United States
Department of
Agriculture

Farm and
Foreign
Agricultural
Services

Foreign
Agricultural
Service

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Washington, DC
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May 3, 2016

TO: All Employees

FROM: Phil Karsting
Administrator

SUBJECT: FAS Anti-Harassment Policy Statement and Procedures

As the Administrator for the Foreign Agricultural Service (FAS) I want to reaffirm and express my strong commitment to preventing harassment (sexual and non-sexual) in the workplace. It is the policy of FAS to maintain a workplace free from harassment regardless of race, color, religion, national origin, age, sex (includes pregnancy, equal pay, gender identity, and sexual orientation), disability, veteran status, marital or familial status, political beliefs, parental status, receipt of public assistance, genetic information, or retaliation for participating in equal employment opportunity activity.

Workplace harassment is unwelcome, intimidating, hostile, abusive, or offensive treatment, behavior, or conduct, whether verbal, physical, visual, or psychological that denigrates or shows hostility or aversion towards an individual based on that individual's protected status. Harassment is unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Sexual harassment is defined as any unwelcome sexual advance, requests for sexual favors, and/or verbal or physical conduct of a sexual nature. Harassment or hostility towards any individual will not be tolerated.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee. A victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

All employees are responsible for complying with this policy, for maintaining a high level of professional conduct in the workplace, and for treating others with respect and fairness. Employees are encouraged to report harassment before it becomes severe or pervasive. Individuals who believe that they have been subjected to, or have witnessed unwelcomed conduct and perceived harassment; or, receive a report of alleged harassment, or retaliation related to a harassment complaint, should report the incident immediately to agency management, the Office of Civil Rights (OCR), (202) 720-7233, or the agency Compliance, Security and Emergency Planning Division.

I am fully committed to ensuring that every employee and customer is treated with respect and dignity. All employees, including contractors and others performing official work for the Agency, must adhere to this zero tolerance harassment policy.

Attachments

Responsibilities

A. Office of Civil Rights

1. Disseminate the policy statement annually to all employees. Distribute this document to all offices and post on the FAS website;
2. Ensure employees are informed of this Policy and the procedures to follow in connection with reporting harassing conduct;
3. Provide technical assistance and support to assure compliance with this Policy and provide other assistance as requested by the Administrator of FAS;
4. Receive allegations of harassment under this Policy;
5. Advise supervisors and managers on the provision of interim relief in the appropriate circumstances to the alleged victims of harassing conduct pending the outcome of the investigation to ensure further misconduct does not occur;
6. Advise the Administrator, or other persons who need to know, of allegations of harassment and the resolution of those allegations under this Policy; and,
7. Ensure supervisors and managers receive periodic training on their responsibilities under this Policy.

B. Human Resources Division

1. Provide advice to managers and supervisors on taking disciplinary actions for conduct violating this Policy, as consulted.

C. FAS Administrator

1. Take appropriate action to enforce this Policy; and
2. Work closely with the Office of Civil Rights to ensure that this Policy is properly implemented.

D. Supervisors and Managers

1. Act promptly and appropriately to prevent harassment in the workplace, and retaliation against those who complain of harassment;
2. Report, pursuant to procedures set forth, any incident of harassing conduct that they witness or is otherwise brought to their attention;
3. Receive and handle allegations of harassing conduct promptly and appropriately, utilizing the procedures set forth below;
4. In consultation with the Office of Civil Rights, provide interim relief in the appropriate circumstances to alleged victims of harassment pending the outcome of the investigation to ensure no further misconduct occurs; and,
5. Use the procedures set forth below, in consultation with the Human Resources Division and the Office of Civil Rights, to take prompt and appropriate corrective and disciplinary action, up to and including removal, against personnel who have engaged in harassing conduct or who have not carried out their responsibilities under this Policy.

E. All Employees

1. Act professionally and refrain from harassing conduct;

2. Become familiar with the provisions of this Policy, comply with all requirements of this Policy, and cooperate with any inquiry under this Policy;
3. Promptly report, pursuant to procedures set forth, any incident of harassing conduct that an employee experiences before it becomes a pattern of misconduct as pervasive and offensive as to constitute a hostile work environment.
4. Employees should immediately notify agency management and the Office of Civil Rights. Employees also have the right to contact law enforcement (including local law enforcement, the agency's Compliance, Security and Emergency Planning Division, and the USDA Office of the Inspector General).

