

CIRCULAR

DATE July 7, 2021

ANTI-HARASSMENT POLICY (AHP) AND PROCEDURES

REVIEW DATE July 7, 2026

1.0 PURPOSE AND SCOPE

- 1.1 This policy establishes procedures for processing allegations of harassment and supports the Bureau and Engraving and Printing's (BEP/Bureau) goal of maintaining a workplace free from harassment. It requires taking prompt and effective action when allegations of harassment arise before it becomes severe or pervasive. The policy also defines harassing, hostile, or abusive conduct; outlines the responsibilities of BEP managers, supervisors and employees; requires periodic training on harassment; and establishes a system of accountability that ensures BEP continues to provide a model workplace for all its employees.
- 1.2 This issuance supplements and does not replace existing equal employment opportunity (EEO) complaint procedures under Title 29 of the Code of Federal Regulations (C.F.R.) Part 1614 and administrative or collective bargaining grievance procedures.
- 1.3 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 occurring. Employees are encouraged to report harassing conduct, whether experienced or observed, in order to ensure that appropriate officials are notified of and have the opportunity to promptly correct such conduct.
- 1.4 The procedures contained herein apply to all employees working for BEP. The procedures do not apply to allegations of harassment brought by contractor employees against the contractor and/or against another contractor employee, to include (contractor) supervisors and/or coworkers.

2.0 POLICY

- 2.1 Harassment by anyone in the workplace, including supervisors, coworkers or nonemployees, based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), genetic information, disability or retaliation for prior protected activity (i.e., opposition to prohibited discrimination or participation in the EEO complaint process) that (1) creates an intimidating, hostile or offensive working environment; (2) unreasonably interferes with work performance; or (3) adversely affects employment opportunity is a violation of Federal Civil Rights laws and will not be tolerated by BEP. Additionally, employees are protected from discriminatory harassment by nonemployees and employees will be held accountable for discriminatory harassment of nonemployees in

CIRCULAR

DATE July 7, 2021

work related situations. In certain circumstances, BEP retains jurisdiction over discriminatory harassment by an employee toward another employee, even if the discriminatory harassment takes place outside of the workplace and during off duty hours.

- 2.2 To the extent possible, BEP will protect the confidentiality of individuals who report discriminatory harassment claims. Disclosures about allegations of discriminatory harassment will be made only on a need-to-know basis, in order to determine the facts surrounding the allegation and to take appropriate action. Records relating to discriminatory harassment complaints should be kept confidential and disclosure is on a need-to-know basis as well. The Anti-Harassment Coordinator (AHC) determines who has a need-to-know for purposes of this policy.
- 2.3 Reporting an allegation of discriminatory harassment under this policy does not satisfy the requirements for EEO contact, filing an EEO complaint or union grievance, and does not delay the time limits for initiating those procedures. Thus, an employee may choose to pursue statutory, administrative, or collective bargaining remedies for unlawful discriminatory harassment, in addition to instituting the procedures outlined in this issuance. If an employee chooses to pursue those remedies, the employee must elect one of the available forums as follows:
 - 2.3.1 For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO counselor within 45 days¹ of the most recent incident of alleged discriminatory harassment (or the effective date of a personnel action if one is involved) or when the employee or applicant became aware of the alleged discriminatory act, as required under 29 C.F.R. §1614.105(a).
 - 2.3.2 For a collective bargaining (negotiated) grievance, file a written grievance in accordance with the provisions of the applicable Collective Bargaining Agreement (CBA).
 - 2.3.3 Contact with an EEO counselor is considered informal EEO contact and does not preclude an employee from filing a written negotiated grievance or a Merit Systems Protection Board (MSPB) appeal at this point. Once a formal EEO complaint is filed, however, it is considered an election of forum and an employee may not thereafter file a negotiated grievance. Similarly, an employee may not pursue both a formal EEO complaint and an MSPB appeal. An EEO complaint filed after a written negotiated grievance under a CBA that allows EEO related complaints for processing or MSPB appeal has been filed on the same matter shall be dismissed.

¹ All time periods are in calendar days unless otherwise indicated.

CIRCULAR

DATE July 7, 2021

3.0 SUPERSESION

This policy establishes new procedures.

4.0 REFERENCES

- 4.1 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16
- 4.2 Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a
- 4.3 Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794, and 794a
- 4.4 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.
- 4.5 Executive Order 13087 (May 28, 1998), amending Executive Order 11478 (August 9, 1969), Equal Employment Opportunity in Federal Government
- 4.6 Executive Order 13152 (May 2, 2000), amending Executive Order 11478 (August 9, 1969)
- 4.7 U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 715 (MD-715) (August 2015)
- 4.8 Privacy Act of 1974, as amended, 5 U.S.C. § 552a
- 4.9 EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (June 1999)
- 4.10 EEOC, Model EEO Programs Must Have an Effective Anti-Harassment Program (September 2005)
- 4.11 BEP Sexual Harassment Policy Statement (October 1, 2020)
- 4.12 BEP Equal Employment Opportunity Policy Statement (December 1, 2020)
- 4.13 BEP Circular No. 60-00.7, Allegations of Threat, Violence, Harassment or Intimidation in the Workplace
- 4.14 BEP Circular No. 50-00.7, Records Systems Subject to the Privacy Act

