



## Department of Energy

Washington, DC 20585

March 3, 2022

### MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM:

ERIN MOORE   
CHIEF HUMAN CAPITAL OFFICER

SUBJECT:

Policy Memorandum #102, *Prevention and Elimination of Prohibited Harassing Conduct*

This Policy Memorandum (PM) establishes the Department of Energy's (DOE) guidance for providing an environment free from unlawful harassment by defining prohibited harassing conduct and outlining the rights and responsibilities of Federal employees and Management Officials (i.e., Supervisors and Managers). It also establishes reporting procedures and accountability measures to ensure appropriate officials are notified of and can promptly correct unwanted conduct that is, or has the potential to become, so severe or pervasive as to constitute illegal harassment.

The objective of this memorandum is to eliminate prohibited harassing conduct and ensure DOE takes immediate and appropriate corrective action, including disciplinary or adverse action, when such conduct is confirmed.

Questions concerning this Policy Memorandum should be directed to Kim Edens, Employee Relations Policy Manager, Office of Policy, Labor and Employee Relations, at (202) 368-5012 or [Kim.Edens@hq.doe.gov](mailto:Kim.Edens@hq.doe.gov).





INTEGRITY - INNOVATION - COLLABORATION - ACCOUNTABILITY - RESPECT - EXCELLENCE

# POLICY MEMORANDUM #102

## PREVENTION AND ELIMINATION OF PROHIBITED HARASSING CONDUCT



U.S. DEPARTMENT OF  
**ENERGY**

## TABLE OF CONTENTS

Purpose .....	1
Applicability.....	1
Exemptions .....	1
Background .....	1
Requirements.....	2
Roles and Responsibilities.....	6
Additional Information.....	9
References .....	9
List of Attachments .....	9
Key Terms and Definitions.....	10
Examples of Harassing Conduct .....	12
Employee Resources .....	13
Anti-Harassment Report/Intake Form.....	14

## PURPOSE

This Policy Memorandum (PM) establishes the Department of Energy's (DOE) guidance for providing a work environment free of unlawful harassment and retaliation for engaging in protected activity. It defines prohibited harassing conduct and outlines the rights and responsibilities of Federal employees and Management Officials (i.e., Supervisors, and Managers). It also establishes reporting procedures and accountability measures. The objective of this PM is to:

1. Establish a process for Management Officials to address employee allegations of prohibited harassment and ensure DOE takes immediate and appropriate corrective action, including disciplinary or adverse action, when prohibited harassing conduct or prohibited retaliatory conduct is confirmed; and
2. Address unwanted conduct at the earliest possible stage before it can become conduct that is "severe or pervasive" and therefore meets the legal definition of harassment.

## APPLICABILITY

- 1) This PM applies to all DOE Federal employees.
- 2) National Nuclear Security Administration (NNSA) employees must also comply with the authority set forth under this PM. Nothing in this PM will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of P.L. 106-65, *National Nuclear Security Administration Act*, to establish Administration specific policies, unless disapproved by the Secretary.

## EXEMPTIONS

There are no exemptions to this PM.

## BACKGROUND

DOE is committed to providing a work environment free of unlawful harassment and [retaliation](#) for engaging in [protected activity](#). This PM covers reports of alleged harassment based on [protected status](#) occurring on duty, off duty, face-to-face, or remotely via all electronic means of communication. The Department's goal is to report and appropriately address prohibited harassing conduct at the earliest possible stage before it can become "severe or pervasive" conduct that meets the legal definition of harassment. If the preliminary inquiry determines that the reported conduct is not prohibited harassing conduct within the scope of this PM, the Management Official must work with their servicing ER Specialist consistent with DOE O 333.1 to determine what, if any, action is necessary.

This PM does not replace or affect an employee's right to file an Equal Employment Opportunity (EEO) complaint, an appeal with the Merit Systems Protection Board (MSPB), negotiated grievance (if applicable), a complaint with the Office of Special Counsel (OSC), or other available reporting processes. The process within this PM is entirely separate and apart from other available administrative avenues of redress. This PM seeks to address and resolve harassing conduct before it ever reaches the level of discrimination, as defined under the anti-discrimination laws, and to hold those responsible for the prohibited conduct accountable.

