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| <b>USICH</b> | <b><i>POLICY STATEMENT OF THE<br/>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</i></b> |       |
|              |   | FY 22 |

### PROHIBITION OF HARASSING CONDUCT IN THE WORKPLACE

The US Interagency Council on Homelessness (USICH) does not tolerate harassing conduct in its workplace. Harassing conduct in our workplace includes: (1) harassing conduct based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or above), disability, genetic information (including family medical history), marital status, parental status, political affiliation, or retaliation for protected USICH activity that is unlawful under federal employment civil rights laws and related federal authorities (unlawful harassment); and (2) harassing conduct based on any of these protected characteristics that is unwelcome, but may not rise to the level of unlawful under federal employment civil rights laws and related federal authorities (unwelcome conduct).

This Policy updates USICH's anti-harassment policy. The goal of this Policy is to stop unwelcome conduct before it rises to the level of unlawful harassment, and to prevent unwelcome conduct from recurring. This Policy provides examples of harassing conduct, explains the rights and responsibilities of all employees under this Policy, and explains the system of accountability.

**Employees should note that using the informal procedures described in this Policy is *not the same* as filing an EEO complaint, using the negotiated or administrative grievance procedures, or pursuing other processes granted to employees by law.** Those avenues use different procedures, have different rules and time frames, and can provide different remedies.

### USICH POLICY

The USICH does not tolerate harassing conduct in the workplace by anyone, including senior leaders, managers, supervisors, coworkers, or non-employees. Examples of non-employees include charging parties, complainants, respondents, and other individuals employees may encounter during the course of business, such as contract workers, security guards, and delivery or maintenance staff.

Examples of harassing conduct prohibited by this Policy, when based on a protected characteristic, include the following, whether they occur in person, on social media, or in any another manner:

- Offensive jokes, comments, objects, or pictures
- Unwelcome questions about a person's identity
- Undue and unwelcome attention
- Ridicule or mockery
- Insults or put-downs
- Unwelcome touching or contact

- Slurs or epithets
- Threats or other forms of intimidation
- Physical or sexual assault

The touchstone of this Policy is that if conduct based on another person's protected characteristic is ***unwelcome***—that is, the conduct is unwanted or undesired—the conduct should ***not occur***. This Policy does not require that the person who has engaged in the conduct agree that the conduct is wrong. This Policy does not seek to change what people think. Rather, it explains how the USICH expects its employees to act in the workplace.

Not all unwelcome conduct is harassing conduct. For example, it is not harassment for a supervisor to tell an employee that s/he is not performing a job adequately. Of course, the supervisor may not treat employees who are similar in their work performance differently because of a protected characteristic. Also, occasional and innocuous compliments generally do not constitute harassing conduct, but rather reflect the reality of human experience and common courtesy.

### **REPORTING HARASSING CONDUCT**

In general, anyone who is subjected to conduct s/he experiences as harassing should tell the person who engaged in the conduct to stop. If the target of the perceived harassing conduct is uncomfortable confronting the person who engaged in the conduct, or if the conduct continues, the target of the conduct should come forward quickly and report the conduct to ***any*** of the following:

- The target's immediate supervisor;
- The supervisor of the person responsible for the conduct;
- Any management official with supervisory authority; and/or
- The Human Resources Representative, who can be reached at [sanya.cade@usich.gov](mailto:sanya.cade@usich.gov) or at 202-594-7880.

These individuals have been trained on how to respond to reports of harassing conduct and will be held accountable for responding appropriately to such reports. When a supervisor or Human Resources Representative becomes aware of alleged harassing conduct, the conduct will be investigated; and, as appropriate, preventive and/or corrective action will be taken in a meaningful manner.

An employee who chooses to follow the procedures set forth in this Policy may also file an EEO complaint, or pursue other processes granted to employees by law. If an employee chooses not to follow the procedures set forth in this Policy, the employee may still choose to follow the other processes.

Employees who observe or otherwise know of harassing conduct that appears directed against other employees are encouraged to report the conduct to any of the individuals listed above. The best way to create a culture in which harassing conduct is not tolerated is if ***everyone*** in the workplace is committed to creating such a culture. Reporting harassing conduct, regardless of the target, is one way to create that culture. This is particularly important if the target of the conduct appears uncomfortable or may be afraid to come forward.

### **REPORTING AND INVESTIGATION SYSTEM**

Once a supervisor, manager, or the Human Resources Representative receives a report or becomes aware of alleged harassing conduct, the following steps will be taken:

#### ***Investigation***

There will be an investigation of the report that is:

- Prompt;
- Thorough; and
- Fair

The Human Resources Representative will work with agency partner for these matters, the General Services Administration (GSA), on a case-by-case basis, determine the necessary scope of the investigation and who will conduct the investigation.