5.0 DEFINITIONS

- 5.1 Harassing conduct is any unwelcome conduct, verbal or physical, based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), genetic information, disability or retaliation for prior protected activity (i.e., opposition to prohibited discrimination or participation in the EEO complaint process) when: (1) the behavior can reasonably be considered to adversely affect the work environment; or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

CIRCULAR

DATE July 7, 2021

- 5.2 Bullying is unwanted, offensive or malicious behavior calculated to undermine, patronize, humiliate, intimidate, or demean the recipient. Bullying can range from face-to-face encounters to cyber bullying.
- 5.3 Unlawful Harassment.
- 5.3.1 Harassment becomes unlawful when: such conduct by a supervisor culminates in a tangible employment action (i.e., a significant change in employment status or benefit); or, such conduct by anyone that is sufficiently severe or pervasive that may alter the terms, conditions, or privileges of the employee's employment, unreasonably interferes with work performance, or otherwise creates a hostile work environment.
- 5.3.2 Common workplace occurrences, such as workplace changes or restructuring, directions to perform work or to comport oneself appropriately or issuing performance appraisals, are unlikely to rise to a violation of law. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of unlawful harassment. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person. However, harassing conduct that does not rise to the level of unlawful harassment may still be considered a violation of this policy and could potentially serve as the basis for disciplinary action.
- 5.3.3 Examples of harassing conduct include, but are not limited to:
- 5.3.3.1 Epithets, slurs, stereotyping or threatening, intimidating, or hostile acts that relate to an individual's protected group status.
- 5.3.3.2 A practice or repeated instances of jokes or pranks that are hostile or demeaning and are based on an individual's protected group status.
- 5.3.3.3 Written or graphic material that degrades or shows hostility or aversion toward an individual or group because of their protected group characteristics and is displayed on walls, bulletin boards, or other locations or is circulated in the workplace.
- 5.3.3.4 A single utterance of an ethnic, sexual or racial epithet that offends an employee but which generally would not be severe enough to constitute unlawful harassment in violation of Title VII or any other anti-discrimination statute. However, it is BEP's policy that such conduct is inappropriate in the workplace and should not be tolerated.

CIRCULAR

DATE July 7, 2021

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- 5.4 Sexual harassment refers to unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; such conduct constitutes harassment when:
- 5.4.1 Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
 - 5.4.2 Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individuals.
 - 5.4.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - 5.4.4 Examples of sexually harassing conduct include, but are not limited to:
 - 5.4.4.1 A manager or supervisor conditioning a promotion, job assignment, or other tangible job benefit on acquiescence to unwelcomed sexual conduct, or penalizing an individual for refusing to participate in such conduct.
 - 5.4.4.2 Sexist or stereotypical remarks about a person's clothing, body, appearance, or activities.
 - 5.4.4.3 Sexually oriented jokes, stories, remarks, or discussions.
 - 5.4.4.4 Descriptions of sexual acts.
 - 5.4.4.5 Posting or displaying sexually graphic pictures anywhere in the workplace.
 - 5.4.4.6 Deliberately touching, pinching, patting, or giving inappropriate looks to another person.
 - 5.4.4.7 Pressure for dates or sexual activity.
 - 5.4.4.8 Unwelcome telephone calls, email messages, social network postings or letters of a sexual nature.
 - 5.4.4.9 Demands for sexual favors.
- 5.5 Retaliatory harassment is harassing conducted based on a person's prior protected EEO activity. Protected activity is where an individual has filed an EEO complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under federal anti-discrimination laws. Another type of protected activity is reasonable opposition to any practice made unlawful under federal anti-discrimination laws. Additionally, requesting a reasonable accommodation for a disability or religious belief is protected activity. Retaliatory harassment may be unlawful even if it is not

CIRCULAR

DATE July 7, 2021

-
- severe or pervasive enough to create a hostile work environment, as long as it might deter a reasonable person from asserting their EEO rights.
- 5.6 Conduct covered by this policy includes hostile or abusive conduct based on a protected group, even if the conduct is not sufficiently severe or pervasive so as to alter the conditions of employment.
- 5.7 A Fact-Finder is a BEP manager or supervisor officially designated to conduct a prompt, thorough, and impartial inquiry into reports of harassment and issue a Fact-Finding Report at the conclusion of the inquiry. The fact-finder shall not be subordinate to any official involved in the allegation.
- 5.8 Fact-Finding is the process of conducting an inquiry into harassment allegations. The extent of the fact-finding will vary based on the circumstances of the alleged harassing conduct.
- 5.9 A Fact-Finding Report is a written factual report of the steps BEP took upon receipt of the harassment allegation, factual information gathered from interviews with the alleged victim, alleged harasser and relevant witnesses, and documents provided by appropriate parties to the matter. A sample fact-finding report can be found in Appendix I.
- 5.9.1 The fact-finding report is the means through which the Deciding Official (DO) evaluates the facts and makes a decision regarding what corrective action, if any, should be taken.
- 5.9.2 The fact-finding report is submitted to the DO and AHC and kept confidential to the extent possible. (See Section 2.2).
- 5.9.3 The maintenance of records and disclosure of information related to the procedures for processing allegations of harassment at BEP;
- 5.9.3.1 All records related to this effort will be managed (identified, retained, disposed) in accordance with the applicable National Archives and Records Administration (NARA) approved General Records Schedule (GRS) or BEP records schedule.
- 5.9.3.2 Disclosure of all information related to this effort shall be in compliance with the Privacy Act of 1974. Such information may be disclosed as a routine use to those who have a need-to-know in order to carry out the purpose and intent of this policy.
- 5.9.4 The fact-finding report may be released in accordance with routine uses per the system of record notice (SORN).
- 5.10 The Deciding Official (DO) is the first line supervisor of the alleged harasser and makes a determination based upon the fact-finding. If such

CIRCULAR

DATE July 7, 2021

supervisor is involved in the allegation, the next line supervisor becomes the DO.