An employee who reports allegations of prohibited harassment in accordance with this PM is not required to file an EEO complaint or any other administrative complaint. Furthermore, an employee who reports allegations of harassment in accordance with this PM has not, by the report, contacted an EEO counselor or filed an EEO complaint. An employee who wishes to file a discrimination complaint is required to contact their EEO Office within 45 days of the alleged harassing conduct. An employee may pursue both avenues of redress simultaneously. Reporting alleged prohibited harassing behavior through this PM does not alter the required timelines to submit an EEO complaint or any other administrative complaint.

## REQUIREMENTS

### A. GENERAL REQUIREMENTS:

- 1) [Prohibited harassing conduct](#) is unwelcome conduct including intimidation, ridicule, insult, offensive comments, jokes, physical conduct, or sexual harassment based on an individual's protected activities or status (race, color, religion, sex (pregnancy, sexual orientation, gender identity), national origin, age (over 40), disability, genetic information, or reprisal/retaliation, when:
  - a. The conduct is sufficiently severe or pervasive as to alter the terms, conditions, or privileges of the employee's employment, or otherwise create a hostile or abusive work environment; or
  - b. An employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for a tangible employment action affecting the employee (e.g., the employee must accept harassment to be promoted).
- 2) Harassing conduct can occur in-person, online or by email, on social media, or in another manner (please see [Attachment 2, Examples of Harassing Conduct](#)).
- 3) DOE will not tolerate any DOE Federal employee engaging in prohibited behavior against any other Federal employee, contractor, other non-Federal employee, visitor, or member of the public.
- 4) DOE will not tolerate prohibited retaliatory conduct towards an employee because they reported prohibited harassing conduct or provided information related to such reports.
- 5) Management Officials must ensure prompt initiation of objective and thorough investigations into allegations of prohibited harassment and take timely action to ensure the conduct is appropriately addressed. Management is likewise tasked with deterring further misconduct, which may include taking disciplinary or adverse action, if appropriate.
- 6) Management Officials will appropriately evaluate and hold accountable subordinate Management Officials for their performance under this PM. Appropriate corrective action, including disciplinary or adverse action, up to and including removal from Federal service, will be taken against any Management Official who fails to perform their obligations, including failure to report alleged violations of this PM.
- 7) A report under this PM does not satisfy the requirements for filing an EEO complaint, negotiated grievance, or other administrative claim, nor does it delay the time limits for initiating those procedures.

- 8) Engaging in additional processes and using available support services, such as getting advice from a union representative, consulting the Alternative Dispute Resolution (ADR) Office or the Office of the Ombudsman, or contacting the Employee Assistance Program (EAP) or Employee Concerns Program (ECP) does not constitute a report under this PM. Please see Attachment 3 - Employee Resources for additional information on these offices/programs.
- 9) All Management Officials, HR Officials, EEO Officials, and other appropriate DOE officials must follow their processes and procedures for reporting threats of violence, acts of violence, and assaults through their Occupant Emergency Plan (OEP), as required under [DOE G 444.1-1, Guide on Preventing and Responding to All Form of Violence in the Workplace](#).
- 10) If a report of alleged harassing conduct does not fall within the scope of this PM, Management Officials will work with their servicing Employee Relations (ER) Specialist to determine what, if any, action is necessary, consistent with [DOE O 333.1, Administering Workforce Discipline, Adverse, and Performance Based Actions](#).

## B. REPORTING HARASSING CONDUCT:

- 1) Any employee who believes they have been subjected to prohibited harassing conduct or [prohibited retaliatory conduct](#), or who witnesses what they believe to be prohibited harassing conduct, is encouraged to inform the person(s) responsible for the unwelcome and offensive conduct and request that the conduct stop if they feel comfortable doing so.
- 2) If the prohibited harassing conduct continues or is severe, or if the employee is uncomfortable addressing the responsible person(s), they are encouraged to report the matter to:
  - a. The appropriate "Report Harassment" email box, by completing and submitting Attachment 4, *Anti-Harassment Intake Form/Report*;
  - b. Their Supervisor or the Supervisor of the alleged harasser; or
  - c. Another Manager or Supervisor.
- 3) Management Officials who observe or to whom complaints of prohibited harassing conduct are made must:
  - a. **Within three (3) business days**, report the matter to the applicable "Report Harassment" email box of the alleged victim by completing and submitting Attachment 4; and
  - b. Immediately notify the alleged victim/reporting employee of the submission of Attachment.

