



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

October 5, 2021

**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, transgender status, gender identity, sexual orientation, pregnancy, religion, disability, genetic information, marital status, political affiliation, parental status, or reprisal for prior Equal Employment Opportunity (EEO) activity. No matter the appointment type, ED will not tolerate harassing conduct by anyone. Violations of the law prohibiting discrimination and harassment, or violations of this Policy, may result in disciplinary action, up to and including removal from their assigned federal appointment.

*Harassment* is any unwelcome, hostile, or offensive conduct taken on the basis of race, color, age, national origin, sex, transgender status, gender identity, sexual orientation, pregnancy, religion, disability, genetic information, marital status, political affiliation, parental status, 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, 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.

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 Policy may obtain more information, or submit a complaint by contacting the Agency's Harassment Prevention Coordinator, Workforce Relations Division (WRD), Office of Finance and Operations, by e-mail at [EDAnti-HarassmentProgram@ed.gov](mailto:EDAnti-HarassmentProgram@ed.gov) or by telephone at (202) 664-9521. 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 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](mailto: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, by e-mail at [ADR\\_center@ed.gov](mailto:ADR_center@ed.gov), by telephone at (202) 245-7520, or visit their Web site at <https://connected.ed.gov/ofa/Pages/Alternative-Dispute-Resolution-Center.aspx>.

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 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. That manager or supervisor who becomes aware of an alleged incident of harassment must report the incident to the Agency's Harassment Prevention Coordinator.

In essence, 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.



Miguel A. Cardona, Ed.D.