- 5.11 Confidentiality means details of an allegation of harassment and related records obtained during the fact-finding are disclosed to specific persons only on a need-to-know basis.
- 5.12 Conflict of interest case is defined as an allegation filed against the:
 - 5.12.1 BEP Director
 - 5.12.2 Chief, Office of Equal Opportunity and Diversity Management (OEODM)
 - 5.12.3 AHC

6.0 RESPONSIBILITIES

- 6.1 All employees are expected to:
 - 6.1.1 Familiarize themselves with and adhere to the BEP Code of Conduct.
 - 6.1.2 Act professionally and refrain from engaging in harassing conduct.
 - 6.1.3 Be familiar with the provisions of this policy, comply with all requirements and cooperate with any inquiry or fact-finding conducted under this policy.
 - 6.1.4 Promptly report harassing conduct, whether experienced or observed by following the procedures set forth within this Policy under Section 7.0. Reporting harassment at an early stage prevents its escalation. While isolated incidents of harassment generally do not violate Federal law, a pattern of incidents may.
 - 6.1.5 If comfortable doing so, inform the alleged harasser directly that the conduct is unwelcome and must stop.
 - 6.1.6 Take advantage of the preventive or corrective opportunities provided by BEP such as the AHP process as stated in this circular, EEO complaint process, or Alternative Dispute Resolution (ADR).
- 6.2 All managers and supervisors shall maintain a work environment free from harassment. When a manager or supervisor receives a harassment allegation, they shall:
 - 6.2.1 Contact the AHC promptly in accordance with this policy to ensure the allegation is addressed promptly as required under this policy. Follow the procedures set forth in this policy once they have been apprised of allegations of harassment, even if the employee requests that no action be taken.

CIRCULAR

DATE July 7, 2021

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- 6.2.2 Assess the situation immediately and consult with the AHC or with subject matter experts, such as the Office of Chief Counsel (OCC), Chief, OEODM or Chief, Office of Human Resources (OHR) to request advice on appropriate interim steps to take while fact-finding is ongoing. Such steps may include changing the reporting relationship, the work location and assignments of the individuals and granting appropriate leave. However, no action shall be taken involving the alleged victim, e.g., transferring the alleged victim to another office, unless alleged victim requests otherwise.
- 6.2.3 If the alleged harasser or alleged victim is a contract employee, contact the contracting officer and request them to ensure that the contractor and all of its relevant employees cooperate in the inquiry.
- 6.2.4 Ensure all individuals who report alleged harassment or who cooperate during fact-finding are made aware that they are protected from retaliation and measures to take should they believe retaliation occurs.
- 6.2.5 Act as the DO, as appropriate, to determine the outcome of the fact-finding based on the fact-finding report, take appropriate action, as necessary, and notify all parties of the completion of the fact-finding, consistent with the Privacy Act of 1974, and Circular No. 50.00-7.
- 6.2.5.1 In instances where the immediate supervisor is the alleged harasser, or if it is determined through the fact-finding that the immediate supervisor is involved in the allegation, the next higher level official, who does not have direct involvement in the complaint at issue becomes the DO.
- 6.2.5.2 Remedial measures should be designed to stop the harassment, correct its effects on the employee, and ensure that the harassment does not reoccur. These remedial measures need not be those that the employee requests or prefers, as long as they are effective.
- 6.2.6 If misconduct is found, in consultation with OHR, take immediate and appropriate corrective action to stop the harassing behavior and ensure it does not reoccur. Properly documented corrective action will be taken when the fact-finding results in a violation of this policy.
- 6.2.6.1 If it is determined that formal disciplinary action is necessary, the information from the fact-finding report that is relied upon as the basis for the action must be shared with those against whom the action has been proposed. Information gathered during the fact-finding will also be made available to the EEO

CIRCULAR

DATE July 7, 2021

Investigator, if an EEO complaint is filed and accepted by the Department of the Treasury on the same or a related matter.

- 6.3 Anti-Harassment Coordinator (AHC) resides in OEODM and is designated to receive allegations of harassment. The AHC is responsible for:
- 6.3.1 Determining the scope and formality of the fact-finding depending on the nature and complexity of the allegations.
 - 6.3.2 Assigning cases to the appropriate fact-finder and monitoring cases to ensure timely processing.
 - 6.3.3 Providing guidance to the designated fact-finder on how to conduct effective fact-finding and write a thorough and complete report of the inquiry.
 - 6.3.4 Overseeing fair, impartial and timely inquiries into allegations of harassment. The fact-finding is intended to assist management in determining whether improper conduct occurred as alleged, not whether the conduct rises to a violation of this policy. Allegations of harassment will be processed in an impartial manner following the procedures delineated under Section 7 of this policy.
 - 6.3.5 Providing employees information about their right to seek counseling under 29 C.F.R § 1614.105, the timeframes for doing so, and the difference between EEO complaints and the Anti-Harassment processes.
 - 6.3.6 Requesting and coordinating with the Office of Security to investigate *sexual harassment* allegations or any harassment allegation that involves physical assault.
 - 6.3.7 Maintaining fact-finding and related records in accordance with the Privacy Act of 1974. All information shall remain confidential to the greatest extent possible with the greatest possible care taken to ensure the privacy of those involved and information pertaining to the matter shared strictly on a need-to-know basis. The maintenance of records and any disclosures of information from these records shall be in compliance with the Privacy Act of 1974, and Circular No. 50.00-7.
 - 6.3.8 Establishing a system to track and maintain information on harassment allegations received, to include but not limited to the number of complaints, the bases for the allegations, processing timeframes and the actions taken in order to address annual reporting requirements of EEOC's Management Directive 715.