## C. PRELIMINARY INQUIRIES INTO REPORTS OF HARASSING CONDUCT:

- 1) The Anti-Harassment POC<sup>1</sup> who receives a report through the applicable "Report Harassment" email box must conduct a preliminary inquiry **within two (2) business days** as follows:
  - a. Identify who is involved in the reported incident(s) and determine whether it is necessary to alert additional offices;

---

<sup>1</sup> The Anti-Harassment POC who receives the report of harassment may assign the report to the appropriate staff member (e.g., Employee Relations Specialist) for action. For the purposes of this PM, Anti-Harassment POC refers to any staff monitoring report intake, assigning reports for action, and conducting inquiries.

- b. Contact the first-level Supervisor of the alleged harasser to serve as the responsible Management Official in the inquiry;
    - i. In the event a conflict of interest makes it impossible for the alleged harasser's first-level Supervisor to serve as the Management Official in the inquiry, the Anti-Harassment POC will assist the organization in designating an appropriate Management Official **within two (2) business days** of receiving the report.
  - c. In consultation with the alleged harasser's Management Official and the local Office of the General Counsel (GC), determine whether the reported conduct is prohibited harassing conduct within the scope of this PM, whether it is potentially criminal in nature, and if so, report it to the appropriate authority;
  - d. Evaluate whether the reported prohibited conduct poses a security or safety risk, and follow the appropriate process and procedures outlined in DOE G 444.1-1 as needed; and
  - e. Consider any interim measures necessary to deter continuing prohibited harassing conduct.
- 2) If the preliminary inquiry determines that the reported conduct is not prohibited harassing conduct within the scope of this PM, this determination should be documented by the Management Official and filed in the Labor Management and Employee Relations (LMER) Case Management System (CMS) by the servicing ER Specialist. In such cases, the Management Official must work with their servicing ER Specialist consistent with DOE O 333.1 to determine what, if any, action is necessary.
  - 3) If the preliminary inquiry determines that the reported conduct may be prohibited harassing conduct within the scope of this PM, the Management Official will consult with the Anti-Harassment POC to determine whether further investigation is required, or if the preliminary inquiry is sufficient to issue immediate and appropriate corrective action.
    - a. These decisions are fact-specific and must be made on a case-by-case basis.
    - b. The Anti-Harassment POC will raise issues to an appropriate, higher-level Management Official as necessary.

#### **D. INVESTIGATIONS INTO REPORTS OF HARASSING CONDUCT:**

- 1) If it is determined that further investigation is warranted, the Management Official must initiate the investigative process **within three (3) business days** of receiving the initial report either by beginning their own fact-finding process or by contacting the Anti-Harassment POC for assistance.
- 2) The investigative process should take place at the lowest and most efficient level possible, usually by the Management Official of the alleged harasser. All inquiries or investigations must be conducted promptly, impartially, and in a manner appropriate to the allegation(s).
  - a. If a report pertains to an isolated matter with limited witnesses, a supervisory inquiry with those individuals would normally be sufficient.
  - b. If a report pertains to a complex set of facts, or a series of ongoing violations, a third-party fact-finding investigation may be warranted.
    - i. To initiate a third-party fact-finding investigation, the Management Official should work through their Anti-Harassment POC to contact the Fact-Finding Services (FFS) Program

Manager in the Office of Policy, Labor, and Employee Relations (OPLER). Departmental Elements may use another third-party fact-finding investigators than the one provided by OPLER, if appropriate, but must inform the Anti-Harassment POC.

