



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

April 29, 2016

MEMORANDUM TO ALL DEPARTMENT EMPLOYEES

SUBJECT: Anti-Harassment Policy Statement

The U.S. Department of Education's (ED's) Anti-Harassment Policy Statement reaffirms our commitment to prohibiting sexual and other forms of discriminatory harassment in the workplace. Each employee, applicant, and contractor, as well as anyone doing business with ED, is entitled to be treated with dignity and respect and has the right to work in an environment that is free of harassment. Therefore, ED has implemented a zero-tolerance policy for discrimination and harassment on the basis of race, color, age, national origin, sex (including transgender status, gender identity, sexual orientation, and pregnancy), religion, disability, genetic information, marital status, political affiliation, or status as a parent,¹ or as reprisal for prior Equal Employment Opportunity (EEO) activity. Violations of the law prohibiting discrimination and harassment, or violations of this policy, may result in disciplinary action, up to and including termination.

Harassment is any unwelcome, hostile, or offensive conduct taken on the basis of race, color, age, national origin, sex (including transgender status, gender identity, sexual orientation, and pregnancy), religion, disability, genetic information, marital status, political affiliation, or status as a parent, or as reprisal (for prior EEO activity), that interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of one's employment; (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or (3) such conduct

¹ ED has internal procedures (Procedures for Processing EEO Complaints Based on Status as a Parent, Marital Status, and Political Affiliation, October 2012) that permit employees to raise complaints of discrimination based on status as a parent, marital status, or political affiliation with the Office of Management, Office of Equal Employment Opportunity Services. An employee alleging discrimination based on marital status, status as a parent, or political affiliation may file a written complaint with the U.S. Office of Special Counsel (OSC).

interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

Both supervisors and employees bear responsibility for maintaining a work environment free from discrimination and harassment. All employees, including contractors, as well as anyone doing business with ED shall be responsible for acting professionally and refraining from harassing conduct. Employees who believe they have been subjected to harassment in violation of the Agency's anti-harassment policy may elect to report the allegation of harassment to the Office of Management, Office of Equal Employment Opportunity Services (OEEOS), by telephone at (202) 401-3560 or via e-mail at om_eeos@ed.gov, within forty-five (45) calendar days of the incident. For more information on the EEO complaint process, contact OEEOS as directed above or visit OEEOS' Web site at <https://connected.ed.gov/om/Pages/Equal-Employment-Opportunity-Services.aspx>.

In accordance with the U.S. Equal Employment Opportunity Commission's (EEOC's) regulations and guidelines, and the Administrative Dispute Resolution Act of 1996, ED promotes the use of the alternative dispute resolution (ADR) process to resolve workplace disputes before the disputes advance to a formal complaint stage. The ADR process is used to resolve a wide range of workplace disputes, including, but not limited to, EEO and grievance-related matters, in a cooperative, cost-effective, and timely manner. All employees are strongly encouraged to cooperate and engage in the ADR process. For additional information on the ADR process, please contact the Office of Management, ADR Center by e-mail at ADR_center@ed.gov or by telephone at (202) 245-7520.

When an employee chooses to report the alleged incident of harassment to his or her manager or supervisor within his or her chain of command, and the alleged harasser's chain of command, the manager or supervisor who becomes aware of the allegation is required to address the allegation in a prompt and impartial manner, ensure that the allegation is kept confidential to the greatest extent possible, and take appropriate steps to prevent the involved employees and witnesses from being subjected to retaliation. An allegation of harassment may be made orally or in writing and should contain the name of the alleged harasser, the relevant facts, the date of the incident, and the names of any witnesses.

In essence, it is imperative that supervisors and managers take proactive measures to prevent harassment from occurring and to stop any harassment before it becomes severe or pervasive. Managers and supervisors may contact OEEOS for further guidance in addressing allegations of harassment. Additionally, upon request, the OEEOS staff offers anti-harassment training for managers and employees.

I am confident that, by exercising individual responsibility, we will be able to maintain a professional and positive work environment for everyone. To this end, I ask that all employees join me in implementing and communicating this policy.

/s/

John B. King, Jr.