CIRCULAR

DATE July 7, 2021

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- 6.3.9 Developing training and technical assistance on the Anti-Harassment Policy and procedures, including, but not limited to, training for fact-finders and BEP's workforce.
 - 6.3.10 Developing anti-harassment informational materials (e.g., fact sheets, brochures) for Bureau-wide dissemination.
 - 6.3.11 Providing a copy of any new/revised policies and procedures to the Department of the Treasury, Office of Civil Rights and Diversity (OCRD) and EEOC.
 - 6.4 Chief, OCC or designee provides legal advice and guidance to the affected program offices and managers, as needed.
 - 6.5 Chief, OEODM or designee shall:
 - 6.5.1 Provide advice and guidance pertaining to EEO matters and technical assistance and support to assure compliance with this policy.
 - 6.5.2 Disseminate this policy annually to all employees and posting of information on Anti-Harassment Policy, where appropriate.
 - 6.5.3 Designate an AHC who has the appropriate experience and skill to execute the requirements under this policy.
 - 6.5.4 Ensure that there is a "firewall" separating EEO complaint and harassment allegations processing. Therefore, OEODM cannot conduct the fact-finding nor can the Chief, OEODM, serve as the DO to determine whether the alleged conduct violates the BEP Anti-Harassment policy.
 - 6.5.5 Determine whether designated fact-finders have appropriate training and skill to execute the requirements under this policy.
 - 6.5.6 If an employee first raises a complaint of harassment in the EEO counseling process, require the AHC to initiate the processing of the allegations per this policy. This will not stop or postpone the EEO process and any information gathered during the fact-finding will be made available to the EEO investigator, if a formal complaint is filed and accepted by the Department of the Treasury.
 - 6.5.7 If an individual has exercised the right to anonymity during the informal counseling process, require the AHC to initiate the fact-finding in accordance with this policy and maintain confidentiality to the extent possible.
 - 6.5.8 Refer conflict of interest cases to OCRD for processing.
 - 6.6 Chief, OHR or designee shall provide advice to managers and supervisors pertaining to human resource matters, including but not limited to disciplinary

CIRCULAR

DATE July 7, 2021

and corrective actions for misconduct determinations made by the DO in compliance with this policy.

6.7 Fact-Finder:

- 6.7.1 Member of the BEP Cadre of Fact-Finders and designated by the AHC to conduct an appropriate, thorough and timely fact-finding into the allegations of harassment.
- 6.7.2 Impartial, competent and appropriately trained to perform fact-finding.
- 6.7.3 Refers other allegations, which were not raised during the initial complaint and brought to their attention during the course of the fact-finding to the AHC. Such allegations shall not be part of the written report unless the AHC determines otherwise. Fact-finding shall be confined solely to the allegations of harassment raised by the alleged victim.
- 6.7.4 Documents any refusal by witnesses to cooperate in the fact-finding process.
- 6.7.5 When providing documents for review or signature, require witnesses to acknowledge and sign the Privacy Act Statement.
- 6.7.6 Upon the completion of fact-finding, prepares a report and submits to the DO and the AHC. The report shall include a summary of the steps BEP took upon receipt of the harassment allegation and factual information gathered during the interview process.

7.0 PROCEDURES

- 7.1 Employees who believe that they have been the victim of harassment or observed harassment may report the harassing conduct to their supervisor, manager, another BEP manager or supervisor, or AHC. To ensure prompt and appropriate action, employees are encouraged to report harassing conduct immediately after the alleged behavior occurred. When reporting harassment, it must include the specific nature of the incident(s), date(s) and place(s) of the alleged incident(s), name(s) of the parties involved, witnesses, as well as all other pertinent facts.
- 7.2 Upon receipt of an allegation of harassment or witnessing what is believed to be harassing conduct, the manager or supervisor shall refer the matter to the AHC within three days of receipt of the allegation and assess whether any immediate interim action is required, such as responding to alleged victim's request to transfer pending inquiry.
- 7.3 The AHC must assign the complaint to a fact-finder within seven days from receipt of the allegation to initiate fact-finding.

CIRCULAR

DATE July 7, 2021

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- 7.4 Absent extenuating circumstances, the fact-finder must complete fact-finding and submit the report to the DO and AHC within 21 calendar days of the assignment.
 - 7.5 The DO shall immediately review the results of the fact-finding and determine, in consultation with the subject matter experts, e.g., OHR, OCC, what action, if any, is recommended in the case and take action, as necessary in consultation with OHR and OCC.
 - 7.6 The DO must issue a decision and take appropriate correction action, if any, within 25 days of receiving the report and shall notify the alleged victim and alleged harasser of the completion and general outcome of the process, consistent with the Privacy Act of 1974, and Circular No. 50.00-7.
 - 7.7 If the allegation involves a contract employee being harassed by another contract employee at a BEP facility, the AHC shall immediately contact BEP's Office of the Chief Procurement Officer for referral to the appropriate contracting official.