- ii. Costs associated with third-party fact-finding investigations are the responsibility of the applicable Departmental Element.
      - c. Investigations into allegations of harassment involving bargaining unit employees must be done in accordance with the applicable Collective Bargaining Agreement (CBA).
- 3) If facts uncovered during the investigation demonstrate that misconduct occurred, the Management Official *must* issue immediate and appropriate corrective action, typically within 60 calendar days of receiving notice of harassment allegations, in consultation with their servicing ER Specialist and GC, as needed. Adverse actions require coordination and concurrence from GC before being issued.
  - a. The appropriate corrective action will be determined through an individualized fact-based assessment of the incident, associated circumstances, and relevant factors. Corrective action may take the form of disciplinary or adverse action, EEO training, Professional Skills Training, counseling, etc.
  - b. Failure of the Management Official to issue immediate and appropriate corrective action may result in disciplinary action for the Management Official.
- 4) If the investigation results in a finding of no misconduct, the Management Official must work with their servicing ER Specialist to document this finding in a memorandum detailing why no action was warranted. This memorandum must be included in the case file maintained by their servicing ER Specialist.

## E. INTERIM MEASURES TO DETER CONTINUING HARASSMENT:

- 1) Before investigating allegations of prohibited harassing conduct, Management Officials must take all necessary interim measures to ensure the alleged prohibited harassing conduct does not continue. Interim measures will depend on the severity of the alleged prohibited harassing conduct and the circumstances surrounding it. The interim measures listed below are required in cases of alleged serious prohibited harassing conduct. Management Officials must consult with their servicing ER Specialist and GC for advice and guidance.
  - a. **Separation of the Alleged Harasser from the Alleged Victim:** If the alleged conduct is severe or pervasive, including but not limited to, physically threatening behavior, touching, punching, or other similar harassing behavior, the Management Official should separate the employee alleged of harassing conduct from the alleged victim until the matter can be resolved. Management should not move the alleged victim of the harassing conduct unless specifically requested by the employee. If the alleged victim requests such a move or transfer, Management should inform the employee they are not required to move, and instead, the employee alleged to be responsible for the harassing conduct may be moved. If the alleged victim of the harassing conduct still wishes to be moved, Management should honor the alleged victim's request to the greatest extent possible. Appropriate temporary steps to separate the alleged victim from the alleged harasser may include but are not limited to:
    - i. Assigning the alleged harasser to a telework status or a temporary detail;



- ii. Moving the alleged harasser to another office space, desk, or location; or
- iii. Placing the alleged harasser on administrative or investigative leave.

In all instances, applicable CBAs must be followed.

- b. **Issuing No Contact Instructions:** The Management Official may instruct the alleged harasser to have no further contact or communication with the alleged victim. If assigned duties normally require contact between the impacted employees, the Management Official must make the necessary adjustments for them to avoid all contact.

## F. CONFIDENTIALITY:

- 1) Management Officials must take action to investigate all allegations of harassing conduct. In order to properly investigate such allegations, the confidentiality of the employee raising the allegation cannot be maintained during the investigative process.
- 2) Management Officials will disclose the identities of alleged victims and harassers and the details of investigations only to individuals with a need-to-know.
- 3) Upon inquiry from the alleged victim, the Management Official must coordinate responses with the servicing ER Specialist and GC before updating them on the status of their report to the extent permitted under the Privacy Act.
- 4) The alleged victim is not entitled to information relating to any action taken against the alleged harassing employee or a copy of the fact-finding report. The Management Official must consult with their Anti-Harassment POC before discussing or providing the alleged victim certain information regarding the alleged harassing employee or the fact-finding report.

## G. RECORD KEEPING AND TRACKING ALLEGATIONS OF HARASSING CONDUCT:

- 1) The Anti-Harassment POC is responsible for tracking information related to allegations of prohibited harassing conduct and reporting cases to the servicing ER Specialist, as needed, for filing in the appropriate system.
- 2) All cases must be filed in the LMER CMS or, for the Bonneville Power Administration (BPA), the Human Resources Management Information System (HRMIS).
- 3) The status of allegations, including their final resolution, must be tracked to monitor compliance with this PM, understand trends related to harassing conduct, and ensure swift resolution of complaints.

