



United States Department of Agriculture

Office of the Secretary
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USDA ANTI-HARASSMENT POLICY

The U.S. Department of Agriculture (USDA) is committed to creating and maintaining a talented, diverse, and inclusive workforce. USDA provides employment opportunities, programs, and services to the American public in a manner that demonstrates our commitment to fairness, integrity, and equality. 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.

My expectation for all employees and contractors is simple: “Do right and feed everyone.” In order to do right, we must prevent workplace harassment and take immediate and appropriate corrective action when it occurs.

Equal Employment Opportunity (EEO) based harassment is unwelcome conduct based on race, color, national origin, religion, sex, disability, age, genetic information, sexual orientation, marital status, familial and/or parental status, income derived from a public assistance program, political beliefs, or gender identity.

EEO based harassment becomes unlawful when tolerating the offensive conduct becomes a condition of continued employment, or the conduct is sufficiently severe or pervasive to create a work environment a reasonable 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.

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

Harassing conduct, whether directed at an employee or non-employee, may include, but is not limited to, the following actions:

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

- 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, remarks about an individual's appearance, discussions, remarks, or jokes of a sexual nature, and other verbal or physical harassment of a sexual nature.
- 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.

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 your office or agency, or your Civil Rights Office 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 harassment will be addressed by a management inquiry. Allegations of EEO harassment may also be addressed as an EEO complaint.

1. A Management Inquiry

The management official receiving the allegation will:

- Immediately contact Human Resources and their Mission Area or Agency Civil Rights Director regarding all allegations of harassment. Reports of harassment must be investigated and addressed in a prompt, impartial, and, to the extent allowed by law, confidential manner.
- Promptly and impartially initiate a management inquiry of the allegation of harassment within 10 business 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. The management official 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.

2. An Equal Employment Opportunity (EEO) Complaint

Individuals who believe they have been subjected to EEO-based harassment, including sexual harassment, discrimination, or retaliation, 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.

For direction on filing a grievance related to harassment under the administrative grievance system, see 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 and complaint procedure and redistribute it 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.

/s/

Sonny Perdue, Secretary