8.0 OFFICE OF PRIMARY RESPONSIBILITY

Office of Equal Opportunity and Diversity Management

<electronically approved>Leonard R. Olijar
Director

CIRCULAR

DATE July 7, 2021

APPENDIX A: FREQUENTLY-ASKED QUESTIONS**What is BEP's Anti-Harassment Policy?**

Harassment by anyone in the workplace, including supervisors, coworkers or nonemployees, based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), genetic information, disability or retaliation for prior protected activity (i.e., opposition to prohibited discrimination or participation in the EEO complaint process) that (1) creates an intimidating, hostile or offensive working environment; (2) unreasonably interferes with work performance; or (3) adversely affects employment opportunity is a violation of Federal Civil Rights laws and will not be tolerated by BEP.

What are some examples of harassment as defined above?

Harassment that violates BEP policy can occur in a number of ways. Various examples include but not limited to:

- (1) Offensive jokes, slurs, epithets or name calling;
- (2) Physical assault, intimidating or threatening behavior;
- (3) Ridicule or mockery, insults or putdowns;
- (4) Offensive objects or pictures;
- (5) Interference with work performance; and
- (6) Bullying, unwanted, offensive or malicious behavior calculated to undermine, patronize, humiliate, intimidate, or demean the recipient ranging from face-to-face encounters to cyber-bullying.

What if I believe I have been harassed, but not based on the reasons above?

BEP's Anti-Harassment Policy and procedures are not intended to establish a general civility code for the Bureau. Therefore, petty slights or minor annoyances are not covered. In addition, harassment is limited to the definition and protected categories as defined in the BEP Anti-Harassment Policy Statement on Harassment. If the alleged conduct does not involve one of these categories, or you are not sure whether it does or not, but the behavior is nonetheless unwelcome and offensive, you may still wish to report it to your supervisor or to the Anti-Harassment Coordinator (AHC), who can then decide whether the Anti-Harassment process is the appropriate venue.

Where should I go to report harassment?

Employees and others are encouraged to promptly report complaints of harassment to their immediate supervisor before they become severe or pervasive. If that supervisor is the alleged perpetrator, report the complaint directly to the second line supervisor. There is no requirement to follow an employee's chain of command. As an alternative, employees may report harassment directly to the AHC, who reside in the Office of Equal Opportunity and Diversity Management (OEODM).

CIRCULAR

DATE July 7, 2021

What is the purpose of the BEP Anti-Harassment Program?

The Anti-Harassment Program sets up a process for management to address employee allegations of harassment and take immediate and appropriate corrective action, including use of disciplinary actions to eliminate harassing conduct that violates BEP's Anti-Harassment Policy, at the earliest possible stage and before it can become severe or pervasive harassment within the meaning of anti-discrimination laws.

Is reporting harassment the same as filing an EEO complaint?

No. The anti-harassment procedures are not a substitute for and do not affect rights under the EEO complaints process. The anti-harassment process is entirely separate and apart from the EEO complaints process and can run simultaneously with the EEO process. This means that an employee who reports allegations of harassment in accordance with BEP's anti-harassment procedures has not filed an EEO complaint. In order to preserve and not waive their right to file an EEO complaint, an employee who wishes to file a discrimination complaint should contact OEODM within 45 days of the alleged harassing conduct at OEODM@bep.gov.

What is the role of managers and supervisors?

Managers and supervisors are responsible for maintaining a work environment free of harassment. Managers or supervisors who observe or are made aware of allegations of harassing conduct are required to act promptly, effectively, and in accordance with BEP anti-harassment policy and procedures to determine the scope of the alleged harassing conduct and take corrective or disciplinary action as appropriate and necessary.

If I report harassment, will the information provided be kept confidential?

All information shall remain confidential to the greatest extent possible with the greatest possible care taken to ensure the privacy of those involved and information pertaining to the matter shared strictly on a need-to-know basis. The maintenance of records and any disclosures of information from these records shall be in compliance with the Privacy Act of 1974, as amended, and BEP policies.

What happens if there are no witnesses to harassing conduct?

Even if there are no witnesses, the fact-finder will still conduct an inquiry and interview the alleged victim and alleged harasser, secure relevant information/documents, and issue a report as required under the BEP Anti-Harassment policy and procedures.

Is it possible to be harassed by someone who is not my supervisor?

Yes. The harasser does not have to be your supervisor for the harassment to be a violation of BEP Anti-Harassment policy. BEP has a responsibility to provide a workplace free from harassment, whether the harasser is your supervisor, a supervisor in another department, a coworker, a subordinate, or even a customer or client depending on the situation.

BUREAU OF ENGRAVING AND PRINTING

CIRCULAR

DATE July 7, 2021

Can I be punished for filing a complaint or a witness to harassment allegation inquiry?

No. It is against the law and is a violation of Title VII for you to be retaliated against for reporting harassment. You are also protected from retaliation if you were a witness to a harassment allegation inquiry. If you believe you have been subjected to retaliation, please contact OEODM at OEODM@bep.gov.