# ROLES AND RESPONSIBILITIES

## A. HEADS OF DEPARTMENTAL ELEMENTS (OR DESIGNEES) WILL:

- 1) Ensure Departmental Elements are in full compliance with the requirements of this PM; and
- 2) Monitor the work environment following a report alleging a violation of this PM to ensure there are no incidents of retaliation against any employee who has reported harassment or participated in an investigation.

## **B. OFFICE OF GENERAL COUNSEL WILL:**

- 1) Provide legal advice and guidance to Anti-Harassment POCs when requested;
- 2) Provide advice in determining whether reported conduct is considered harassing conduct and whether it is potentially criminal in nature;
- 3) If reported conduct is found to be criminal in nature, advise and recommend referral to the appropriate authority; and
- 4) Advise ER Specialists in determining whether immediate and appropriate corrective and/or disciplinary action is warranted and concur on all adverse actions before being issued. Advise proposing and deciding officials on subsequent disciplinary decisions.

## **C. OFFICE OF POLICY, LABOR, AND EMPLOYEE RELATIONS WILL:**

- 1) Maintain this PM in accordance with applicable regulations and best practices;
- 2) Respond to technical questions regarding this PM;
- 3) Disseminate anti-harassment information on HCnet to applicants, employees, and Supervisors;
- 4) Designate ER Specialists to serve as Anti-Harassment POCs for Departmental Elements serviced by the Oak Ridge Human Resources Shared Service Center (ORSSC);
- 5) Designate an FFS Program Manager;
- 6) Maintain and provide training on this PM; and
- 7) Collect and analyze data on the Anti-Harassment Program.

## **D. SERVICING HUMAN RESOURCES OFFICES/SHARED SERVICE CENTERS WILL:**

- 1) Designate human resources employees to serve as Anti-Harassment POCs for Departmental Elements not serviced by ORSSC.

## **E. ANTI-HARASSMENT POCs WILL:**

- 1) Monitor and respond to all reports submitted to the "Report Harassment" email box **within two (2) business days**;
- 2) Conduct a preliminary inquiry into reports of harassment in accordance with the requirements of this PM;
- 3) Consult with Management Officials to determine whether an investigation into a report of harassment is required;
- 4) Track allegations of harassment; and
- 5) Provide reports on data and cases as requested.

## **F. FACT-FINDING SERVICES PROGRAM MANAGER WILL:**

- 1) Facilitate third-party fact-finding investigations by coordinating the logistics to put a third-party investigator in place.

## **G. MANAGEMENT OFFICIALS WILL:**

- 1) Make every effort to provide a work environment free from unlawful harassment;
- 2) Ensure employees are aware of this PM and its requirements;
- 3) Act promptly and effectively in response to all reports of alleged prohibited harassment and hold employees who have engaged in prohibited harassing conduct accountable;
- 4) Complete and submit Attachment 4 to the appropriate "Report Harassment" email box;
- 5) Understand their obligation is to take immediate action to investigate all allegations of harassing conduct;
- 6) Explain to the alleged victim that, in order to properly investigate allegations of harassing conduct, their confidentiality cannot be maintained;
- 7) Disclose the identities of alleged victims and harassers and the details of investigations only to individuals with a need-to-know;
- 8) Ensure investigations of reports of alleged harassment, document the investigative findings, and take immediate and appropriate corrective action, typically within 60 calendar days of receiving notice of harassment allegation(s);
- 9) Appropriately evaluate and hold all subordinates accountable for their performance under this PM;
- 10) Take steps to prevent retaliation against those who allege workplace harassment or those who are involved in management inquiries;
- 11) Understand their failure to act could lead to DOE's liability and result in possible disciplinary action against them; and
- 12) Review case files and provide case data, as requested.

## **H. SERVICING EMPLOYEE RELATIONS SPECIALISTS WILL:**

- 1) Advise Management Officials on the appropriate actions for the reported conduct;
- 2) Advise Management Officials on provisions of the respective CBA and other applicable laws, rules, regulations, policies, procedures; and
- 3) File all cases in the LMER CMS or HRMIS.

