p> <p>Develop and implement comprehensive training sessions that should be mandatory for all levels of personnel.</p>	<ul style="list-style-type: none"> • Educate personnel on concepts for understanding reprisal, including the impacts on individuals and organizations. • Promote the ability to recognize reprisal behavior(s) and the signs of a climate where it is likely. • Promote an understanding of consequences for perpetrators and protections for targets.
<p><u>Standardizing definitions and policies</u></p> <p>Definitions, explanations, and policies related to reprisal behavior should be consistent within the organization.</p>	<ul style="list-style-type: none"> • Post material in visible areas to promote awareness of what constitutes reprisal. • Post policies regarding reprisal in visible areas.
<p><u>Promoting a positive reporting culture</u></p> <p>Encourage a culture where all personnel feel safe and supported when reporting and where leaders are viewed as a safe resource for reporting a problem.</p>	<ul style="list-style-type: none"> • Educate leaders to recognize signs of reprisal behaviors and respond appropriately to mitigate opportunities and motivations of reprisal. • Ensure leaders take an active and vested interest in the well-being of personnel, including monitoring behaviors by being aware of consistency with factors like evaluations, promotions, and other professional aspects that reprisal often affects. <ul style="list-style-type: none"> ○ Example: Looking for inconsistencies in conduct and evaluations ○ Example: Staying actively aware of power and behavior dynamics between lower-level leaders and the subordinates who report to them





Table 2

Secondary Strategies to Address Reprisal

Secondary Actions (Addressing an Issue)	Strategies and Examples
<p><u>Responsive investigation systems</u></p> <p>Create a robust and consistent system for investigating reports of reprisal, emphasizing promptness and efficiency.</p>	<ul style="list-style-type: none">• Ensure all investigations of reprisal reports are conducted by trained professionals.• Be mindful of biases that could exist among investigators, taking steps to make sure that those who might have conflicting interests are not tasked with the investigation.
<p><u>Support systems for targets</u></p> <p>Provide strong support systems for targets of reprisal that include dynamic options for support.</p>	<ul style="list-style-type: none">• Encourage targets to use counseling services without negative repercussions.• Ensure targets have clear directions for how to access legal services.• Ensure clear pathways to seek redress.• Encourage leaders who handle reports to be sincere and validating.
<p><u>Accountability measures</u></p> <p>Ensure all steps to hold offenders accountable are enforced fairly and consistently.</p>	<ul style="list-style-type: none">• Aim to ensure repercussions for offenders are congruent with the level of severity of the offense.• Consider repercussions without regard for personal factors (e.g., rank, personal connections or associations, or professional experience).





Table 3

Tertiary Strategies to Address Reprisal

Tertiary Actions (Long-Term Mitigation and Future Planning)	Strategies and Examples
<p><u>Policy development and evaluation</u></p> <p>Evaluate how current policies meet the needs of the work environment, as evolutions in working style, procedures, and available resources can sometimes leave policies obsolete or inadequately applicable.</p>	<ul style="list-style-type: none"> • Ensure leaders are mindful of the work climate and how policies are perceived and followed. • Evaluate where potential risks for reprisal behaviors may exist or be more likely. • Leverage awareness of past events to inform changes and close gaps in policy.
<p><u>Data collection and analysis</u></p> <p>Implement and maintain a centralized process for tracking reports of reprisal for periodic analysis.</p>	<ul style="list-style-type: none"> • Establish an accessible but secure method for tracking, maintaining, and analyzing reports. • Consider and implement methods for data sharing with other essential personnel and departments. • Revisit data periodically to analyze and highlight areas of weakness and where improvements can be made. • Consider the long-term effects of reprisal on individuals and how reparations can be made.
<p><u>Leadership development</u></p> <p>Establish training, mentorship, and accountability methods for leaders that emphasize ethical and fair leadership practices.</p>	<ul style="list-style-type: none"> • Leaders should be knowledgeable and comfortable doing the following: <ul style="list-style-type: none"> ○ Identifying reprisal behaviors and environmental factors that make reprisal behaviors likely. ○ Understanding methods of prevention, including how to facilitate an environment of inclusion and cohesion. ○ Responding to and managing reports of reprisal in a serious, validating manner with care and compassion for reporters. ○ Knowing what steps to take to provide protection and care for those who have experienced reprisal.





For additional resources and information on reprisal awareness and prevention, visit <https://www.deomi.mil/Center-of-Excellence-Portal/Harassment-Prevention-and-Response-Civilian/>



Learn more at the Center of Excellence Portal's Harassment & Prevention Tab on DEOMI.mil



References

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