What if I witness inappropriate conduct?

Employees who know of harassing or abusive conduct directed at others are encouraged to report the matter to the supervisor of the offending employee, another supervisor or other management official, or the AHC.

CIRCULAR

DATE July 7, 2021

APPENDIX B: NOTICE TO EMPLOYEES



STOP

Workplace Harassment

Causes Tension	Increases Absenteeism
Causes Emotional Distress	Inhibits Growth and Creativity
Undermines Productivity	Undermines Professionalism
Lowers Morale	Undermines Inclusion
Increases Employee Turnover Rates	Insults Dignity of Employees

Harassing conduct is any unwelcome conduct, verbal or physical, based on race, color, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity), age (40 or older), genetic information, disability or protected Equal Employment Opportunity (EEO) activity (i.e., opposition to prohibited discrimination or participation in the EEO complaint process) when: (1) the behavior can reasonably be considered to adversely affect the work environment; or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct. Examples of harassing conduct include, but are not limited to:

- ❖ Epithets, slurs, stereotyping or threatening, intimidating, or hostile acts that relate to an individual's protected group status.
- ❖ A practice or repeated instances of jokes or pranks that are hostile or demeaning and are based on an individual's protected group status.
- ❖ Written or graphic material that degrades or shows hostility or aversion toward an individual or group because of their protected group characteristics and is displayed on walls, bulletin boards, or other locations or is circulated in the workplace.
- ❖ A single utterance of an ethnic, sexual or racial epithet that offends an employee generally would not be severe enough to constitute unlawful harassment in violation of Title VII or any other anti-discrimination statute. However, it is BEP's policy that such conduct is inappropriate in the workplace and should not be tolerated.

BEP employees who believe they have been subjected to harassing behavior in violation of BEP's Anti-Harassment Policy must report the matter immediately to their immediate supervisor, a BEP manager, or the Anti-Harassment Coordinator at OEODM@bep.gov.

BUREAU OF ENGRAVING AND PRINTING

CIRCULAR

DATE July 7, 2021

APPENDIX C: FACT-FINDING AUTHORIZATION MEMO

DATE

MEMORANDUM FOR (Fact-Finder's Name, Position)
OFFICE

FROM: Anti-Harassment Coordinator

SUBJECT: Authorization to Conduct Fact-Finding into Harassment Allegation

1. In accordance with the Bureau of Engraving and Printing (BEP) Anti-Harassment Policy and Procedures, Circular No. XXX, I designate you to conduct an independent inquiry into the matters filed by an employee of (organization). Specifically, the employee alleges the following:
 - a. Employee was subjected to harassment on the basis of their (state the basis – race, color, sex, etc.), when on (date), supervisor/other employee (state what was the issue);
 - b. Another issue?
2. You are authorized to take statements from employees who have information related to the allegations delineated under 1a and 1b. These statements should be signed by the employee under penalty of perjury. If you need to seek information from or interview individuals who are no longer employed at BEP, please consult with the undersigned prior to making contact.
3. The fact-finding shall be limited to the collection of factual information only. Opinions and recommendations are not required. Your completed report is requested by close of business on (21 days after this designation).
4. Per BEP Anti-Harassment Policy, you are required to ensure confidentiality of this process. No information from this inquiry is to be released without express authorization from me.
5. If you have questions or need assistance regarding this process, please do not hesitate to contact me, at contact information.

CIRCULAR

DATE July 7, 2021

APPENDIX D: PRIVACY ACT INFORMATION

Note: BEP officials receiving allegations of harassment should provide the alleged victim, alleged harasser and witnesses with a Privacy Act Statement. During fact-finding, fact-finders should provide all witnesses a copy of the Privacy Act Statement. The following Privacy Act Statement should be utilized.

PRIVACY ACT INFORMATION ACKNOWLEDGEMENT

_____ I have been advised that I may have information relevant to an ongoing fact-finding investigation. In order to protect the integrity of this process, I agree that I will not disclose, discuss, or share with other individuals, and hold in strictest confidence at all times, any information concerning this matter unless individuals requesting information have a direct need-to-know in the performance of their official duties. Unauthorized disclosure of any information concerning this matter may result in civil and criminal penalties.

_____ I understand that the Anti-Harassment Coordinator is the designated official responsible for authorizing release of information related to this inquiry.

_____ I have been informed and I understand, as a Federal employee, I am required to cooperate with this fact-finding and provide truthful responses per BEP Anti-Harassment Policy and Procedures.

_____ I have been informed and I understand that if I provide information during this fact-finding that I know to be false, it can be a basis for disciplinary action.

_____ I acknowledge that I have read and understand all the information contained in this agreement and I accept the duties and obligations set forth herein.

I declare, under penalty of perjury, that any statement I provide in this fact-finding is true and correct to the best of my knowledge.

Witness Name

Date

Signature

BUREAU OF ENGRAVING AND PRINTING

CIRCULAR

DATE July 7, 2021

APPENDIX E: PRIVACY ACT INFORMATION COVER SHEET

Note: When providing documents for review or signature, fact-finders should utilize the following cover sheet containing the Privacy Act Statement.