## **I. DOE FEDERAL EMPLOYEES WILL:**

- 1) Refrain from engaging in prohibited harassing conduct;
- 2) Participate in required training under this PM;
- 3) Cooperate fully in any inquiry or investigation;
- 4) Understand the Management Official must take action to investigate all allegations of harassing conduct, and their confidentiality cannot be maintained during the investigative process; and
- 5) Understand their rights and responsibilities under this PM.

## ADDITIONAL INFORMATION

Questions concerning this PM should be directed to Kim Edens, Employee Relations Policy Manager, Office of Policy, Labor, and Employee Relations, at (202) 368-5012 or [Kim.Edens@Hq.Doe.Gov](mailto:Kim.Edens@Hq.Doe.Gov).

## REFERENCES

- 1) [DOE O 331.1](#), *Administering Work Force Discipline, Adverse and Performance Based Actions*
- 2) [DOE O 342.1A](#), *Agency Administrative Grievance Guidance and Procedures*
- 3) [DOE O 442.1B](#), *Department of Energy Employee Concerns Program*
- 4) [DOE P 444.1](#), *Preventing and Responding to all Forms of Violence in the Workplace*
- 5) [DOE G 444.1-1](#), *Guide on Preventing and Responding to all Forms of Violence in the Workplace*
- 6) [Employee Assistance Program Desk Reference](#)
- 7) [Title VII of the Civil Rights Act of 1964](#) (Pub. L. 88-352), as amended, Enacted December 10, 2015
- 8) [Title 42 of the United States Code \(U.S.C.\) § 2000e-16](#) – Employment by Federal Government
- 9) [29 U.S.C. 633a](#) – Nondiscrimination on account of age in Federal Government employment
- 10) [29 U.S.C. § 791\(f\)](#) – Employment of individuals with disabilities
- 11) [Title 29 of the Code of Federal Regulations \(CFR\) § 1604.11](#) – Sexual harassment
- 12) [29 CFR Part 1614](#) – Federal Sector Equal Employment Opportunity
- 13) [5 U.S.C. § 2302\(b\)](#) – Prohibited personnel practices
- 14) [5 U.S.C. Chapter 75](#) – Adverse Actions, and substantially similar authorities covering employees in alternate personnel systems
- 15) [Executive Order 11478](#), *Equal Employment Opportunity in the Federal Government* (as amended)

## LIST OF ATTACHMENTS

- 1) [Key Terms and Definitions](#)
- 2) [Examples of Harassing Conduct](#)
- 3) [Employee Resources](#)
- 4) [Anti-Harassment Intake Form/Report](#)

## ATTACHMENT 1

### KEY TERMS AND DEFINITIONS

#### **ALLEGED HARASSER:**

Any person alleged to have subjected another person to prohibited conduct, including harassment.

#### **ALLEGED VICTIM:**

Any person who believes they have been subjected to prohibited conduct, including harassment.

#### **MANAGEMENT OFFICIAL:**

A Supervisor or Manager required to report and investigate all allegations of prohibited harassing conduct and take immediate and appropriate corrective action, typically within 60 calendar days of receiving notice of harassment allegations, when allegations have been substantiated.

#### **PROHIBITED HARASSING CONDUCT (UNLAWFUL HARASSMENT):**

Unwelcome conduct that includes but is not limited to intimidation, ridicule, insult, offensive comments, jokes, physical conduct, or sexual harassment based on an individual's protected activities or status (race, color, religion, sex (pregnancy, sexual orientation, gender identity), national origin, age (over 40), disability, genetic information, or reprisal/retaliation), when:

- 1) The conduct is sufficiently severe or pervasive as to alter the terms, conditions, or privileges of the employee's employment, or otherwise create a hostile or abusive work environment; or
- 2) An employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for a tangible employment action affecting the employee (e.g., the employee must accept harassment in order to be promoted).

