



Court Services and Offender Supervision Agency
For the District of Columbia
Office of the Director

Operational Instruction

Title: Anti-Harassment Operational Instruction
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Office of Professional Responsibility (OPR)

Overview

Introduction

Policy Statement (PS) 1510 Anti-Harassment sets forth the Court Services and Offender Supervision Agency's (CSOSA or Agency) commitment to creating and maintaining a work environment free from harassing conduct based on an individual's race, color, religion, sex, national origin, age (40 or over), pregnancy, childbirth, or related medical conditions, disability, or genetic information (including family medical history), marital status, political affiliation, parental status or retaliation (or reprisal) for prior EEO activity.

This Operational Instruction (OI) provides guidance by ensuring that appropriate officials are notified of and have the opportunity to correct harassing conduct promptly. It also provides guidance on addressing harassing conduct and holding employees accountable for it at the earliest possible stage, before the conduct becomes severe or pervasive.

This OI outlines the steps for notifying officials about harassing conduct, the process for conducting an inquiry or an investigation, when appropriate, and addressing harassing conduct.

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Overview, Continued

Supersedes

This Operational Instruction (OI) supersedes OI-OD-1510.1 Anti-Harassment Procedures dated effective *September 14, 2020*.

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General Provisions

Agency's Anti-Harassment Coordinator

The Director of the Office of Professional Responsibility (OPR) serves as the Anti-Harassment Coordinator (AHC) for CSOSA.

Relationship to Other Redress Processes

The Agency's anti-harassment process is separate and distinct from the EEO and other processes that may also have authority to process and adjudicate the employee's harassment complaint. In addition to filing an anti-harassment complaint under this policy, employees may also elect to use one of the following processes to adjudicate a harassment complaint:

- Alternative Dispute Resolution (ADR);
- Equal Employment Opportunity (EEO);
- Grievance process (negotiated or otherwise); or
- Any other statutory or regulatory process (e.g., Merit Systems Protection Board (MSPB), Office of Special Counsel (OSC), etc.).

Reporting an allegation of harassing conduct in accordance with the Anti-Harassment policy does not satisfy, suspend, or delay the running of a time period to file a complaint under any of the other redress processes (i.e., EEO) cited above. See [Filing Claims Under Other Redress Processes](#).

Conduct that violates the Anti-Harassment policy may also violate the [PS 1102 Standards of Employee Conduct \(SEC\)](#), [OI-OGC-1102.1 SEC](#), and other laws, rules, regulations, or policies governing federal employee conduct.

Confidentiality

Confidentiality is maintained to the extent possible. All information obtained regarding allegations of harassing conduct is kept confidential and is disclosed only on a need-to-know basis, including whether to conduct an inquiry or investigation. Records relating to complaints of harassing conduct are kept confidential and are disclosed on the same basis.

Continued on next page

General Provisions, Continued

Privacy Act Compliance

All offices are responsible for ensuring that records about allegations of harassing conduct are compliant with the Privacy Act.

Privacy Act statements are provided during the investigation to:

- The person at whom the alleged harassing conduct was directed (the “target” or “targeted individual”);
 - The person alleged to have engaged in the harassing conduct (the “subject” or “alleged subject”); and
 - All witnesses.
-

Reporting Allegations of Harassing Conduct

Introduction

Immediate and appropriate corrective action can only be imposed when Agency officials are notified or become aware of harassing conduct. To address harassing conduct at the earliest possible stage, employees, contractors, and interns who believe that they have been subjected to or witnessed an incident of harassing conduct in violation of PS 1510, are encouraged to immediately report it as set forth below.

Reminder: Initiating an Anti-Harassment complaint does **not** toll, replace, substitute, or otherwise satisfy the separate obligations for filing a harassment complaint with any other entity. See [Filing Claims Under Other Redress Processes](#).