PRIVACY ACT DATA COVER SHEET**DOCUMENTS ENCLOSED ARE SUBJECT TO THE PRIVACY ACT OF 1974**

The enclosed documents may contain personal or privileged information and should be treated as "For Official Use Only." Unauthorized disclosure of this information may result in civil and/or criminal penalties. If you are not the intended recipient or believe that you have received these documents in error, do not copy, disseminate or otherwise use the information, and contact the owner/creator or your Privacy Act Officer regarding the documents.

CIRCULAR

DATE July 7, 2021

APPENDIX F: INTERVIEW TIPS

1. Purpose of the interview questions. It is essential that fact-finders understand the purpose of the interviews is to obtain relevant facts. Relevant facts are those that are directly related and responsive to the previously identified alleged issues.
2. Interviewing techniques. Interviewing techniques vary, depending upon the facts, circumstances, and witnesses. The following suggestions should be considered as techniques to elicit the best, most reliable information:
 - a. Establish the witness's title, experience, education (where appropriate) and job-related duties for the record during the first set of questions.
 - b. Establish the witness's knowledge of the events under fact-finding during the second set of questions. Elicit a description of the scene first; then the related action.
 - c. Asking an open-ended question allows the witness to tell their rendition of events. Once the person has completely related the narrative, specific questions may be asked to clarify specific points and gather additional information.
 - d. Direct all questions during the interview toward discovering the answers to who, what, when, where, why, and how.
 - e. Avoid compound questions as they can be confusing.
 - f. Avoid leading questions, questions that suggest an answer. Examples: "This isn't the first time you've had performance issues, is it?" or "You confronted your subordinate, didn't you?" The disadvantages inherent in leading questions are that they can lead to distortions of the statements made and can potentially lead to witness intimidation.
 - g. Problems can also arise when asking questions that are answered by a simple yes or no. This limits the witness to answering only specific questions, and in many instances the witness has a tendency to answer affirmatively just to be agreeable. They are appropriate in limited situations, where a direct response is important.
 - h. Keep the format simple and carefully choose the language as word choice can affect an answer.
 - i. Actual interview – if fact-finding addresses specific events, inquire about all events during the relevant time frame in chronological blocks of time. For each block ask, who, what, when, where, why and how. Examples include:
 - (1) What was the alleged conduct?
 - (2) Who was present?
 - (3) What was said?
 - (4) What exactly occurred?
 - (5) When did it occur?
 - (6) Where did it occur?
 - (7) How did this affect you?

CIRCULARDATE July 7, 2021

- (8) How did it occur?
- (9) Where did it happen?
- (10) Who else has information?
- j. The fact-finder should also determine the following:
 - (1) What was said?
 - (2) Who said it?
 - (3) When was it said?
 - (4) Were there any witnesses?
- k. The fact-finder should keep in mind the following:
 - (1) Always ask if there is any other information they have about the situation that they believe could be significant.
 - (2) Don't tell one witness what another specific witness said.
 - (3) Always maintain control.
 - (4) Don't discuss personal opinions or conclusions.
 - (5) Don't make accusatory statements.
 - (6) Have the witness explain terms and phrases.
 - (7) Resolve contradictions.
- 3. Interview closing phase.
 - a. At the end of every interview, bolster the witness, whether they are friendly or hostile. This can be accomplished by employing the following statements:
 - (1) Is there anything else I should ask you that I haven't? Anything else I need to know?
 - (2) If you have any doubts, is there anything else you think you should tell me?
 - (3) Remind the witness "it's for the record."
 - (4) Certainly you appreciate that this matter may go to a higher level. Is there anything you'd like to amend or supplement?
 - b. Always give the witness the ability of contacting the fact-finder if additional information is later recalled or comes to their attention. Not everyone can think of every detail on the spot, and the questioning may well trigger further search of memory and records.
 - c. Reiterate the confidentiality of the process and requirement not to discuss with other employees.

CIRCULAR

DATE July 7, 2021

APPENDIX G: QUESTIONS TO ASK PARTIES AND WITNESSES

The following are examples of questions that may be appropriate to ask the parties and potential witnesses. Any actual fact-finding should be tailored to the particular facts.

Questions to ask the alleged victim:

- a. Who, what, when, where, why, and how:
 - (1) Who engaged in the alleged conduct?
 - (2) What exactly occurred or was said?
 - (3) When did it occur and is it still ongoing?
 - (4) Where did it occur?
 - (5) How often did it occur?
 - (6) How did it affect you?
- b. Reaction:
 - (1) How did you react?
 - (2) What response did you make when the incident occurred or afterwards?
- c. Other Witnesses:
 - (1) Are there any people who have relevant information?
 - (2) Was anyone present when the alleged conduct occurred?
 - (3) Did you tell anyone about it?
 - (4) Did anyone see you immediately after the alleged conduct?
- d. Trends:
 - (1) Did the person who you believe harassed you engage in what you consider inappropriate conduct toward anyone else at that time?
 - (2) Do you know whether anyone complained about inappropriate conduct by that person?
- e. Notes/Supporting information: Are there any notes, physical evidence, or other documentation regarding the incident?
- f. Resolution: How would you like to see the situation resolved?
- g. Additional Info: Do you know of any other relevant information?

Questions to ask the alleged harasser:

- a. Response:
 - (1) What is your response to the allegations?
 - (2) Please provide your recollection of who, what, when, where, and how concerning the alleged event.
- b. Witnesses: Are there any persons who have relevant information?
- c. Supporting information: Are there any notes, physical evidence, or other documentation regarding the incident?