Harassing conduct can occur in-person, online or by email, on social media, or in another manner. The conduct prohibited by this PM includes, but is broader than, the legal definitions of harassment. Absent other aggravating factors, assignment of work by a Management Official, a difference of opinion, a disagreement on a work-related matter, performance feedback, exercise of a management or employee right, or other similar communication is not considered to be harassment under this PM. This type of harassment also does not involve discrete personnel actions such as a denial of promotion or termination.

#### **PROHIBITED RETALIATORY CONDUCT:**

An action taken or not taken against an individual solely based on reporting an allegation of unlawful harassing conduct.

#### **PROTECTED ACTIVITY:**

Protected activities include reporting or addressing unlawful harassing, discriminatory, or retaliatory conduct; filing a claim of unlawful harassment; providing evidence in an investigation of unlawful

harassment; or intervening to protect others who may have suffered unlawful harassing, discriminatory, or retaliatory conduct.

**PROTECTED STATUS:**

An individual's race, color, religion, sex (including pregnancy, sexual orientation, gender identity), national origin, age (40 or older), disability, genetic information (including family medical history), or reprisal/retaliation because of protected EEO activity.

**WITNESS:**

A person who is present at the time an event occurs such that this person has direct knowledge of an event.

## ATTACHMENT 2

### EXAMPLES OF HARASSING CONDUCT

Conduct that may constitute harassment includes, but is not limited to the following:

- 1) Epithets, slurs, jokes, teasing, gestures, or negative stereotyping related to a person's race, color, religion, sex, national origin, age, disability, EEO activity, or genetic information;
- 2) Threatening, intimidating, or hostile acts related to a person's race, color, religion, sex, national origin, age, disability, EEO activity, or genetic information; and
- 3) Written or graphic material posted on walls, bulletin boards, email, or elsewhere on the Department's facility or forums that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age, disability, EEO activity, or genetic information.

## ATTACHMENT 3 EMPLOYEE RESOURCES

### ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE:

(202) 586-4002 | [ADR Webpage](#)

ADR serves as a resource to all DOE components and contractors to explore efficient and cost-effective means of managing conflicts and resolving disputes without the formalities and costs of litigation. ADR's mission is to promote the use of conflict management and alternative dispute resolution techniques at all levels of the DOE complex.

### EMPLOYEE ASSISTANCE PROGRAM (EAP):

Espȳr (877) 801-5752 | Forrestal (202) 586-4995 | Germantown (301) 903-4995 | [EAP Webpage](#)

DOE partners with Espȳr to provide Federal employees and their family members with an array of services and resources aimed at supporting and enhancing personal well-being and work-life balance. EAP services are free and confidential within the bounds of the law and are available 24/7/365.

### EMPLOYEE CONCERNS PROGRAM (ECP):

[ECP Webpage](#) on Energy.gov | [ECP Contact List](#)

DOE ECP encourages the free and open expression of employee concerns and provides DOE Federal, contractor, and subcontractor employees with an independent avenue to raise any concerns related, but not limited, to the environment, safety, health, and management.

### EQUAL EMPLOYMENT OPPORTUNITY (EEO):

(202) 586-2218 | [EEO Webpage](#)

The mission of EEO is to promote an inclusive work environment that ensures equal opportunity for all, fosters a culture that values fairness and equality, and empowers individuals to participate to their fullest potential to support the DOE mission.

### OFFICE OF INSPECTOR GENERAL (OIG):

(202) 586-1818 | [OIG Webpage](#)

The OIG maintains a Hotline to facilitate the reporting of allegations of fraud, waste, abuse, or mismanagement. Priority is given to investigations of suspected violations of criminal and civil statutes, as well as serious administrative misconduct.

### OFFICE OF THE OMBUDSMAN (OMBUDS):

(202) 586-0500 | [Ombuds Webpage](#)

Ombuds is a confidential, informal, independent, and neutral resource that assists DOE Federal employees in resolving concerns about the workplace. All Ombuds services are voluntary, free, and available to any DOE Federal employee or Management Official.



## ATTACHMENT 4 ANTI-HARASSMENT REPORT/INTAKE FORM

Attachment 4 is available on the PM #102 page on HCnet.