



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

Director's Order #16F: National Park Service Anti-Harassment Policy

Approved: 
Director

Effective Date: 12/28/2011

Duration: This Order will remain in effect until amended or rescinded by the Director

Summary: The National Park Service is committed to a workplace free of discrimination and harassment based on sex, gender identity, race, color, religion, age, national origin, sexual orientation, disability, genetic information and/or reprisal. Offensive sexual or non-sexual harassing behavior against any employee will not be tolerated. Therefore, the Service will take immediate and appropriate action when it is made aware of allegations of harassment or it determines that harassing conduct has occurred. Any employee who engages in sexual or non-sexual harassment will be subject to disciplinary action up to removal or termination. The Service also will not tolerate adverse treatment of employees because they report harassment or provide information related to such complaints.

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I. Purpose and Background

The purpose of this Director's Order is to update the anti-harassment policy of the National Park Service, set forth the procedures for addressing allegations of harassment, and identify the roles and responsibilities of employees, managers, supervisors, and the Offices of Equal Employment Opportunity and Human Resources Management. This Order supports our goal of maintaining a workplace free of harassment and discrimination. It supplements other Service-wide guidance related to workforce and workplace issues, including Director's Order #16E: Sexual Harassment.

This anti-harassment policy provides for the taking of immediate and appropriate corrective actions, including disciplinary actions (see DOI Personnel Handbook; Subject: Charges and Penalty Selection for Discipline and Adverse Actions), to eliminate harassing conduct based on prohibited factors protected by Title VII and other anti-discrimination statutes and laws prohibiting discriminatory harassment. The goal of the anti-harassment program is to prevent harassing conduct before it becomes severe or pervasive.

Allegations of harassment can be handled in a number of ways:

- A. An individual who believes he or she has been subjected to harassment or a hostile work environment may contact the Collaborative Action and Dispute Resolution (CADR) Office, Conflict Resolution (CORE PLUS) Specialist to request assistance in resolving harassment as defined here. At the discretion of management an inquiry may be conducted according to the procedures described in Part VI of this Order. The purpose and/or outcome in addressing harassment through the management inquiry process is to eliminate harassing conduct.
- B. An individual who believes he or she has been subjected to harassment based on sex, race, color, religion, age, national origin, disability, genetic information and/or reprisal may initiate an EEO complaint, that will be processed according to the Equal Employment Opportunity Commission's regulations (Title 29, Section 1614 of the Code of Federal Regulations) and where a finding of discrimination is made, will be made whole by an appropriate remedy.

Employees and managers must remember that reports made pursuant to this Order do not replace or otherwise satisfy the separate obligations of an EEO complaint, negotiated grievance, Merit Systems Protection Board appeal or other statutory process. Likewise, inquiries conducted under this Order are separate and apart from the EEO investigations conducted pursuant to the complaints of discrimination process found at Title 29, Section 1614 of the Code of Federal Regulations. However, EEO involvement is required to ensure that the inquiries are designed to capture sufficient and relevant information for decisions to be made and that appropriate follow-up actions in accordance with this policy occur.

Given this purpose and background, the support and cooperation of every employee is essential as we work toward making the Service a model Federal agency and the best place to work in government.

II. Authority for Issuing this Director's Order

Authority for issuing this Director's Order is contained in the NPS Organic Act (16 U.S.C. 1 through 4) and delegations of authority found in Part 245 of the Department of the Interior Manual. The legal requirement for having this policy is Title 29, Part 1604 of the Code of Federal Regulations, and the Equal Employment Opportunity Commission Management Directive 715.

III. Anti-harassment Policy

Harassment will not be tolerated by the National Park Service, regardless of whether the conduct violates the laws prohibiting discriminatory harassment, when:

- A. The conduct is a condition of the individual's employment; or
- B. Employment decisions are based on whether the employee accepts or rejects such conduct; or
- C. The conduct can unreasonably interfere with an individual's work performance or create an intimidating, hostile or offensive work environment.

Harassment can occur in a variety of circumstances, including but not limited to the following:

- A. The harasser can be an individual's supervisor, a supervisor in another area, an agent of the employer, a co-worker or a non-employee.
- B. The person who alleges harassment does not have to be the person directly subjected to the harassment, but can be anyone affected by the offensive conduct.
- C. Unlawful harassment may occur without economic injury to, or the discharge of, the person who alleges the harassment. 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 putdowns; offensive objects or pictures that interfere with job performance.

Employees are encouraged to inform the alleged harasser directly that the conduct is unwelcome and that it must stop. If the employee is uncomfortable in confronting the alleged harasser, he/she should immediately discuss their concerns with the immediate supervisor, second line supervisor, or third line supervisor (when appropriate), Human Resources Manager, the Equal Employment Opportunity Program Manager, or a representative of their choice. To the extent possible, the Service will assure confidentiality of the individual who brings claims of harassment forward.

Anti-harassment laws also prohibit harassment against individuals in retaliation for—

- filing a complaint of discrimination;
- testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or
- opposing employment practices that they reasonably believe discriminate against individuals, or are in violation of these laws.

IV. Responsibilities

A. Each employee of the Service is responsible for:

- (1) Refraining from any and all harassing conduct;
- (2) Complying with all policy requirements which are disseminated by the Servicewide Equal Employment Opportunity Manager and cooperating with any inquiry under this Director's Order; and
- (3) Promptly reporting, pursuant to the procedures in Section V of this Order, any incident of harassing conduct that he/she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile work environment. The Service cannot correct harassing behavior if the conduct is not known.