BUREAU OF ENGRAVING AND PRINTING

CIRCULAR

DATE July 7, 2021

d. Other information: Do you know of any other relevant information?

Questions to ask third parties:

a. Witness:

- (1) Were you present during the alleged incident?
- (2) What did you see or hear?
- (3) When did this occur?
- (4) Describe the alleged harasser's behavior toward the victim and toward others in the workplace.

b. Other information:

- (1) What did the victim tell you?
- (2) When did they tell you this?
- (3) Do you know of any other relevant information?
- (4) Are there other people who have relevant information?

BUREAU OF ENGRAVING AND PRINTING

CIRCULAR

DATE July 7, 2021

APPENDIX H: SAMPLE STATEMENT OF FACTS

STATEMENT OF FACTS

I, _____, (position title, grade, and series), (location), BEP, make the following statement freely and voluntarily to _____, who has been identified to me as a fact-finder for Bureau, obtaining information and fact-finding in relation to an allegation of harassment.

I have been informed that this statement may be used in evidence. I understand that this statement may be shown to the interested and relevant parties and those with a need-to-know.

[STATEMENT]

I have read the above statement, consisting of _____ pages, and I declare under penalty of perjury that it is true and complete to the best of my knowledge.

Witness Name and Date

CIRCULAR

DATE July 7, 2021

APPENDIX I: FACT-FINDING REPORT TEMPLATE

Note: The fact-finding report will vary from case to case. In simple cases, for example, an incident that occurs with the supervisor present, the “report” may consist of a supervisor’s brief memorandum to the file describing the inappropriate conduct and how it was addressed. In more complex cases, the fact-finder will need to prepare a more in-depth document. However, the document should be clear, concise and readable. It must clearly summarize the allegation, provide a chronology of the investigation, and include a list of all interviews and documents received from witnesses. The template below provides an outline of the information to be provided when it is determined that an in-depth report is appropriate.

DATE

MEMORANUMD FOR Deciding Official

FROM: Fact-Finder’s Name, Position, Organization

SUBJECT: Result of Fact-Finding into Harassment Allegation

I. INTRODUCTION

This fact-finding was conducted in accordance with the Bureau of Engraving and Printing (BEP) Anti-Harassment Policy, Circular No. 67-13.12. Per memorandum dated (date), (Name of Official), Position, Organization, designated the undersigned, Position, Organization, to conduct an inquiry into the harassment allegation filed by (alleged victim), position, organization, against (alleged harasser), position, organization.

II. STATEMENT OF ALLEGATION/S

1. Whether (alleged victim) was harassed by (alleged harasser) resulting in a hostile work environment when:
 - a. On (date), (Name of alleged harasser) (detail the alleged harassing behavior); and
 - b. On (date), (name of alleged harasser) (detail the alleged harassing behavior).
2. Whether (alleged victim) was harassed by (alleged harasser) resulting in their reassignment from (Position, organization) to (position, organization) when:
 - a. On (date), (name of alleged victim) refused (alleged harasser) sexual advances during (event) at (location); and
 - b. On (date), (name of alleged victim) (state the harassing conduct).

III. BACKGROUND

Describe the allegations and a chronology of events.

CIRCULAR

DATE July 7, 2021

IV. FINDINGS

Factual findings go to the when, who, what, why, where, and how. Findings are the summaries of the details.

Findings should be set forth in a narrative addressing all the pertinent evidence provided by witnesses. In a good narrative, the issues are set out and addressed in an orderly way. The simplest way to organize the narrative is to describe the allegation and then describe what each witness or other evidence had to say about it. For example:

Allegation (1): State the allegation

Name of Alleged Victim: Summary of information provided by alleged victim supporting their allegation.

Name of Alleged Harasser: Summary of information provided by alleged harasser responding to alleged victim's statement.

Name of Witness: Summary of information provided by this witness confirming/disputing either of the statement provided above.

Allegation (2): State the allegation

Name of Alleged Victim: Summary of information provided by alleged victim supporting their allegation.

Name of Alleged Harasser: Summary of information provided by alleged harasser responding to alleged victim's statement.

Name of Witness: Summary of information provided by this witness confirming/disputing either of the statement provided above.

Keep in mind that there must be a reference to exhibits in support of every factual assertion. Therefore, after every factual statement the exhibits supporting that statement should be identified in parentheses. The exhibits are not repeated in the narrative; they are described. This must be done correctly and fairly. It is not fair, for example to describe a witness as "admitting" a fact when they merely stated it and the fact doesn't bear on their culpability. In other words, watch the use of emotionally-charged language. Such language will impair credibility.

V. EXHIBITS

- A. Memorandum Authorizing Fact-Finding
- B. Acknowledgement of Privacy Act Requirements
- C. Description of documents received from (name of source)
- D. Signed statement, (name), (date)

BUREAU OF ENGRAVING AND PRINTING

CIRCULAR

DATE July 7, 2021

This section of the report includes an index of all exhibits supporting the findings and a descriptive heading of each. The exhibits should be included in their entirety. The report is incomplete if the exhibits are not part of the package.

This section includes any material referred to or considered in the findings of fact. (e.g., emails, photographic images.)

Exhibits may also include signed statements from the parties and witnesses, depending on the complexity and severity of the allegations.

The fact-finder shall sign the report. Signatures reflect the accuracy of the report and view of the fact-finder.