Employee - Targeted Individual or Witness to Harassing Conduct)

Employees who believe they experienced or witnessed harassing conduct by another employee, contractor, intern, or third party are encouraged to:

1. Tell the individual engaging in that conduct to stop; and
 2. Report the conduct immediately to:
 - A management official in their supervisory chain of command;
 - Any management official; and/or
 - The Anti-Harassment Coordinator (AHC).
-

Contractor – Targeted Individual or Witness to Harassing Conduct

Contractors who believe they experienced or witnessed harassing conduct by an employee, contractor, intern, or third party are encouraged to:

1. Tell the individual engaging in that conduct to stop; and
 2. Report the conduct immediately to:
 - The Contracting Officer (CO) or Contracting Officer's Representative (COR) at CSOSA;
 - Any management official at CSOSA;
 - The contracting company for whom they work; and/or
 - The AHC.
-

Contracting Officer (CO)

Within two (2) business days of becoming aware, the Contracting Officer (CO) **must** report to the AHC and the contracting company any incidents or allegations of harassing conduct committed by or against a contractor or witnessed by a contractor, regardless of how the CO becomes aware of the conduct.

Continued on next page

Reporting Allegations of Harassing Conduct, Continued

**Contracting
Officer
Representative
(COR)**

Within two (2) business days of becoming aware, the COR **must** report to the CO and AHC any incidents or allegations of harassing conduct committed by or against a contractor or witnessed by a contractor, regardless of how the COR becomes aware of the conduct.

**Management
Officials**

Within two (2) business days of becoming aware, management officials **must** report to the AHC all incidents or allegations of harassing conduct, regardless of how they become aware of the conduct, even if the employee requests confidentiality or anonymity.

- Management officials also **must** immediately notify the CO and/or COR if the allegations of harassing conduct involve a contractor.
- Failure to report incidents or allegations of harassing conduct may result in immediate and appropriate corrective action, including discipline up to and including removal.

Management's Response to Report of Alleged Harassing Conduct

Introduction

The Agency has a duty to exercise reasonable care to prevent and promptly address any alleged harassing conduct. When an employee alleges harassing conduct as defined in PS 1510, the Agency launches a prompt, thorough and impartial inquiry, and when appropriate, an investigation of the alleged harassing conduct.

The Anti-Harassment inquiry, and when appropriate investigation, is conducted regardless of whether the employee filed a separate complaint in another forum. See [Filing Claims Under Other Redress Processes](#).

The table below identifies the individuals who can receive allegations of harassing conduct and refers to the appropriate process stage:

Employee reports to:	Proceed to:
Management Official	Stage 1
ADR or Employee Labor Relations (ELR)	Stage 1
CO or COR	Stage 1
AHC	Stage 3

Continued on next page

Management's Response to Report of Alleged Harassing Conduct,

Continued

Process The table below identifies who is responsible and what happens at each stage of *Management's Response to Report of Alleged Harassing Conduct*.

Stage	What Happens
1	Management Official, ADR, OHR-ELR, CO or COR: • Receives a report or becomes aware of alleged harassing conduct. • Documents the alleged harassing conduct on the attached intake form (Appendix A). • Notifies the AHC within two (2) business days of the report. • Provides AHC with a copy of the intake form. • Abstains from involvement in the complaint process if either named by the targeted individual to have violated the policy or may be called as a potential witness to the harassing conduct. Important! Subordinate to any management official involved in the harassment complaint cannot participate in the investigation of the complaint.
2	Management Official, in consultation with OHR-ELR: • Determines those who need to know about the alleged harassing conduct and notifies them. • Considers whether interim relief is necessary and initiates any appropriate action to protect the targeted individual from the alleged harassing conduct until an inquiry or investigation (if appropriate) is complete. • Examples of Interim relief include, but are not limited to: – Issuance of No-Contact Directive signed by the management official; and – Temporary reassignment of the alleged subject to a different office, cubicle, location, and/ or supervisor.
3	AHC: • Receives report or otherwise becomes aware of alleged harassing conduct. • Notifies the targeted individual and the person who reported witnessing the harassing conduct, if any, about the inquiry and investigation processes, confidentiality and anonymity guidelines, and other potentially available avenues of redress. • Informs OHR-ELR of the complaint of alleged harassing conduct within two (2) business days. • Assigns the matter to an OPR investigator.