B. Each Manager and Supervisor is responsible for:

- (1) Handling allegations of harassing conduct, utilizing established procedures (as described in Section VI of this Order) **within 24 hours** of learning of any allegations of harassment;
- (2) Reporting (pursuant to procedures in Section V of this Order) any incident of harassing conduct that they witness or that is otherwise brought to their attention;
- (3) Acting daily to prevent harassment in the workplace and retaliation against those who engage in prohibitive activity;
- (4) In consultation with the servicing Equal Employment Opportunity Manager and Human Resources Manager, providing interim relief to alleged victims of harassment pending the outcome of the inquiry to ensure that further misconduct does not occur without burdening the alleged victims and that any relief resolves all pending claims; all relief actions provided shall be reduced to a written agreement and shall incorporate any and all pending claims and forwarded to the EEOC as soon as appropriate; and
- (5) Taking prompt and appropriate corrective and/or appropriate disciplinary action in accordance with the Department of the Interior Table of Penalties, up to and including removal or termination, against employees who engage in harassing conduct or who have not carried out their responsibilities under this Director's Order.

C. The Servicewide Equal Employment Opportunity Manager is responsible for:

- (1) Preparing annual Anti-harassment Policy Statements for the Director's signature, disseminating to all employees these policy statements (which will refer to this Order for further guidance), and posting these policy statements on the Office of Equal Employment Opportunity website;
- (2) Ensuring that employees are informed of this Director's Order and the procedures for reporting harassing conduct;
- (3) Providing technical guidance, assistance, and support to assure compliance and providing other assistance and guidance to the servicing Equal Employment Opportunity Managers, as requested;
- (4) Receiving reports alleging harassing conduct and, within 24 hours, making or directing further inquiries into such reports, as appropriate and necessary;
- (5) Maintaining a written record of reports made and actions taken pursuant to this policy;
- (6) Developing and providing periodic training for all employees on this policy; and
- (7) Conducting or overseeing and approving fair, impartial, and expeditious inquiries into allegations of harassing conduct.

D. Each Regional (Servicing) Equal Employment Opportunity Manager is responsible for:

- (1) Advising employees on this Director's Order;

- (2) Receiving and handling allegations of harassing conduct within 24 hours of notification;
- (3) Conducting or overseeing and approving fair, impartial, and expeditious inquiries into allegations of harassing conduct;
- (4) Providing recommendations to managers and supervisors on the provision of interim relief of the alleged victims of harassing conduct pending the outcome of the inquiry to ensure that further misconduct does not occur; and
- (5) Apprising the regional director and/or other senior managers, on a need to know basis, of the allegations of harassment and the resolution of those allegations.

V. Procedures for Reporting Hostile and Abusive Conduct

- A. Any employee who has been subjected to unwelcomed, intimidating, hostile, and offensive conduct is encouraged to inform the person(s) responsible for the conduct that the conduct is unwelcomed and offensive and request that it cease. If the conduct continues, or the employee is uncomfortable confronting the responsible person(s) about the conduct, he/she should report the matter to:
 - (1) The supervisor of the employee engaging in the intimidating, hostile, or offensive conduct;
 - (2) Another supervisor or other management official in the employee's supervisory organizational chain; or
 - (3) An Equal Employment Opportunity Manager or Human Resources Manager.
- B. Employees who know of intimidating, hostile, or offensive conduct directed at others are encouraged to report the matter to the supervisor of the offending employee, another supervisor or management official, Human Resources officials, the servicing Equal Employment Opportunity Manager, Safety officer, and/or law enforcement officer, as the situation warrants.
- C. Initial contacts made by an employee will be confidential to the extent possible.

VI. Management Response to Harassment Reports

A supervisor or manager who receives an allegation, or otherwise becomes aware of intimidating, hostile and/or offensive conduct involving subordinates in his/her chain of command must immediately:

- A. Determine, within 24-72 hours and in consultation with the EEO Manager/Human Resources Manager, technical guidance;
- B. Determine, within 24 -72 hours, who may be involved and whether any interim action is required to insulate the alleged victim from further intimidating, hostile, or offensive conduct while the inquiry is being conducted;
- C. Work with the EEO Manager and Human Resources Manager and CADR to initiate actions within 24-72 hours to conduct a prompt, thorough, and impartial inquiry;
- D. Once the inquiry has been conducted, the results of the inquiry will be shared with the Human Resources Manager. The EEO Manager will make recommendations

concerning appropriate corrective actions, e.g., training, display of training posters. The Human Resources Manager will make recommendations as to appropriate disciplinary actions; and

- E. If misconduct is found, ensure that actions are taken to stop the harassing conduct immediately as well as actions to prevent further harassment.

The inquiries conducted under this policy are separate and apart from the EEO investigations conducted pursuant to the complaints of discrimination process found at Title 29, Section 1614 of the Code of Federal Regulations. However, EEO involvement is required to ensure that the inquiries are designed to capture sufficient and relevant information for decisions to be made and that appropriate follow-up actions in accordance with this policy occur.

VII. Related Guidance Documents

This Director's Order may be supplemented by an annual statement affirming the Director's anti-harassment commitment. The Order is one in a series that also includes (or will include):

- #16A: Reasonable Accommodations for Applicants and Employees with Disabilities. (Now being revised since it was last issued, May 4, 1999.)
- #16B: Diversity in the National Park Service
- #16C: Discrimination Complaints Process
- #16D: Equal Employment Opportunity and Zero Tolerance of Discrimination
- #16E: Sexual Harassment

-----*End of Director's Order*-----