



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

November 6, 2023

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 to engage in a work environment that is free of harassment. Therefore, ED has implemented a zero-tolerance policy for discrimination and harassment based on race, color, age, national origin, sex, transgender status, gender identity, sexual orientation, pregnancy, religion, disability, genetic information, or reprisal for engaging in protected activity, including Equal Employment Opportunity (EEO) activity. ED's policy also protects against harassment based on parental status, political affiliation, marital status, and other non-merit-based factors to provide for a work environment free from all forms of harassment.

Violations of ED's Policy prohibiting discrimination and harassment, could result in disciplinary action, up to and including removal from their assigned federal appointment.

Unlawful Harassment is any unwelcome conduct based on any characteristic protected by law or policy when the behavior can reasonably be considered to adversely affect the work environment and/or an employment decision that affects the employee is based upon the employee's acceptance or rejection of such conduct.

- Harassing conduct may include, but is not limited to: severe or pervasive bullying, slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatening assault, and/or hitting, punching, other unwanted touching, and malicious or insulting gestures.

Sexual Harassment is a form of sex discrimination that involves unwelcome sexual advances, request 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 interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

- Such behavior may include: disrespectful or abusive behavior, swearing, teasing,

insensitive or inappropriate jokes and/or touching, pressure or bullying for dates, psychological and/or physical intimidation.

Both supervisors and employees bear responsibility for maintaining a work environment free from discrimination and harassment. All employees and contractors, as well as anyone doing business with ED, shall be responsible for acting professionally and refraining from harassing conduct.

Employees, contractors, or anyone doing business with ED, who believe they have been subjected to harassment in violation of the Agency's Policy may obtain more information, or submit a complaint by contacting the Agency's Harassment Prevention Coordinator (Labor and Employee Relations Division, Office of Finance and Operations) at EDAnti-HarassmentProgram@ed.gov. ED will promptly conduct a thorough and impartial inquiry. ED will begin the inquiry no later than 10 days of receipt and will complete the inquiry within 60 days or less. Immediate and appropriate corrective action will be taken when it is confirmed through the fact-finding process that harassment or inappropriate behavior has occurred.

Should an employee choose 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, then all those involved in this process who become aware of the allegation are required to address the allegation in a prompt and impartial manner, ensure the allegation is kept confidential to the greatest extent possible, and take appropriate steps to prevent the involved employees and, if applicable, witnesses from being subjected to retaliation. An initial allegation of harassment may be made orally or in writing and contain the name of the alleged harasser, the relevant facts, the date of the incident, and the names of any witnesses. The manager or supervisor on notice of an alleged incident of harassment must report the incident to the Agency's Harassment Prevention Coordinator.

In addition to filing a complaint with the Harassment Prevention Coordinator, employees who believe they have been subjected to illegal discrimination and/or harassment on the basis of race, color, age, national origin, sex, transgender status, gender identity, sexual orientation, pregnancy, religion, disability, genetic information, or retaliation for opposing discriminatory practices, and/or participating in the discrimination complaint process may also file an EEO Complaint by contacting the Office of Equal Employment Opportunity Services, Office of Finance and Operations, by e-mail at OFO_eeos@ed.gov or by telephone at (202) 401-3560. Note that any such complaints must be submitted within 45 calendar days of the alleged discriminatory event(s).

In accordance with the U.S. Equal Employment Opportunity Commission's (EEOC) 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. Participation in the ADR process is voluntary for a complainant in an EEO matter. For additional information on the ADR process, please contact the ADR Center, Office of Finance and Operations, by e-mail at adr_center@ed.gov or by

telephone at (202) 245-7520.

It is imperative that supervisors and managers take proactive measures to prevent harassment from occurring and to stop harassment before it becomes severe or pervasive. Managers and supervisors should contact the Agency's Harassment Prevention Coordinator for further guidance in addressing allegations of harassment.

The Department of Education is committed to ensuring a workplace environment free of harassment of any kind. I ask that all employees join me in implementing and communicating ED's Anti-Harassment Policy Statement.

A handwritten signature in blue ink that reads "Miguel A. Cardona". The signature is fluid and cursive, with a long horizontal stroke at the end.

Miguel A. Cardona, Ed.D.