Inquiry and Investigation

Introduction Within ten (10) business days of receiving an anti-harassment complaint, OPR completes an ***inquiry*** to determine whether the allegations of harassing conduct state a claim. If OPR concludes that the alleged harassing conduct does **not** state a claim, it issues a Letter of Declination.

If OPR concludes from the inquiry that the alleged harassing conduct states a claim, it begins an ***investigation*** of the alleged harassing conduct. OPR applies the preponderance of evidence standard when investigating alleged harassing conduct.

Process The table below identifies who is responsible and what happens at each stage of the Inquiry or Investigation.

Stage	What Happens	
4	OPR during an Anti-Harassment inquiry:	
	• Completes an <i>inquiry</i> within 10 business days of receiving a harassment complaint and determines whether the allegations state a claim. • Determines if an <i>investigation</i> is needed into the alleged harassing conduct.	
	If investigation is...	Then ...
	not warranted	• Prepares and issues a draft Letter of Declination following an inquiry if the allegations do not state a claim; and • Submits Letter of Declination to OGC and OHR-ELR. <i>Proceed to Stage 7 and close the case.</i>
	warranted	<i>Proceed to Stage 5</i>

Continued on next page

Inquiry and Investigation, Continued

Process,
Continued

Stage	What Happens						
5	OPR during an Anti-Harassment investigation: • Contacts the targeted individual to schedule an interview within two (2) business days of the investigation determination. • Contacts the subject of the investigation to schedule an interview. • Conducts interview(s) and collects relevant evidence. • Interviews other individuals, as appropriate.						
6	OPR after the Anti-Harassment investigation: • Prepares and submits a Report of Investigation (ROI) to OGC for review that includes: – Witness statements that are signed under penalty of perjury, dated, and included in the ROI; and – All documents referenced in any written report and relied on in reaching a conclusion must be included in the ROI, bates-stamped, and referenced as an exhibit.						
7	OGC conducts a legal sufficiency review. <table border="1"> <tr> <th>When ROI is ...</th><th>Then ...</th></tr> <tr> <td>legally insufficient</td><td>Proceed to stage 6, OPR revises the ROI to resolve legal sufficiency matters identified by OGC, if applicable.</td></tr> <tr> <td>legally sufficient</td><td>Proceed to stage 8</td></tr> </table>	When ROI is ...	Then ...	legally insufficient	Proceed to stage 6 , OPR revises the ROI to resolve legal sufficiency matters identified by OGC, if applicable.	legally sufficient	Proceed to stage 8
When ROI is ...	Then ...						
legally insufficient	Proceed to stage 6 , OPR revises the ROI to resolve legal sufficiency matters identified by OGC, if applicable.						
legally sufficient	Proceed to stage 8						
8	After the receipt of the legal sufficiency determination, OPR: • Submits ROI to the management official(s), Associate Director (AD) of OHR, and OHR-ELR. • Notifies the targeted individual in writing whether allegations of harassing conduct were substantiated or not substantiated. • Notifies the alleged subject in writing whether allegations of harassing conduct were substantiated or not substantiated.						

Action Taken Upon Completion of Inquiry or Investigation

Introduction

Within fifteen (15) business days of receiving the ROI and in consultation with OHR-ELR, management official(s) determine the immediate and appropriate corrective action to be taken, if any, and issues or proposes that corrective action. If a corrective action is taken, the Agency cannot share the specifics of the action with the targeted individual.