### ***Timeframes***

**A.** If harassing conduct is reported to the Human Resources Representative, s/he must make all reasonable efforts to fully investigate the report, in coordination with GSA, propose interim relief in the meantime, if appropriate, and facilitate a final decision on the report within 30 calendar days from when the report was first made. If these timeframes cannot be met, the Human Resources Representative must provide updates to the person who reported the conduct (and the target of the alleged conduct, if different from the person who reported) and an explanation as to why the timeframes are being delayed.

**B.** If harassing conduct is reported to a supervisor or manager, or if a supervisor or manager becomes aware of alleged harassing conduct, s/he must notify his/her Office Director (unless the Office Director is the alleged harasser) and the Human Resources Representative as soon as possible, but no later than within three (3) business days, after becoming aware of the alleged conduct. The Human Resources Representative will then process the report as set forth in Section A.

### ***Cooperation and Confidentiality***

All parties—the person who reports harassing conduct (and the target of the alleged conduct, if different from the person who reported), the alleged harasser, and any potential witnesses—will be expected to cooperate with an investigation so that it can be conducted in a prompt, thorough, and fair manner.

The USICH will keep reports and investigations of harassing conduct confidential to the greatest extent possible, as consistent with the law and a thorough and fair process. This means that only individuals who ***need to know*** about alleged harassing conduct will be told about it. For example, conducting a thorough and fair investigation will require that the person conducting the investigation talk to the alleged harasser. A thorough and fair investigation may also require providing the identity of the target of the conduct to the alleged harasser. Further, the Human Resources Representative and/or the person conducting the investigation will (in most cases) need to talk with the top management in the office of the alleged harasser and the target of the conduct, as well as supervisors and coworkers necessary for the investigation.

Following the outcome of an investigation, the Human Resources Representative will inform the person who reported the harassing conduct (and the injured party, if different from the person who reported) of the outcome of the investigation. In addition, the Human Resources Representative will provide information regarding the outcome of an investigation only to management officials with a need to know such information.

### ***Non-Retaliation***

The USICH will not tolerate retaliation against a target of harassing conduct, anyone who reports harassing conduct, anyone who opposes harassing conduct, or anyone who provides information regarding harassing conduct. Any employee who retaliates against any of these individuals will be disciplined appropriately and promptly. Management will be held accountable for preventing and promptly stopping and correcting any retaliatory conduct.

**PREVENTIVE AND/OR CORRECTIVE ACTION**

If an investigation determines that a report of harassing conduct is true, USICH management will take appropriate and prompt preventive and/or corrective action. Not all forms of harassing conduct will warrant the same preventive and/or corrective action. A fair and credible approach to stopping and remedying harassing conduct demands a response that is proportionate to the conduct.

As noted above, harassing conduct may involve a variety of offensive acts and conduct, including physical or sexual assaults or threats; offensive jokes, slurs, epithets, or name calling; intimidation, ridicule, or mockery; insults or put-downs; ostracism; or offensive objects or pictures. The severity and frequency of the conduct will be considered when determining preventive and/or corrective action. More egregious conduct will merit more severe discipline. For example, the use of an epithet, a threat or other intimidation, or a sexual or physical assault would very likely warrant more severe discipline than a first-time inappropriate comment or joke.

Proportionate preventive and/or corrective action may include counseling. An employee should be counseled for harassing conduct the same as s/he would be for any other unacceptable performance or inappropriate conduct. After counseling has been imposed, the conduct of the counseled employee will be monitored to ensure that the harassing conduct does not continue.

Proportionate preventive and/or corrective action will also be taken promptly when counseling would be or has been ineffective. Such action may include disciplinary action, as called for by the facts of the case and applicable conduct rules. The penalty imposed for harassing conduct will be selected the same as for any other violation of workplace rules, considering the severity and frequency of the conduct, the response required to end such conduct and prevent it from recurring, the offender's disciplinary/conduct history, and other relevant factors. A proportionate penalty may include suspension, demotion, or removal.

Following the implementation of preventive and/or corrective action, the Human Resources Representative will, unless there is good reason not to, inform the person who reported the harassing conduct (and the injured party, if different from the person who reported) of the action taken. In addition, the Human Resources Representative will provide information regarding the preventive and/or corrective action taken only to management officials with a need to know such information.

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This Policy reaffirms the USICH's longstanding commitment to maintaining a model workplace free from harassing conduct. Maintaining such a workplace requires a commitment from each of us. As a result, I ask all USICH employees, at every level of seniority, to take responsibility for implementing this Policy, for cooperating in its enforcement, and for creating a workplace culture in which harassing conduct is not tolerated.

  
 Director of Finance and Administration for USICH