F. Office of the General Counsel

1. The Office of the General Counsel shall be responsible for providing legal advice to management concerning the implementation and interpretation of this Policy.

Procedures

A. Reporting Harassment

The procedures for reporting incidents of harassing conduct are as follows:

1. Any person who believes that he or she has been the subject of an incident of harassing conduct in violation of this Policy should report this matter to anyone in the complainant's supervisory chain, or to the Office of Civil Rights as soon as possible; and,
2. All information will be maintained on a confidential basis to the greatest extent possible. The maintenance of records and any disclosures of information from these records shall be in complete compliance with the Privacy Act, 5 U.S.C. 552a. Such information, however, may need to be disclosed in order to protect the employee(s) and defend the Agency in any litigation to which the information may be relevant and necessary. Further, information may need to be disclosed to those officials and employees within the Agency on a need to know basis in order to carry out the purpose and intent of this Policy.

B. Inquiries into Allegations of Harassing Conduct

1. A supervisor or manager who receives an allegation or witnesses harassing conduct shall immediately:
   a. Inform the Human Resources Division, the Office of Civil Rights and the FAS Compliance Division;
   b. In consultation with senior management, the Human Resources Division and the Office of Civil Rights, take action to stop any harassing conduct and prevent further harassment while the allegations are being investigated, including granting of appropriate interim relief to the alleged victim of harassing conduct; and,
   c. Document the allegation(s) and efforts made to address it.

2. When the Office of Civil Rights receives an allegation of harassing conduct, either directly from the employee or through a supervisor, manager or other sources, OCR shall:
   a. Notify the Deputy Administrator of the respective program area;

b. Process all EEO complaints in a timely manner, pursuant to EEO and Civil Rights regulations and policies.
c. Ensure that a prompt, thorough, impartial and appropriate EEO inquiry is conducted; and,
d. Recommend appropriate action to stop any harassing conduct and prevent further harassment, including recommending appropriate interim relief to the alleged victim of harassing conduct while the allegations are being investigated.

3. Where an investigation is necessary, a written summary of the investigation shall be prepared by the individual conducting the inquiry. The summary may be brief, depending on the complexity and seriousness of the case. The summary shall be prepared after completion of the inquiry and shall be submitted to the Office of Civil Rights and the supervisor who would be responsible for taking disciplinary action against the alleged harasser.

4. The summary of the investigation or other documentation prepared under this procedure shall be kept confidential, to the extent possible. The maintenance of records and any disclosures of information from these records shall be in compliance with the Privacy Act, 5 U.S.C. 552a. Such information, however, may have to be disclosed to protect employees and defend the Agency in any litigation to which the information may be relevant and necessary. Further, information may need to be disclosed to those officials and employees within the Agency on a need to know basis in order to carry out the purpose and intent of this Policy.

C. Action To Be Taken upon Completion of the Inquiry

1. Upon completion of the inquiry, and in consultation with the Human Resources Division, agency management shall promptly evaluate the record and determine the appropriate action to take. This responsibility normally shall rest with the first line supervisor of the employee alleged to have engaged in the harassing conduct unless such supervisor is involved in the allegation. The Office of Civil Rights shall be informed of this decision, including a decision not to act. In cases of complex or egregious alleged harassing conduct, the supervisor and Office of Civil Rights should seek the counsel of the USDA Office of the General Counsel.

2. Where the inquiry establishes that an employee did engage in harassing conduct under this Policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with the USDA Guide for Discipline, up to and including removal.

3. Where the inquiry establishes that a manager or supervisor did not properly carry out the responsibilities provided for under this Policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with Chapter 75 of the Civil Service Reform Act, up to and including removal.

CONTACTS:

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TTY: (202) 720-1228
Fax: (202) 720-2658
Website: http://www.fas.usda.gov/about-fas/civil-rights

FAS Compliance, Security and Emergency Planning Division
Office: (202) 720-0773

Farm and Foreign Agriculture Services (Mission Area Contact)

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