Corrective action:

- Is designed to stop the harassing conduct, address its effects on the targeted individual, and prevent its reoccurrence.
 - May differ from the targeted individual's requested or preferred response.
 - May include, but is not limited to:
 - Training;
 - Monitoring, and
 - Disciplinary action, up to and including removal from federal service.
-

Management Official Accountability

If the investigation of alleged harassing conduct also reveals and substantiates that management officials did not properly execute the responsibilities set forth under the Anti-Harassment policy and procedures, that finding must be set forth separately in the ROI submitted for legal sufficiency review by OGC.

1. The AHC refers the legally sufficient ROI to OHR-ELR and to the appropriate next, higher-level management official.
2. AHC, OHR-ELR, and the next, higher-level management official determine the immediate and appropriate corrective action to address failure to comply with the Anti-Harassment policy or procedures.

Corrective action can include disciplinary action up to and including removal from federal service.

Continued on next page

Action Taken Upon Completion of Inquiry or Investigation, Continued

Process The table below identifies who is responsible and what happens at each stage of *Action Taken Upon Completion of Inquiry or an Investigation*.

Stage	What Happens
9	Management Official(s) and OHR-ELR: • Evaluate the ROI and determine whether immediate and appropriate corrective action, including disciplinary action, up to and including removal from federal service is warranted. • Identify the immediate and appropriate corrective action depending on the severity and/or pervasiveness of the harassing conduct, the action required to end such conduct, the prior conduct history of the subject determined to have engaged in harassing conduct, and other factors that federal personnel law requires to be considered. • Issue or propose an immediate and appropriate corrective action, including disciplinary action, if any, to be taken against the subject of the investigation determined to have engaged in harassing conduct, and/or the management official(s)/supervisor(s)/ who failed to comply with PS 1510 and this OI, and initiate action upon them.
10	OHR-ELR: • Documents the immediate and appropriate corrective action taken. • Documents and issues notice to OPR as to whether any action (Letter of Reprimand or higher) is taken, including if no action is taken. NOTE: ELR does not disclose the type of action taken, if any. • Provides the AHC with notice of whether corrective action was taken within ten (10) business days of the case closure.
11	OHR: Where required, records the immediate and appropriate corrective action taken in the official personnel file of: • The subject determined to have engaged in harassing conduct; and/or • The management official(s) who failed to comply with PS 1510 and this OI.

Filing Claims Under Other Redress Processes

Claims under Other Redress Processes

The Agency's Anti-Harassment process is separate and distinct from the EEO and other processes that may have jurisdiction to process and adjudicate the employee's harassment complaint. In addition to filing an Anti-Harassment complaint under this policy, employees may also elect to file a harassment complaint with one of the following entities as avenues of redress. If more than one of the following avenues is pursued, the employee will be deemed to have exercised their preference for whichever filing occurs first.

- OEEEO:
 - The employee contacts OEEEO at (202) 442-1680 or via [email](#) within forty-five (45) days from the date of alleged harassing conduct (or effective date of the personnel action if one is involved), as required by 29 CFR §1614.105(a)(1).
- Negotiated Grievance Procedures:
 - If applicable, the employee files a written grievance following the provisions of the appropriate Collective Bargaining Agreement.
- Merit Systems Protection Board (MSPB):
 - The employee files a written [appeal](#) with the Board within thirty (30) days of the effective date of an appealable adverse action as defined in 5 CFR § 1201.3, or within thirty (30) days of the date of receipt of the Agency's decision, whichever is later.
- Office of Special Counsel (OSC):
 - The employee must file a complaint with [OSC](#) for harassing conduct based on the [14 prohibited personnel practices \(PPPs\)](#). The practices include, but are not limited to:
 - Whistleblower retaliation;
 - Marital status; or
 - Political affiliation.

NOTE: This is not intended to be an exhaustive list of potential available redress processes.

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Filing Claims Under Other Redress Processes, Continued

**Claims under
Other Redress
Processes,
Continued**

If an employee submits a complaint to multiple forums, the complaint is processed in the first forum where it was filed. These redress mechanisms operate independently, each with its own deadlines. Reporting harassment under the Anti-Harassment policy does not meet the requirements for other complaint processes or affect their deadlines. The timeframes for reporting harassment under this policy don't extend or pause the deadlines for other complaint filings, such as with the EEOC or MSPB.

