



Office of the  
Staff Director

## UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Ave, NW • Suite 1150 • Washington, DC 20425 [www.usccr.gov](http://www.usccr.gov)

November 2019

### U.S. Commission on Civil Rights Anti-Harassment Policy

The United States Commission on Civil Rights (Commission) is committed to providing a work environment that is free from harassment and to taking the necessary steps to prevent any form of harassment in the workplace. Therefore, it is the Commission's policy to take immediate and appropriate action when made aware of allegations of harassment or determines that harassment has occurred. In accordance with the requirements established by the U.S. Supreme Court in *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 7442 (1998), and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998), this policy applies to all employees in their working relationships and to harassment by anyone in the workplace, including harassment by coworkers, supervisors, or nonemployees. Retaliation against those who report harassment, misconduct, serve as a witness or participate in the Equal Employment Opportunity process, or otherwise oppose discriminatory harassment is also strictly prohibited.

Under this policy, harassment is defined as any unwelcome verbal or physical conduct, based on an individual's race, color, religion, sex (sexual orientation, gender identity, pregnancy), national origin, age, disability (mental or physical), parental status, genetic information or genetic identity, when the conduct either (1) is sufficiently severe or pervasive as to create a work environment that a reasonable person would consider intimidating, hostile or abusive; or (2) results in an employment decision affecting the employee and is based upon the employee's acceptance or rejection of such conduct. Some examples of the first category of harassing conduct include: use of electronic media to harass employees based on a protected status; oral or written abuse and/or threats that may include teasing, jokes, insults, gestures, epithets, or remarks based on sex, race, age of 40 or over, disability, religion, national origin, color, or retaliation; or subjecting another employee to unwelcome sexual advances or touching. Some examples of the second category of harassing conduct include when a supervisor coerces an employee into an unwelcome sexual relationship and then rewards the employee, or when a supervisor takes disciplinary action or denies a promotion to an employee because he or she rejected sexual advances from the supervisor.

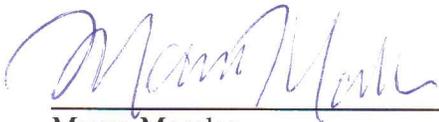
Sexual harassment is a form of harassment and sex discrimination prohibited by law and regulation. Harassing conduct is often, but not always, sexual in nature. The Commission's policy forbids harassment based on sex regardless of whether the offensive conduct is sexual in nature or whether the harasser and victim are of the same sex.

Any employee who believes that he or she has been the subject of or has witnessed an incident of harassing conduct should report the matter promptly to one's supervisor (if appropriate), or to the Human Resources Division (HRD) and/or Director of the Equal Employment Opportunity Programs Office. All Commission employees and applicants should express harassment complaints without fear of retaliation. All reports of harassment will be kept confidential to the fullest extent possible

without impeding an investigation into the allegations. All investigations will be prompt, thorough, and impartial.

Investigations of harassment will begin within 10 calendar days of receiving notice of a harassment allegation. The Commission will reach a decision and, if necessary, take corrective action within 60 calendar days of receiving notice of the allegation. This anti-harassment process is distinct from any rights or obligation in the EEO, Merit Systems Protection Board (MSPB), or internal grievance processes. Reporting harassment is not equivalent to filing an EEO complaint under 29 C.F.R Part 1614 and does not toll the time to file such a complaint. However, individuals who believe they have been the subject of unlawful discrimination, including harassment, may also file an EEO complaint by contacting the EEO Commission's EEO counselor within 45 calendar days of the alleged incident. Failure to meet EEO deadlines may result in the dismissal of an EEO complaint, however, expiration of the 45 calendar-day timeframe does not preclude reporting harassment to the appropriate official.

All supervisors and managers must act promptly to investigate and resolve reports of harassing conduct. If harassing conduct is found to have occurred, the manager or supervisor must take appropriate corrective and disciplinary action, up to and including removal, against all persons who have been found to have engaged in that conduct.



Mauro Morales  
Staff Director

11-25-2019

Date