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. Harassing conduct may include, but is not limited to: bullying, slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatening assault, 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. Examples of such behavior may include: disrespectful or abusive behavior, swearing, teasing, insensitive or inappropriate jokes and/or touching, pressure or bullying for dates, and psychological and/or physical intimidation.

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, Office of Finance
and Operations, by e-mail at EDAnti-HarassmentProgram@ed.gov or by telephone at (202)
664-9521. ED will conduct a prompt, thorough, and impartial investigation, or fact-finding of
allegations of harassment or inappropriate behavior. ED will begin the fact-finding of
allegations no later than 10 days of receipt of a complaint and will complete the investigation
within 60 days. ED will also take immediate and appropriate corrective action when it
determines that harassment or inappropriate behavior has occurred.

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 or by telephone at (202) 401-3560. Note that any
such complaints must be submitted within 45 calendars 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.

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.
U.S. Secretary of Education