



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

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USDA ANTI-HARASSMENT POLICY STATEMENT

The U.S. Department of Agriculture (USDA) is committed to creating and maintaining a diverse, and inclusive workforce free of discriminatory harassment. In accordance with requirements established by the U.S. Supreme Court¹, this policy applies to USDA employees in their working relationship with Federal employees, non-Federal employees, and the public. It also applies to contractors and individuals employed under other formal agreements with USDA.

All employees and contractors must help to prevent workplace harassment and take immediate and appropriate action when it occurs. I am committed to addressing harassing behavior at the earliest possible stage to avoid or limit potential harm to any employee before it rises to the level of unlawful harassment.

Equal Employment Opportunity (EEO) based harassment is unwelcome conduct based on race, color, national origin, religion, sex, disability, age (40 years of age or older), genetic information, sexual orientation, gender identity, pregnancy, or retaliation for previous EEO activity. Marital status, familial and/or parental status, income derived from a public assistance program, and/or political beliefs are additional protected classifications covered by other Federal laws and authorities.

Harassment based on a protected classification becomes unlawful when tolerating the offensive conduct (verbal or physical) becomes a condition of continued employment, or the conduct is severe or pervasive and creates a work environment a person would consider intimidating, hostile, or abusive. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a client or customer.

Other forms of harassment (including bullying) include any form of unwelcome conduct, pervasive, persistent, and unsolicited verbal, non-verbal, written, or physical conduct that is offensive and could alter the affected employee's terms and conditions of employment.

Harassing conduct, whether directed at an employee or non-employee, includes but is not limited to:

- Engaging in sexual harassment, an egregious form of prohibited harassment and a form of sex discrimination. Sexual harassment includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, unwelcome remarks about an individual's appearance, discussions, remarks, or jokes of a sexual nature, and other verbal or physical harassment of a sexual nature.

¹ In Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998), and Faragher v. City of Boca Raton, 524 U.S. 775 (1998).

- Using derogatory words, phrases, epithets, gestures, pictures, drawings, slurs, or cartoons not otherwise protected by the First Amendment's guarantee of the right to freedom of speech and the right to religious free exercise.
- Using electronic devices or forms of communication (computers, cellular telephones, tablets, internet, email, and/or other technological equipment) to intimidate, harass, demean, or degrade another (i.e., cyberbullying).
- Retaliation against any individual for reporting matters under this policy, or for an individual's involvement in an inquiry related to such a report.
- Using negative comments regarding employees age 40 and over.

USDA considers allegations of harassment to be very serious. Employees who witness harassment should immediately report it to their manager, supervisor, any management official in their office or agency, or their Anti-harassment Coordinator, if applicable, before the harassment becomes severe or pervasive in the workplace. Individuals who believe they have been subjected to or witnessed harassment in the workplace are encouraged to inform the alleged harasser directly the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation. Reports of harassment need not be in writing or conform to a format. Allegations of EEO and non-EEO based harassment will be addressed by a management inquiry or investigation. Allegations of EEO based harassment may also be addressed concurrently as an EEO complaint.

Managers and supervisors must maintain confidentiality, to the extent possible, regarding the identity of those individuals reporting allegations of harassing conduct, witnesses who provide information about allegations of harassing conduct, and individuals against whom allegations are made, consistent with the need to investigate alleged incidents of harassing conduct, as required under applicable laws, regulations, and policies. Management officials will take immediate and appropriate corrective action upon receiving notice of a harassment allegation.

Management Inquiry

The management official receiving the allegation will:

- Immediately contact Human Resources, the Agency's Anti-harassment Coordinator, if applicable, or Mission Area and Agency Civil Rights Director regarding all allegations of harassment. Reports of harassment must be investigated and addressed in a prompt, thorough and impartial manner. Confidentiality will be maintained to the extent possible and allowed by law.
- Promptly, thoroughly, and impartially initiate a management inquiry of the allegation of harassment within 10 calendar days of the initial report. If the management official receiving the allegation is not in the alleged perpetrator's chain of command, the management official will refer the allegation to the official within the chain of command. Management may need to undertake immediate measures before completing the inquiry to ensure that further harassment does not occur.
- Report allegations of sexual assault or sexual violence to law enforcement as required by Departmental Regulation 4200-001, *Workplace Violence Prevention and Response Program*.

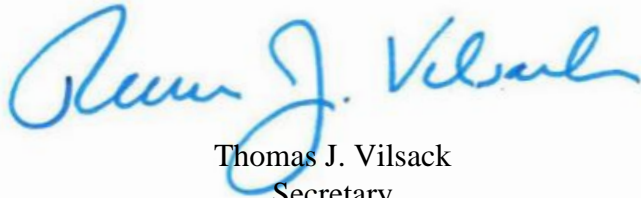
Equal Employment Opportunity (EEO) Complaint

In addition to the process summarized above, individuals who believe they have been subjected to EEO based harassment, including sexual harassment, or retaliation, or any other form of discrimination on the basis of a protected classification, may also file an EEO complaint by contacting their Mission Area, Agency, or Staff Office EEO Counselor within 45 calendar days of the alleged incident. Failure to do so may result in dismissal of the EEO complaint for untimeliness. The expiration of the 45 calendar-day period does not preclude the individual from reporting the incident to a management official for a management inquiry.

Any individual who reports harassment, initiates a harassment complaint, or provides information related to a harassment complaint or inquiry will not be subjected to retaliation before, during, or after the inquiry or complaint process. Moreover, any individual who fails to follow the procedures outlined in this policy will be subject to appropriate corrective and/or disciplinary actions.

Directions on filing a grievance related to harassment under the administrative grievance system, may be found in Departmental Regulation, 4070-771, *Administrative Grievance System*. Additionally, bargaining unit employees may file grievances related to harassment under applicable negotiated procedures for their represented Mission Area or Staff Office.

Every effort will be made to provide all USDA employees with a copy of this policy statement and complaint procedure and redistributed annually. USDA is dedicated to ensuring a workplace free of all forms of harassment and discrimination, a workplace where we all can personally and professionally thrive while serving the American public.



Thomas J. Vilsack
Secretary