Important!

Management officials who receive notice of an Anti-Harassment claim, regardless of the avenue of such a claim, must notify the AHC in writing within two (2) business days.

Appendix A: Anti-Harassment Intake Form

Intake Form,
page 1



CSOSA

ANTI-HARASSMENT INTAKE FORM

Part I. Reporting Individual

Name (Last, First, MI):	Date of Report:	Position:
Program/Division:	Official Work Location:	Direct Supervisor:
Contact Numbers:	Email Contact:	
Work:	Work:	
Cell:	Other:	
Other:		

Select all that apply:

- ☐ I believe I was the subject of harassing conduct by an employee, intern, or contractor.
- ☐ I believe I witnessed or am aware of harassing conduct against an employee, intern, or contractor.

NOTICE

I have read the CSOSA Anti-Harassment Policy and Procedures. I understand that this form will be used to initiate the Anti-Harassment complaint process. I understand that the Anti-Harassment and the Equal Employment Opportunity (EEO) complaint processes are separate and distinct. I further understand that reports made pursuant to the Anti-Harassment procedures do not replace, substitute, or otherwise satisfy the separate obligations for initiating an EEO complaint, union grievance, Merit Systems Protection Board appeal, or other statutory or regulatory complaint processes, or for obtaining relief thereunder.

Name (printed)	Signature

Intake Form,
Page 2



Part II. Harassing Conduct	
Individual(s) subjected to harassing conduct:	Person(s) engaging in harassing conduct:
Date(s) of harassing conduct:	Location(s) of harassing conduct:
Nature of harassing conduct:	Individual(s) with knowledge about harassing conduct. Include individuals who directly witnessed (saw or heard) harassing conduct or who learned about it:
Please set forth in detail the harassing conduct about which you complain (attach separate pieces of paper, if needed):	



Intake form,
page 3



Part III. Prior Report or Prior Action Taken		
What reporting or action, if any, did you take in response to the harassing conduct (e.g., told harasser to stop)?		
NOTE: You do not have to take any action before filing this Intake Form.		
If you reported the harassing conduct to a supervisor, identify the supervisor by name and state the date on which you made the report and how the report was made, e.g., written, oral, email, text, etc. Please attach copies of any written reports to this Intake Form:		
Supervisor	Date	Method of Report

Intake form,
page 4



Part IV. Documentation		
Select one:		
☐ I am attaching documents to this report: (number of pages)		
☐ I am NOT attaching documents to this report.		
Acknowledgment:		
I hereby affirm that the information provided in this Anti-Harassment Intake Form is true and accurate to the best of my knowledge.		
		
Name (Print)	Signature	Date
<i>This form should be submitted to the Anti-Harassment Coordinator in the Office of Professional Responsibility. In the alternative, this form may be given to a Management Official.</i>		



Intake form,
page 5

Part V. Acknowledgment of Receipt of Anti-Harassment Intake Form	
A. Management Official (if any)	
I, _____, a _____ in _____ hereby acknowledge this _____ day of _____, 20____, the receipt of an Anti-Harassment Intake Form from _____.	
I provided a copy of the Anti-Harassment Intake Form to the Anti-Harassment Coordinator, in the Office of Professional Responsibility, on the _____ day of _____, 20____.	
_____	Signature _____
Management Official Name (print)	Signature
B. Anti-Harassment Coordinator	
I, Eugene Quinn, Jr., the Anti-Harassment Coordinator, hereby acknowledge this _____ day of _____, 20____, the receipt of an Anti-Harassment Intake Form for _____ from _____.	
_____	Signature _____
Signature	
Upon receiving the Anti-Harassment Intake Form, the Management Official and Anti-Harassment Coordinator shall provide the Reporting Individual with a copy of the signed Acknowledgement of Receipt.	